Communication from Public

Name:	Warren Resources, Inc., et al
Date Submitted:	12/01/2022 05:36 PM
Council File No:	17-0447-S2
Comments for Public Posting:	Dear City Council Members, Please see the attached written comments in opposition to Agenda Item No. 26 of the December 2, 2022 City Council Meeting - EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15074(B), MITIGATED NEGATIVE DECLARATION (MND), MITIGATION MEASURES, ERRATA, and MITIGATION MONITORING PROGRAM (MMP)? COMMUNICATIONS FROM THE CITY ATTORNEY AND DEPARTMENT OF CITY PLANNING, and ORDINANCE FIRST CONSIDERATION relative to amending Sections 12.03, 12.20,12.23, 12.24, and 13.01 of the Los Angeles Municipal Code (LAMC) to prohibit new oil and gas extraction and make existing extraction activities a nonconforming use in all zones. Warren is submitting 1 of 2 (Day Carter & Murphy comment letter with Exhibits B-D) to remain within the file size requirements. We appreciate your time and review. Sincerely, Warren Resources, Inc., et al

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December 1, 2022

VIA ONLINE PUBLIC COMMENT SUBMISSION
[cityclerk.lacity.org/publiccomment/]

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Re: *Agenda Item No. 26 of December 2, 2022 City Council Meeting - Comments on Revisions to Previously Adopted Mitigated Negative Declaration, ENV-2022-4865-MND, Impact Sciences Memorandum and Proposed Amendments to the City's Oil and Gas Ordinance*

Dear City Council Members:

This firm represents Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren").[1] On behalf of Warren, we are providing these comments in opposition to those recommended actions for adoption as described in the Los Angeles City Council Agenda dated December 2, 2022, at Agenda Item 26, 17-0447-S2 (Agenda Item 26), and concerning those actions related to the City's proposed adoption of an amendment to Los Angeles Municipal Code (LAMC) Sections 12.03, 12.20, 12.23, 12.24 and 13.01 (the "Project"). Warren incorporates by reference its prior submissions and evidence to the City, as described in the last footnote and Attachment B of this letter.

Warren objects to the City's re-adoption of the Mitigated Negative Declaration, ENV-2022-4865-MND (MND) along with the associated documents and actions described in Agenda Item 26 relating to the Project. As described herein, in our letter commenting on the MND dated October 17, 2022 and in our letter to the City Council dated November 21, 2022, the City is legally required to prepare an Environmental Impact Report (EIR) for the proposed Project to amend the LAMC as described in

[1] Warren operates drilling and production sites within the City and would be detrimentally affected by the Project. It has a beneficial interest that would be adversely affected by the environmental impacts associated with the Project, and the Project will otherwise have a direct, substantial effect on Warren and its operations. Further, Warren makes these comments on behalf of the public interest, which interest would suffer if the City were not compelled to perform its duties under CEQA.

the draft MND. The Impact Sciences Memorandum dated November 23, 2022 is in error for the reasons described herein and in the Attachment A hereto from Warren's expert, Yorke Engineering (the "Yorke Supplemental Report"). At a minimum, there is a dispute among experts that requires the preparation of an EIR.

Both supporters and opponents of the proposed change to the LAMC have pointed out multiple deficiencies in the MND. Accordingly, it is unclear why the City disregarded the problems with the MND and rushed forward at its November 22, 2022 City Council meeting to adopt the MND with a legally inadequate document, which was first released to the public on September 15, 2022—just a week before the Planning Commission meeting to review and recommend approval of the MND. The City's actions were so hurried that it did not even give the required thirty days for the public to provide comments on the MND before the Planning Commission recommended that the City Council adopt the MND along with various findings related to environmental impacts associated with the proposed Project, which findings should have been guided by the MND, public comments on the MND, and responses and revisions made by the Planning Department as part of the complete CEQA process.

It is emblematic of the City's apparent disregard for public comments that the PLUM Committee report along with notice that the City Council would be considering adoption of the MND at its November 22, 2022 meeting, was posted to the City's Council File Management System after business hours on Friday, November 18, 2022, going into Thanksgiving week. In other words, the City gave the public one business day to prepare and issue comments for the November 22, 2022 meeting.

The City Council then proceeded at its November 22, 2022 meeting to adopt the MND despite its legal deficiencies and took final action thereon, only now to attempt to reverse or re-do that final action through Agenda Item No. 26 at its upcoming December 2, 2022 meeting. The City Council cannot undo or re-do its prior action and it is unlawful to consider a revised MND and revised Mitigation Monitoring Program (MMP) adding a measure to address the significant issue of air quality without recirculating the revised MND for another 30-day comment period. Rather than doing so, the City—consistent with its goal of avoiding meaningful public comment—only provided a few days for the public to review the revised MND and MMP, along with a memorandum from Impact Sciences (the "IS Memorandum") attacking the report of Warren's expert.

The City also only provided the bare minimum notice of 72 hours that it was going to seek to undo its prior final action of November 22, 2022, attempt to adopt a revised MND and MMP, including on air emissions/impacts, and adopt the findings in the IS Memorandum. It is impossible to expect the public to be able to review and comment on such actions in such a short period of time. The City's

repeated pattern of taking steps to avoid public input is an afront to the due process afforded the public and is in violation of CEQA.[2]

Notwithstanding the City's apparent disregard of an orderly, methodical environmental review process with time for meaningful public comment, Warren, and its expert Yorke, provide the following and attached comments that they were able to prepare in the extremely and unnecessarily short time allowed by the City for such an important issue:

1. **The City Has Already Adopted the MND and Has No Authority or Legal Basis to Re-Adopt a Revised MND Without Recirculation**

At the November 22, 2022 Council meeting, despite objection from Warren and others, the City Council moved to adopt the recommendations contained in the Planning and Land Use Management (PLUM) Committee report of November 1, 2022. That report contained a recommendation that City Council adopt the MND with the imposition of mitigation measures and adopt the associated Mitigation Monitoring Program (MMP).[3] Council adopted the item and its action was deemed final that same day.[4]

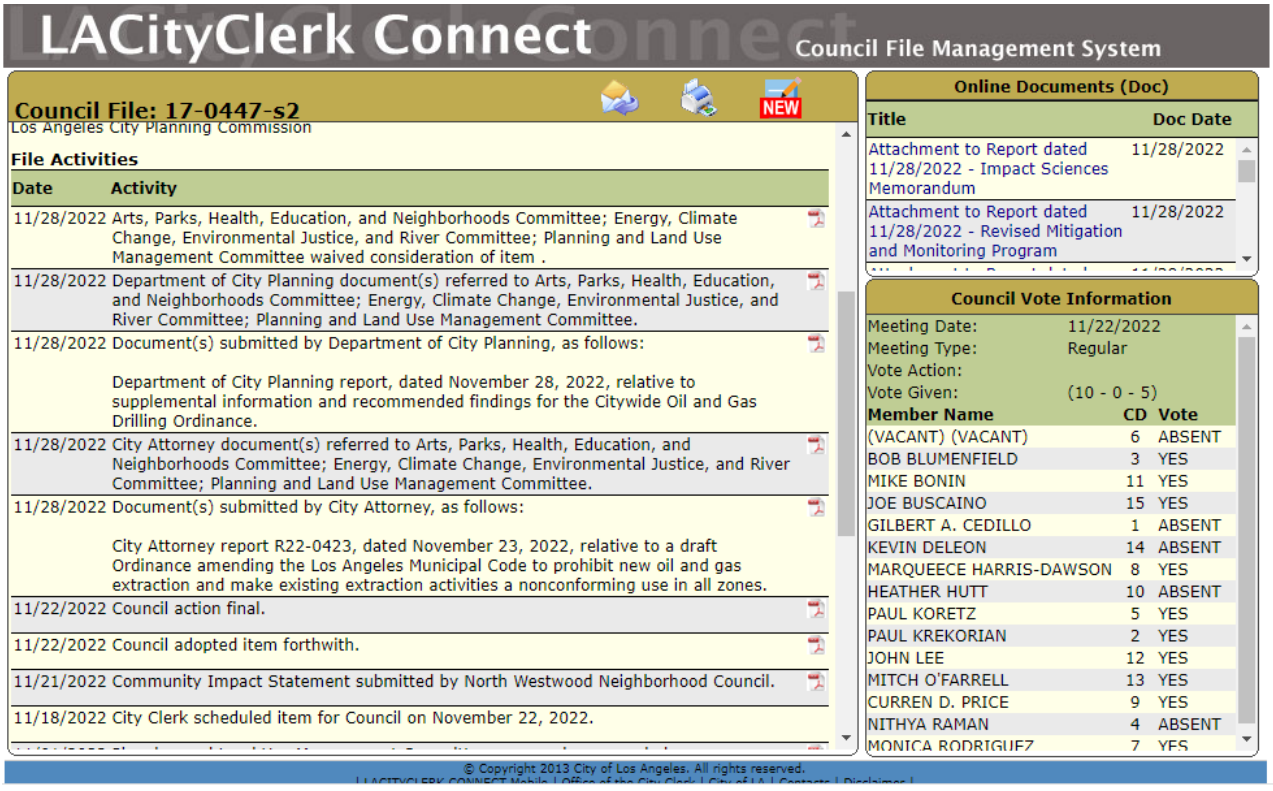
Less than a week later and without warning, on November 28, the City posted numerous documents to the online Council File, including a report from the Department of City Planning attaching Topical Responses to Comments, a Second Errata to the Initial Study/MND dated November 23, 2022 (the "Second Errata"), a revised MMP, and the IS Memorandum attacking the credibility and findings of the Yorke report. The next day, barely 72-hours in advance, the City posted the December 2 Council meeting agenda online, which agenda includes actions to be taken on the MND, Second Errata, revised MMP, and Ordinance. Deviating from its usual practice,[5] the City never posted notice of the Council meeting to the Council File, as shown here:

[2] Further evidencing the City's rush to vote on the revised MND and Ordinance adoption, the December 2, 2022 Agenda—posted online questionably close to the 72-hour deadline set forth in the Brown Act—has numerous typos or discrepancies. To name two of the more egregious and misleading: (1) The heading for Item 26, 17-0447-S2 reads: "EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15074(B)." To Warren's knowledge, no CEQA exemption has ever been considered for this Project, no exemption would apply, and in fact section 15074(b) governs adoption of a proposed MND. (2) The agenda entry later cites to "CEQA Guidelines Section 5074(b)," which is inapplicable and presumably a typo for Section 15074(b).

[3] PLUM Committee Report available online at: https://clkrep.lacity.org/onlinedocs/2017/17-0447-s2_rpt_PLUM_11-01-22.pdf.

[4] City Council Motion available at: https://clkrep.lacity.org/onlinedocs/2017/17-0447-s2_misc_MHD.pdf, and Council Action adopting the Motion available at: https://clkrep.lacity.org/onlinedocs/2017/17-0447-S2_caf_11-22-22.pdf.

[5] The 11/18/2022 entry above shows the item scheduled for November 22, 2022. No similar entry has yet been posted for Council's December 2 meeting.



LACityClerk Connect
Council File Management System

Council File: 17-0447-s2
Los Angeles City Planning Commission

File Activities

Date	Activity
11/28/2022	Arts, Parks, Health, Education, and Neighborhoods Committee; Energy, Climate Change, Environmental Justice, and River Committee; Planning and Land Use Management Committee waived consideration of item .
11/28/2022	Department of City Planning document(s) referred to Arts, Parks, Health, Education, and Neighborhoods Committee; Energy, Climate Change, Environmental Justice, and River Committee; Planning and Land Use Management Committee.
11/28/2022	Document(s) submitted by Department of City Planning, as follows: Department of City Planning report, dated November 28, 2022, relative to supplemental information and recommended findings for the Citywide Oil and Gas Drilling Ordinance.
11/28/2022	City Attorney document(s) referred to Arts, Parks, Health, Education, and Neighborhoods Committee; Energy, Climate Change, Environmental Justice, and River Committee; Planning and Land Use Management Committee.
11/28/2022	Document(s) submitted by City Attorney, as follows: City Attorney report R22-0423, dated November 23, 2022, relative to a draft Ordinance amending the Los Angeles Municipal Code to prohibit new oil and gas extraction and make existing extraction activities a nonconforming use in all zones.
11/22/2022	Council action final.
11/22/2022	Council adopted item forthwith.
11/21/2022	Community Impact Statement submitted by North Westwood Neighborhood Council.
11/18/2022	City Clerk scheduled item for Council on November 22, 2022.

Online Documents (Doc)

Title	Doc Date
Attachment to Report dated 11/28/2022 - Impact Sciences Memorandum	11/28/2022
Attachment to Report dated 11/28/2022 - Revised Mitigation and Monitoring Program	11/28/2022

Council Vote Information

Meeting Date: 11/22/2022
Meeting Type: Regular
Vote Action:
Vote Given: (10 - 0 - 5)

Member Name	CD	Vote
(VACANT) (VACANT)	6	ABSENT
BOB BLUMENFIELD	3	YES
MIKE BONIN	11	YES
JOE BUSCAINO	15	YES
GILBERT A. CEDILLO	1	ABSENT
KEVIN DELEON	14	ABSENT
MARQUEECE HARRIS-DAWSON	8	YES
HEATHER HUTT	10	ABSENT
PAUL KORETZ	5	YES
PAUL KREKORIAN	2	YES
JOHN LEE	12	YES
MITCH O'FARRELL	13	YES
CURREN D. PRICE	9	YES
NITHYA RAMAN	4	ABSENT
MONICA RODRIGUEZ	7	YES

While the IS Memorandum attacks Yorke's credibility and evidence, as discussed further below, the Second Errata and revised MMP make a single enormously-significant change to the Project: the City adds a mitigation measure requiring use of Tier 4 abandonment rigs to address potential air impacts, including particulate matter exhaust emissions. Specifically, "All off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency's (USEPA) Tier 4 Final emission standards during abandonment of wells. Operators shall maintain records of all offroad equipment to document that each piece of equipment used meets these emission standards." In one breath, then, the City attempts to discredit Yorke's findings of significant air, GHG, and noise impacts, while also apparently mitigating for those same impacts by imposing a wholly new mitigation measure.

The City claims its new mitigation measure "is not required to reduce air quality impacts to less than significant," "is added only as an additional protection of the public health," and does not "constitute substantial revisions that would require recirculation," citing to CEQA Guidelines, § 15073.5. It further claims "Recirculation of the IS/MND is not required as none of these changes reflect a determination of a new or more significant environmental impact than disclosed in the previously circulated IS/MND." Section 15073.5, however, governs recirculation of a negative declaration *prior to adoption*. Here, the City Council adopted the MND at its previous meeting on November 22, 2022. The City Council cannot simply add a new mitigation measure, revise the MND by incorporating an entirely new mitigation measure and air quality expert analysis,

call it an "errata," and adopt it for a *second time* without recirculating for public comment. The City cites to no authority supporting its actions, and its attempts to ramrod the revised MND and MMP through for the Mayor's approval of the Project violates CEQA.

Moreover, even if the prior MND had not been adopted, recirculation of the MND is required under section 15073.5 where it has been "substantially revised" after public notice (but prior to adoption). A "substantial revision" occurs where "(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required." *Id.* at 15073.5(b). Although the City apparently claims its "errata" is not a substantial revision, its interpretation simply does not comport with the CEQA Guidelines. Indeed, the Second Errata not only adds the text and justification for the new measure, but also attaches and incorporates a 19-page Oil and Gas Well Abandonment Emissions with Tier 4, Model Output, analyzing the environmental impact of the new mitigation measure. Claiming these changes do not reflect a new or more significant impact than that disclosed in the initial IS/MND does not make it so. The analysis clearly represents a substantial revision, and for that reason recirculation—and therefore more than 72-hours' notice—is required for review and public comment.

At the very least, such a substantial revision to the MND would require recirculation under the CEQA Guidelines prior to adoption. But because the MND was adopted on November 22, there is no legal basis for what the City has termed an "errata" and the document amounts to a wholly-new subsequent MND requiring circulation and comment. What's more, this new MND only further evidences the validity of Yorke's conclusions. As explained in Warren's many previous letters to the City—and as detailed again below—differing expert opinions supported by fact necessitate the preparation of an EIR. CEQA Guidelines, § 15064(g). But instead of conceding the credibility of Yorke's opinions and preparing an EIR, the City disputes Yorke's opinions, mitigates for the impacts Yorke identified, and then claims its own new measure is not necessary to mitigate an avoidable significant effect. The City's actions are disingenuous and unlawful.

2. The City's Analysis of Impacts Uses a Rig BHP Assumption that is Inaccurate.

The IS Memorandum and the City's analysis of air, GHG and noise impacts, including in the revised MND that is on the agenda for the upcoming December 2, 2022 meeting, is factually inaccurate for many reasons, but the most egregious is the assumption that the horsepower for the abandonment drilling rig will be **33 bhp**. The City provides absolutely no factual support for its conclusion that abandonment drilling rigs in the area or anywhere for that matter are **33 bhp.** That is because no such evidence exists.

As discussed in our prior comment letters, in the prior October 17, 2022 Yorke letter (the "Yorke Report") attached to our October 17, 2022 comment letter and in the Yorke Supplemental Report

attached to this letter at Attachment A, the evidence shows that the average horsepower for an abandonment rig is **540 bhp**, a far cry from the **33 bhp** being used by the City in the original MND that was adopted by the City Council on November 22, 2022 and that is still being used in the unlawful effort to revise and re-adopt the MND at the upcoming December 2, 2022 City Council meeting.

Warren itself has plugged and abandoned 40 wells (with one still in process) in the Cities of Los Angeles and Long Beach since October 2020. All of those plugging and abandonment operations used a **490 bhp** rig. (*See* letter from Warren dated December 1, 2022, attached hereto as Attachment C and incorporated herein by reference. *See also* Attachment D with list of wells plugged and abandoned by Warren since October 2022 and list of equipment used in connection with the same, which are incorporated herein by reference.)

Simply put, the City erred in analyzing air, GHG and noise impacts with an incorrect factual assumption that the abandonment rigs would be **33 bhp**. The City ignored the reality of actual abandonment operations that are taking place within the City, including by operators like Warren—operators who will ultimately be required to plug and abandon all of their wells under the proposed Ordinance since it prohibits maintenance of wells, which is necessary to continue a well's productive life.

When using the correct horsepower rating, Yorke concludes that there are significant impacts. Based solely on this information, the City must develop an EIR under the CEQA standard relating to expert opinions. The standard is not whether the City believes that its experts are correct; it is whether other expert opinion has been provided that indicates a significant impact. "If, after evaluating the evidence . . . qualified experts disagree about the likelihood of an environmental impact or its magnitude, the agency must assume that a significant impact may occur and must prepare an EIR." *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249.

3. The City's Analysis of Impacts Inaccurately Omits the Use of a Mud Pump for Abandonment Operations.

The IS Memorandum and the City's analysis of impacts is also based on an incorrect factual assumption that no mud pump will be used in abandonment operations. As explained in the Yorke Report, the Yorke Supplemental Report (Attachment A hereto) and from Warren itself in Attachments C and D hereto, mud pumps are used in connection with plugging and abandonment operations in the City and thus, they must be included in a proper analysis of impacts to air, GHG and noise. The MND, however, does not include this equipment in its analysis of such matters, another fatal flaw in the MND.

For the 40 wells plugged and abandoned by Warren since October 2020 in the Cities of Los Angeles and Long Beach, Warren has been required to use a mud pump for all such operations.

(See Attachments C and D.) Moreover, the horsepower for the mud pumps that are used on such operations is **490 bhp**. The City's analysis in the MND ignores the impacts from use of mud pumps altogether, let alone ones with a **490 bhp**.

As explained in the Yorke Report and in the Supplement Yorke Report, this omission also significantly changes the impacts analysis. When the correct information is used, there is a significant impact requiring the preparation of an EIR. At a minimum, there is a dispute among experts that requires that one be prepared.

4. The City's Analysis of Impacts Uses Inaccurate and Speculative Assumptions as to Acreage per Well Abandoned and the Timing of Abandonment Operations.

The IS Memorandum and the City's analysis of air, GHG and noise impacts, including in the revised MND, incorrectly assume that there will be one well abandonment per acre over a 10-day period, thereby minimizing the associated impacts and ignoring cumulative impacts. (*See, e.g.*, Second Errata to Initial Study and Mitigated Negative Declaration dated November 28, 2022 at page 22.) There is no factual support for these speculative assumptions. More importantly, the facts actually are to the contrary, especially as to Warren.

At the City's request, Warren's operations are limited to a consolidated drilling site of approximately 9.22 acres at 625 E. Anaheim Street in Wilmington. (*See* Approval of Plans, Zoning Case ZA 20725-0 (PA1) dated July 20, 2006 and Approval of Plans, Zoning Case ZA 20725-0 (PA2) dated October 2, 2008, both of which are incorporated herein by reference.) As explained in the Yorke Report, a review of CalGEM's Wellstar database of active and idle production and injection/water disposal wells indicates that Warren currently has 165 active wells and 79 idle wells at its WTU facility—a total of 244 wells. **Accordingly, as to Warren's operations, it will be required to plug and abandon approximately 244 wells within a 9.22 acre drilling site.** As explained in the Yorke Report, "it would take almost ten years of continuous abandonment activity for Warren E&P to abandon its existing idle wells and the remaining active wells . . . ."

As explained in the comment letter from Warren dated September 19, 2022, Warren's only operations are on this 9.22 acre site (it does not have operations anywhere else in the State or otherwise) and Warren's wells will stop producing in approximately three years:

> The Ordinance Amendment will result in cessation of Warren's existing production in approximately three years because it prohibits Warren from engaging in the customary operations necessary to maintain production from its existing wells. Warren's only operations and its only mineral rights are located within the City of Los Angeles and new wells are prohibited. As a result, the Ordinance Amendment would unquestionably put Warren out of business after three years, leaving its employees jobless, their families without necessary

financial support and its royalty owners without income that they have relied on for decades.

Accordingly, after approximately three years Warren will be required to abandon its wells since it has no other operations and all of that work will take place within the consolidated confines and associated local, cumulative impact of 9.22 acres over at least a ten-year time period.

In contrast to the City's speculative assumption of one well abandonment per acre taking 10 days, Warren will be abandoning approximately 244 wells on 9.22 acres and it will take at least 10 years to do so. The MND, including the unlawful and belated attempt to amend it, do not analyze the impacts of such operations to the surrounding community and thus, they are fundamentally flawed. In contrast, the Yorke Report and Yorke Supplemental Report do analyze those cumulative impacts and conclude that they will be significant, thus requiring the preparation of an EIR.

By way of another example, the City has required another operator, Sentinel Peak, to abandon all of its wells at a particular site within a three-year time period.[6] The IS Memorandum, the MND and the revised MND ignore that the City has required abandonments to occur under these types of schedules and instead speculatively assumes that there is no timeline for abandonments within the City.

5. Differing Expert Opinion Alone Requires the City to Evaluate the Impacts of the Proposed Project Pursuant to an EIR

As we have noted in several prior comment letters, even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." CEQA Guidelines, § 15064(g). The City ignores this legal standard by disputing Warren's experts who concluded that the MND's air and GHG impacts analysis suffered from fatal flaws, and that in their opinion the proposed Project would result in significant air and GHG impacts.

The City attempts to avoid this result through the allegations in the IS Memorandum. As explained in the attached Yorke Supplemental Report (Attachment A hereto) and in this letter, numerous claims in the IS Memorandum are in error, not supported by the facts or evidence and are speculative. Moreover, Yorke's analysis is credible, given the factual support and analysis for the same.

The Yorke Supplemental Report demonstrates that Yorke is clearly qualified to provide the opinions contained in its Reports, having years of experience with oil and gas operations and

[6] See December 15, 2020 Letter of Communication from the City Planning Department at https://planning.lacity.org/pdiscaseinfo/document/MjM3NzQz0/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd, which is incorporated herein by reference.

analysis of emissions, among other experience. In contrast, it is unclear whether the City's expert has any oil field experience, which is significantly called into doubt when the expert uses a drastically understated horsepower for the abandonment rigs. The City has not demonstrated its expert's qualifications for this oil and gas Project. Even ignoring that issue, there is unquestionably a dispute among experts that requires the preparation of an EIR.

6. The City is Clearly Piecemealing the Proposed Project.

The proposed Ordinance leaves for another day many issues as discussed in our October 17, 2022 and November 21, 2022 letters (both of which are included within Attachment B hereto) and thus the City is attempting to unlawfully piecemeal a larger project. The unlawful attempt to place before the City Council a revised MND after the City Council has already taken final action to adopt the MND is just one more example of the piecemealing. The revised MND is attempting to address impacts from plugging and abandonment operations based on speculative assumptions about what the City will or will not require in the future under its planned further ordinance as to the plugging and abandonment of wells after they cease production under the proposed Ordinance. Both issues should be addressed at one time so that the impacts of the project as a whole can be analyzed based on real facts as to what the City is going to require as to plugging and abandonment operations. Rather than wait for that further ordinance to be presented to the City Council, the City unlawfully is piecemealing and "guessing" as to what will be required as to abandonment operations. This is a classic case of piecemealing a larger project and is unlawful. Indeed, how can the City adequately analyze the impacts of plugging and abandonment operations if it has not yet decided how it is going to require that those operations be performed and on what timetable?

The foreseeable plugging and abandonment work that will be required as part of the proposed Ordinance does not have independent utility but rather is dependent on the passage of the proposed Ordinance prohibiting future work to maintain production from existing wells—the first step in multiple steps that the City has promised to address over the next few years. Moreover and as stated by the City Staff Report at A-2, "there are many other follow up actions that the City will undertake to ensure the safe phaseout of oil operations." Staff Report at A-2 to A-3 (discussing some of the follow up actions).

- The City has stated on multiple occasions that upon completion of the amortization study the law will likely be changed to shorten the amortization period. This change may result in the present MND drastically understating the impacts that would result from wells having to be plugged and abandoned in a shorter or more condensed period.

- The City Staff Report also notes that with regard to remediation this ordinance "represents the first step." Staff Report at P-6.

- The City has also indicated that it will clarify what is precluded as "maintenance activities." Staff Report at P-3.

- As noted in our earlier comments, the California Supreme Court set out the standard for unlawful piecemealing in *Laurel Heights Improvement Association v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 396, holding that "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." The information provided by the City clearly indicates that this is but the first step in further actions to be taken by the City. The further actions do not have independent utility but are part of the plan to phase out oil and gas operations in the City.

7. The Revised MND with Errata 2 Contains Mitigation Measures as to Tier 4 Equipment with No Evidence that Such Equipment Will Be Available and Thus The Measures Are Not Feasible

The tardy Errata 2 to the previously adopted MND contains a new mitigation measure requiring off-road equipment with greater than 50 bpm to be Tier 4, but there is no evidence that such equipment is even available for use, including for the required mud pumps that are off-road and in excess of 50 bpm. It is improper to adopt a mitigation measure that cannot feasibly be complied with. Moreover, it is unlawful to include this mitigation measure without proper time for review and public comment on the feasibility of obtaining such equipment when Warren will commence plugging and abandonment operations.

8. Multiple Individual Impact Sections Also Are Deficient Because They Fail to Define an Adequate Baseline; Fail, by the MND's Own Admission, to Adequately Analyze Potential Impacts; and Fail to Analyze, or Properly Analyze, Impacts as Described in the City's Own Thresholds of Significance. Accordingly, the City Failed to Proceed in a Manner Required by Law, and Its Review is Not Supported by Substantial Evidence.

The MND contains multiple further deficiencies that must be addressed by the City pursuant to an EIR, including:

- The MND fails to set out a baseline supported by the evidence in the record. An accurate baseline is necessary to analyze the effects of the baseline against the proposed Project. *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, 1047-1048. The MND assumes that oil and gas operations are harmful despite the fact that there is no evidence supporting this conclusion. In contrast, Warren has provided evidence in the Yorke Report that its operations are on par with a fast-food restaurant with a drive-thru among other uses. Notably, the IS Memorandum does not dispute this evidence even though it takes issue with other portions of the Yorke Report.

- The City's analysis as to impacts to the "loss of availability" of mineral resources ignores the explicit standard in both the CEQA Guidelines and in the City's own CEQA thresholds of significance, and instead focuses on things like policies to reduce oil production, and the current production occurring in the City. Again, the standard is the "loss of availability" of mineral resources. The City also ignores publicly available information on this issue, including the expert opinion of the US Geological Society. Indeed, the City's own Oil and Gas Health report confirms that 1.6 billion barrels of recoverable oil exist beneath the City "rivaling the reserves in the Middle Eastern countries . . . ." Surely, mineral resources will be less available as a result of the ordinance amendment and the City cannot simply ignore that impact or the evidence presented by Warren.

- The MND does not describe with any substance the health impacts related to plugging and abandonment operations. While the revised MND is an attempt to do this, it is insufficient because it is too late and based on incorrect and speculative factual assumptions, as discussed above.

- The GHG impacts analysis is deeply flawed in that it understates the impacts related to plugging and abandonment operations. It also fails to analyze reasonably foreseeable impacts related to extinguishing oil production in the City. In particular, the City ignores the GHG impacts that will result from the rising importation of oil either shipped in from overseas or trucked in from other areas in the United States. It is remarkable that despite having multiple refineries within the area, the City appears to assume that these refineries would not import oil from other sources as production in the City is extinguished.

- The MND's Land Use Planning Analysis is deficient in that it omits City General and Community Plan policies that support the environmentally responsible development of oil in the City. The City cannot ignore these policies and instead selectively identify policies it believes supports its position.

- The MND describes mitigation measures without indicating how these vague measures will be enforced.

- The MND understates noise and vibration impacts in that it has failed to adequately describe the equipment that will be used. The City also ignores the fact that such work will likely have to be conducted in a much more intensive manner than described in the MND.

- The City fails to examine any cumulative impacts, and fails to discuss reasonably foreseeable indirect impacts as required by CEQA.

- The MND fails to consider the potential for urban decay as drill sites are abandoned, and describes as "speculative" the indirect impacts that may result from the change in the use of

these sites. Simple examination of zoning laws and location would allow the MND to project how these sites will likely be used in the future.

For the foregoing reasons, the City Council must decline to adopt the actions recommended in the December 2, 2022 Agenda. In particular, the evidence indicates that the City must prepare an EIR, and must do so on the whole of the project, not just this first phase of it. If the City fails to do so, it will be in violation of the law and subject to legal action for, among other things, failing to comply with CEQA.[7] In addition to the deficiencies identified in the MND and related CEQA documents, Warren objects to the adoption of the proposed Ordinance as it will effect an unconstitutional taking for which just compensation must be paid. As previously discussed, if adopted the Ordinance will put Warren out of business in approximately three years, depriving it and its royalty owners of their vested real property rights in an amount in excess of $675MM. Warren therefore reserves all of its rights to pursue every available remedy if the City again adopts the MND and approves the Ordinance.

Very truly yours,

DAY CARTER & MURPHY LLP

Thomas A. Henry

TAH:ms
Attachments

[7] Warren incorporates by reference its previous letter to the Planning Commission dated September 19, 2022, its letter dated October 5, 2022 to the Energy, Climate Change, Environmental Justice, and River Committee, and its letter dated October 17, 2022 to the Los Angeles Department of City Planning as to its comments on the MND. Warren also incorporates by reference its previous letter to the City Council dated November 21, 2022, a copy of which is attached hereto as Attachment B. All of these prior comment letters are incorporated herein by reference. Warren also incorporates by reference all written or oral comments made to the City in opposition to the City's adoption of the proposed Project, the actions recommended in the Agenda, and the adoption of the MND, including those comments of other industry organizations and companies that were submitted in opposition to the proposed Project in connection with the August 30, 2022 Planning Staff Meeting, the September 22, 2022 Planning Commission meeting, the October 6, 2022 Energy, Climate Change, Environmental Justice, and River Committee Meeting, the November 1, 2022 PLUM Committee Meeting and the November 22, 2022 City Council Meeting.

EXHIBIT B

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Thomas A. Henry
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November 21, 2022

VIA ONLINE PUBLIC COMMENT SUBMISSION
[cityclerk.lacity.org/publiccomment/]

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Re: *Agenda Item No. 32 of November 22, 2022 City Council Meeting - Comments on Proposed Mitigated Negative Declaration, ENV-2022-4865-MND Regarding Proposed Amendments to the City's Oil and Gas Ordinance*

Dear City Council Members:

This firm represents Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren").[1] On behalf of Warren, we are providing these comments in opposition to those recommended actions for adoption as described in the Los Angeles City Council Agenda dated November 22, 2022, at Agenda Item 32, 17-0447-S2 (Agenda Item 32), and concerning those actions related to the City's proposed adoption of an amendment to Los Angeles Municipal Code (LAMC) Sections 12.03, 12.20, 12.23, 12.24 and 13.01 (the "Project"). Warren incorporates by reference its prior submissions and evidence to the City, as described in the various attachments included with this letter.

Warren objects to the City's adoption of the Mitigated Negative Declaration, ENV-2022-4865-MND (MND) along with the associated documents and actions described in Agenda Item 32 relating to the Project. As described in our letter commenting on the MND dated October 17, 2022 (attached hereto as Attachment C) the City is legally required to prepare an Environmental Impact Report (EIR) for the proposed Project to amend the LAMC as described in the draft MND.

[1] Warren operates drilling and production sites within the City and would be detrimentally affected by the Project. It has a beneficial interest that would be adversely affected by the environmental impacts associated with the Project, and the Project will otherwise have a direct, substantial effect on Warren and its operations. Further, Warren makes these comments on behalf of the public interest, which interest would suffer if the City were not compelled to perform its duties under CEQA.

Both supporters and opponents of the proposed change to the LAMC have pointed out multiple deficiencies in the MND. Accordingly, it is unclear why the City is disregarding the problems with the MND and rushing forward with a legally inadequate document, which was first released to the public on September 15, 2022—just a week before the Planning Commission meeting to review and recommend approval of the MND. The City's actions were so hurried that it did not even give the required thirty days for the public to provide comments on the MND before the Planning Commission recommended that the City Council adopt the MND along with various findings related to environmental impacts associated with the proposed Project, which findings should have been guided by the MND, public comments on the MND, and responses and revisions made by the Planning Department as part of the complete CEQA process.

It is emblematic of the City's apparent disregard for public comments that the PLUM Committee report along with notice that this action was on the City Council agenda for November 22, 2022, was posted to the City's Council File Management System after business hours on Friday, November 18, 2022, going into Thanksgiving week. In other words, the City gave the public one business day to prepare and issue comments for this hearing.

Notwithstanding the City's apparent disregard of an orderly, methodical environmental review process, Warren provides the following comments:

1. **Differing Expert Opinion Alone Requires the City to Evaluate the Impacts of the Proposed Project Pursuant to an EIR**

As noted in our letter of October 17, 2022, even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." CEQA Guidelines, § 15064(g). The City ignores this legal standard by disputing Warren's experts who concluded that the MND's air and GHG impacts analysis suffered from fatal flaws, and that in their opinion the proposed Project would result in significant air and GHG impacts.

Instead of conceding that it needs to prepare an EIR, the City continues to drastically understate both the type of equipment, in particular a mud truck engine, and the horsepower of the drill rig that will be used in conducting plugging and abandonment operations. As noted in the Yorke Engineering report (Yorke Report, attached to our October 17, 2022 comment letter (Attachment C to this letter) and incorporated herein by reference), the MND begins with the flawed assumption that the drill rig used would have a 33 bhp rating. This has caused the MND to drastically understate air impacts, GHG impacts and noise impacts. The Yorke Report noted that the drill rig would have an actual bhp rating of 540, roughly sixteen times the bhp provided in the MND—and that when a correct equipment and equipment rating were analyzed, significant air and GHG impacts would result.[2] The Yorke Report noted that the MND did not bother to analyze health impacts related to the activity. In its response to Warren's comments, the City

[2] The Yorke Report notes that the mud truck engine also has a similar engine to the rig of approximately 540 bhp.

essentially contests the type of equipment and ratings that would be used for plugging and abandonment purposes. Yet, a cursory Google search as to service companies conducting abandonment operations easily indicates that the MND's assumption of 33 bhp is drastically off, and a bhp rig rating of 540 is more likely accurate.[3] In contrast, the bhp used by the City in the MND is roughly the same as a riding lawnmower.[4]

Based solely on this information, the City must develop an EIR under the CEQA standard relating to expert opinions. The standard is not whether the City believes that its experts are correct; it is whether other expert opinion has been provided that indicates a significant impact. "If, after evaluating the evidence . . . qualified experts disagree about the likelihood of an environmental impact or its magnitude, the agency must assume that a significant impact may occur and must prepare an EIR." Ci*ty of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249.

2. The City is Clearly Piecemealing the Proposed Project.

Substantial evidence exists in the record that the City is attempting to unlawfully piecemeal a larger project. In our October 17, 2022 letter (Attachment C hereto), we outlined information provided by the City itself that indicates reasonably foreseeable future projects that do not have independent utility but rather are dependent on the passage of the proposed ordinance changes—the first step in multiple steps that the City has promised to address over the next few years. As stated by the City Staff Report at A-2, "there are many other follow up actions that the City will undertake to ensure the safe phaseout of oil operations." Staff Report at A-2 to A-3 (discussing some of the follow up actions).

- The City has stated on multiple occasions that upon completion of the amortization study the law will likely be changed to shorten the amortization period. This change may result in the present MND drastically understating the impacts that would result from wells having to be plugged and abandoned in a shorter or more condensed period.

- The City Staff Report also notes that with regard to remediation this ordinance "represents the first step." Staff Report at P-6.

[3] See for example information from the following companies that conduct plugging and abandonment work with bhp rig ratings even higher than 540, which information is incorporated herein by reference, https://royaltywellservice.com (describing a 675 bhp rig rating) and http://www.themcdanielcompany.com/services/plugging-abandonment.html (describing average bhp of rigs at 675).
[4] See for example information from the following company, which is incorporated herein by reference: https://adirondackpowersports.com/Lawn-Mowers-Riding-Simplicity-Legacy-XL-Vanguard-Big-Block-Rear-PTO-33-hp-2021-Malone-NY-5ed8aa0e-dbbb-44d6-9b1e-ac5500810c9e.

- The City has also indicated that it will clarify what is precluded as "maintenance activities." Staff Report at P-3.

- As noted in our earlier comments, the California Supreme Court set out the standard for unlawful piecemealing in *Laurel Heights Improvement Association v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 396, holding that "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." The information provided by the City clearly indicates that this is but the first step in further actions to be taken by the City. The further actions do not have independent utility but are part of the plan to phase out oil and gas operations in the City.

3. Multiple Individual Impact Sections Also Are Deficient Because They Fail to Define an Adequate Baseline; Fail, by the MND's Own Admission, to Adequately Analyze Potential Impacts; and Fail to Analyze, or Properly Analyze, Impacts as Described in the City's Own Thresholds of Significance. Accordingly, the City Failed to Proceed in a Manner Required by Law, and Its Review is Not Supported by Substantial Evidence.

The MND contains multiple further deficiencies that must be addressed by the City pursuant to an EIR, including:

- The MND fails to set out a baseline supported by the evidence in the record. An accurate baseline is necessary to analyze the effects of the baseline against the proposed Project. *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, 1047-1048. The MND assumes that oil and gas operations are harmful despite the fact that there is no evidence supporting this conclusion. In contrast, Warren has provided evidence in the Yorke Report that its operations are on par with a fast-food restaurant with a drive-thru among other uses.

- The City's analysis as to impacts to the "loss of availability" of mineral resources ignores the explicit standard in both the CEQA Guidelines and in the City's own CEQA thresholds of significance, and instead focuses on things like policies to reduce oil production, and the current production occurring in the City. Again, the standard is the "loss of availability" of mineral resources. The City also ignores publicly available information on this issue, including the expert opinion of the US Geological Society. Indeed, the City's own Oil and Gas Health report confirms that 1.6 billion barrels of recoverable oil exist beneath the City "rivaling the reserves in the Middle Eastern countries . . . ." Surely, mineral resources will be less available as a result of the ordinance amendment and the City cannot simply ignore that impact or the evidence presented by Warren.

- The MND does not describe with any substance the health impacts related to plugging and abandonment operations.

- The GHG impacts analysis is deeply flawed in that it understates the impacts related to plugging and abandonment operations. It also fails to analyze reasonably foreseeable impacts related to extinguishing oil production in the City. In particular, the City ignores the GHG impacts that will result from the rising importation of oil either shipped in from overseas or trucked in from other areas in the United States. It is remarkable that despite having multiple refineries within the area, the City appears to assume that these refineries would not import oil from other sources as production in the City is extinguished.

- The MND's Land Use Planning Analysis is deficient in that it omits City General and Community Plan policies that support the environmentally responsible development of oil in the City. The City cannot ignore these policies and instead selectively identify policies it believes supports its position.

- The City describes mitigation measures without indicating how these vague measures will be enforced.

- The MND understates noise and vibration impacts in that it has failed to adequately describe the equipment that will be used. The City also ignores the fact that such work will likely have to be conducted in a much more intensive manner than described in the MND.

- The City fails to examine any cumulative impacts, and fails to discuss reasonably foreseeable indirect impacts as required by CEQA.

- The MND fails to consider the potential for urban decay as drill sites are abandoned, and describes as "speculative" the indirect impacts that may result from the change in the use of these sites. Simple examination of zoning laws and location would allow the MND to project how these sites will likely be used in the future.

For the foregoing reasons, the City Council must decline to adopt the actions recommended in the November 22, 2022 Agenda. In particular, the evidence indicates that the City must prepare an EIR, and must do so on the whole of the project, not just this first phase of it. If the City fails to do so, it

will be in violation of the law and subject to legal action for, among other things, failing to comply with CEQA.[5]

Very truly yours,

DAY CARTER & MURPHY LLP

Thomas A. Henry

TAH:ms
Attachments

[5] Warren incorporates by reference its previous letter to the Planning Commission dated September 19, 2022, a copy of which is included as Attachment A, its letter dated October 5, 2022 to the Energy, Climate Change, Environmental Justice, and River Committee, a copy of which is included as Attachment B and its letter dated October 17, 2022 to the Los Angeles Department of City Planning as to its comments on the MND, a copy of which is included as Attachment C. All of these prior comment letters are incorporated herein by reference. Warren also incorporates by reference all written or oral comments made to the City in opposition to the City's adoption of the proposed Project, the actions recommended in the Agenda, and the adoption of the MND, including those comments of other industry organizations and companies that were submitted in opposition to the proposed Project in connection with the August 30, 2022 Planning Staff Meeting, the September 22, 2022 Planning Commission meeting, the October 6, 2022 Energy, Climate Change, Environmental Justice, and River Committee Meeting and the November 1, 2022 PLUM Committee Meeting.

ATTACHMENT A

Warren RESOURCES

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September 19, 2022

VIA EMAIL: CPC@LACITY.ORG

Los Angeles City Planning Commission
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: **Agenda Item #11 - CPC-2022-4864-CA; Council File No. 17-0447**
Warren Comment Letter Opposing Ordinance Amendment and Approval of MND

Dear President Millman and Honorable Commissioners:

This letter provides comments on behalf of Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren") opposing the ordinance amending Sections 12.03, 12.20, 12.23, 12.24, and 13.01 of the Los Angeles Municipal Code (LAMC) to prohibit new oil and gas drilling activities and make existing extraction a noncomforming use in all zones (the "Ordinance Amendment"). While the comment period is still pending for the associated proposed Mitigated Negative Declaration ENV-2022-4865-MND ("MND"), the Commission is being asked to recommend the City Council approve the same and thus, Warren also objects to that action, especially since the Commission does not have the benefit of all comments on that proposed action since they are not due until October 17, 2022. In addition to the comments in this letter, Warren incorporates the comments of other industry organizations and companies that were submitted in connection with the August 30, 2022 Planning Staff Meeting in opposition to the Ordinance Amendment (as attached to the Staff Recommendation Report) and any additional comments that are submitted by other industry organizations and companies in connection with the upcoming September 22, 2022 Planning Commission Meeting.

The Ordinance Amendment Effects an Unconstitutional Taking for Which Just Compensation Must Be Paid & Deprives Warren of Its Vested Rights

At the outset, please understand that the Ordinance Amendment, if adopted in its current form, will put Warren out of business in approximately three years, depriving Warren—and the royalty owners that it serves—of their real property rights. These rights are currently valued in excess of $675MM and the U.S. and California Constitutions require the City to compensate Warren and its mineral owners for these losses. The Ordinance Amendment, however, unlawfully makes no provision for such compensation.

The Ordinance Amendment will result in cessation of Warren's existing production in approximately three years because it prohibits Warren from engaging in the customary operations necessary to maintain production from its existing wells. Warren's only operations and its only mineral rights are located within the City of Los Angeles and new wells are prohibited. As a result, the Ordinance Amendment would unquestionably put Warren out of business after three years, leaving its employees

jobless, their families without necessary financial support and its royalty owners without income that they have relied on for decades.

To date, Warren has invested over $400MM to develop its mineral estate in the City of Los Angeles through three well cellars at a consolidated drilling facility (the "Site"). The current LAMC allows for these operations as a *permitted right*. Warren's investment of over $400MM was incurred not merely for its existing production at the Site but also for additional operations on existing wells within the three well cellars, so that production can be maintained over the projected life of the wells, and for the drilling of new wells in the same three cellars. The Ordinance Amendment will affect a zoning change that deprives Warren of engaging in its business at the Site and its business as a whole, subjecting the City's action to heightened scrutiny under the independent judgment standard. (*See e.g., Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1525.)

Warren and its royalty owners will be deprived of their reasonable investment-backed expectations and of the right to develop the remaining reserves, which are presently valued in excess of $675MM. The Ordinance Amendment thus will result in a taking of Warren's and its royalty owner's real property rights under the U.S. and California Constitutions, thereby subjecting the City to damages for this lost value—a significant liability for the taxpayers of the City of Los Angeles. (*See e.g., Penn Cent. Transp. Co. v New York City* (1978) 438 U.S. 104; *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533, 553-554 (holding that "absolute prohibition [on mining] . . . practically amounts to a taking of the property").)

Even though it holds mineral rights in other residential areas of the City, Warren limited its operations to the Site and to the three well cellars at the City's specific request. Also at the City's specific request, Warren agreed to give up its right to redrill 560 wells located outside the Site and agreed to a phased process of plugging and abandoning wells in the nearby area in return for the City agreeing that Warren could drill 540 wells at the Site with up to 5 well cellars.[1][2] To date, Warren has plugged and abandoned 41 wells in the surrounding area and has plans to plug and abandon more wells as its business continues to operate in the City.

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[1] Zoning Case ZA 20725-0 (PA1) dated July 20, 2006 and Zoning Case ZA 20725-0 (PA2) dated October 2, 2008 (the "Approvals"), copies of which are not attached hereto due to the 10-page limit for this submission but can be found in the Planning Department records.

[2] Warren was not required under the LAMC relating to the Approvals to give up the redrill rights to 560 wells and conduct the plugging and abandonment of 56 wells in the residential areas outside the Site within a certain time period. Neither were these measures related to the mitigation of environmental impacts. Accordingly, there was no essential nexus and rough proportionality as would be required if the Approvals were interpreted solely as permits under *Nollan v. California Coastal Comm'n,* 483 U.S. 825 (1987) and *Dolan v. City of Tigard,* 512 U.S. 374 (1994). Accordingly, the Approvals constituted a contractual obligation and give rise to a vested property right for that and other reasons. (*See M. J. Brock & Sons, Inc. v. City of Davis,* 401 F.Supp. 354, 361 (1983); *Morrison Homes Corp. v. City of Pleasanton.* 58 Cal.App.3d 724 (1976).) The Ordinance Amendment thus would improperly deny Warren a vested property right in violation of due process of law.

If the Ordinance Amendment is adopted, Warren will not be allowed to complete its project under the terms agreed upon by the City since no new wells will be allowed (221 wells have been drilled to date) and existing production cannot be maintained. Warren, however, has a legally protected and vested property right to utilize the Site for these additional operations. (*See e.g., Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal. 3d 785, 791.)

The *Avco* rule provides that when a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon an entitlement issued by an agency, the party acquires a vested right to complete the construction of the project. This is particularly true for Warren in that not only did Warren obtain all necessary approvals from the City, but it also gave up its rights to redrill 560 wells in the Wilmington neighborhood outside the Site. Accordingly, Warren must be allowed to complete its project.

Warren's situation is similar to that presented in the case *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530. In that case, as in Warren's, the owner had an underlying right to use the property as a tavern. The owner subsequently obtained a conditional use permit to expand the business. When that permit expired, the City argued that the owner's rights had expired. However, the *Goat Hill Tavern* court held that "once [an approval] has been properly issued the power of a municipality to revoke it is limited . . . Where [an approval] has been properly obtained and in reliance thereon the [grantee] has incurred material expense, he acquires a vested property right to the protection of which he is entitled." (*Goat Hill Tavern*, 6 Cal.App.4th at 1530.)

Similar to *Goat Hill Tavern,* where the tavern owner had an underlying nonconforming use right, Warren also has a right to use the Site as an oil and gas well drilling site by virtue of the City's February 25, 1972 approval of a drilling and production site within the Nonurbanized Oil Drilling District No. 5 in the R4 and M2-1-O zones and by virtue of the Approvals. The *Goat Hill Tavern* court cited to multiple cases in which an agency action would ultimately force the company out of business, which as discussed above is what will happen here with Warren. (*Id.* at 1528-1529.) The court also emphasized that "interference with the right to continue an established business is far more serious than when an agency denies a request for a permit in the first instance." (*Id.* at 1529.) Once a permittee has acquired such a vested right it may be revoked only if the permittee "fails to comply with *reasonable* terms or conditions *expressed* in the permit granted." (*Id.* at 1530 (emphasis added).) Here, the Ordinance Amendment completely revokes Warren's vested rights despite its compliance with terms and conditions expressed in the 1972 approval of the "O" drilling district and in the Approvals, and thus Warren will be deprived of its vested real property rights.

That the City's actions will extinguish Warren's business is readily ascertainable in that Warren must either continuously drill and maintain its wells, or go out of business. The California Supreme Court recognized in *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533 that unlike other uses that operate within an existing structure or boundary, the use of land for mining and, in this instance, oil and gas drilling, anticipates the need to continuously expand the reach of the extraction activity. Warren must drill new wells and redrill and maintain old wells on the Site to maintain its current business. As stated by the California Supreme Court in *Hansen Brothers,* "this is not the usual case of a business conducted within buildings, nor is the land held merely as a site or location whereon the enterprise can be conducted indefinitely with existing facilities. . . the land itself is a material

resource. It constitutes a diminishing asset." *Id.* at 553-554. Accordingly, "the ordinary concept of use must yield to the realities of the business in question and nature of its operations." *Id.* Given Warren's substantial economic investment, Warren's drilling rights are a vested property right and if the City chooses to terminate these rights, Warren would be entitled to compensation under the California and United States constitutions.

Consideration of the Amended Ordinance Now Violates the City's Own Procedural Requirements Such that It Would Be Unlawful to Adopt the Recommended Findings

The relevant City procedures for consideration of the Amended Ordinance are set out at Los Angeles Charter and Administrative Code ("LACAC") Sections 556 and 558. These requirements are further described in the Staff Recommendation Report at the Proposed Findings 1-3 at ps. F-1 to F-6, which Findings the Planning Commission must adopt to recommend adoption of the Amended Ordinance to the City Council.

LACAC Section 558(b)(2) describes the procedures for amending an ordinance. It provides that "[a]fter initiation, the proposed ordinance . . . shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance . . . to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance . . . will be in conformity with public necessity, convenience, general welfare and good zoning practice."

LACAC Section 556 provides that: "when approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan."

The Planning Commission's action is not a mere suggestion, but acts to set out how the City Council must proceed in potentially acting on the Ordinance Amendment and the MND. For example, if the Planning Commission recommends approval of the Ordinance Amendment and the MND, the City Council may approve it under a simple majority vote, while if the Planning Commission has recommended against the Ordinance Amendment and the MND, the City Council can only approve the change by a two-thirds vote. (LACAC § 558(b)(3).) Accordingly, the Planning Commission's action on the Amended Ordinance must be in compliance with applicable laws and meet the standards of Sections 556 and 558 of the LACAC.

The Planning Commission Cannot Lawfully Take Action Until It Completes its Review under CEQA

The Planning Commission may not vote to recommend the Amended Ordinance until the City completes the CEQA process. In this situation, the proposed MND was only just circulated to the public on September 15, 2022—four days ago—in conjunction with the issuance of the Staff Recommendation Report. The City states that the public comment period will extend through October 17, 2022, as is required by CEQA. Accordingly, the City has not yet received all comments from the public on the proposed MND and indeed, it would be a denial of due process and violation of CEQA to expect comments in such a short period of time.

Yet at the same time the Planning Commission is being asked to recommend that the City Council find that "after consideration of the whole of the administrative record, including the Mitigated Negative Declaration . . . *and all comments received*, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment." (Staff Recommendation Report at p. 1-2, and at p. A-8 (emphasis added).)

The Planning Commission is also being asked to adopt Proposed Finding 3, which states that the City has prepared an MND for the project and that "[i]n consideration of the whole administrative record *and all comments received regarding the MND* . . . the City Planning Commission shall recommend the City Council to adopt the MND." (Staff Recommendation Report, Proposed Finding 3 at p. F-6.)

Proposed Finding 2 also clearly requires the completion of the CEQA review. Proposed Finding 2, which the Planning Commission must make pursuant to LACAC Section 556 provides that "[i]n accordance with City Charter Section 558 (b)(2), the proposed ordinance will be in conformance with public necessity, convenience, general welfare, and good zoning practice by advancing the basic core zoning to project citizens' health, safety, and welfare." Impacts to the public's general welfare including its health and safety, however, are evaluated through the CEQA review, which process has not been completed and the comment period is still pending.

Accordingly, pursuant to LACAC Sections 556 and 558 and Proposed Finding 2 and 3, the Planning Commission must complete the CEQA process, including completion of the public comment period, prior to taking action to recommend adoption of the MND and adoption of the Amended Ordinance by the City Council.

Even without these explicit requirements, the proposed action would violate CEQA. Amendments to ordinances are clearly a project under CEQA. The completion of the CEQA process, including the required comment period and the consideration of these comments, is necessary as to two fundamental purposes of CEQA, informed decision making *by the agency* and informed public participation. The case law is clear that the failure to satisfy these requirements is prejudicial error. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)

The California Supreme Court has explicitly rejected what the Planning Commission is being asked to do—take an action prior to the completion of CEQA review. In particular, in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 388, 394 the Supreme Court stated that:

> A fundamental purpose of [a CEQA document] is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post approval environmental review were allowed, [CEQA documents] would likely become nothing more than post hoc rationalizations to support action already taken. We have expressly condemned this.

Accordingly, under not only its own requirements under CACAC Sections 556 and 558 and under the language proposed in the recommended actions and Proposed Findings, but also under basic CEQA law,

the Planning Commission cannot act on the recommendation until the CEQA process is complete. Otherwise, the Planning Commission will deprive the public of the right to participate in the process and prevent itself from engaging in informed decision making.

A Brief Review of the MND Indicates That the City Must Prepare an EIR for the Proposed Project

A brief review of the MND (it was only published four days ago) indicates that the Planning Department has understated the impacts that will result from this project. It is clear that, ultimately, the City will be required to prepare an EIR.

The MND's analysis of greenhouse gas emissions ("GHGs") is clearly deficient because it only analyzes the direct impacts related to curtailing oil and gas production in the City. It does not analyze any indirect impacts related to the termination of oil and gas production, which it is required to do under CEQA. (CEQA Guidelines Section 15064(d).) For example, the MND does not discuss that the termination of oil and gas extraction and production activities will result in additional imports of oil to the State and region, and that importation will result in additional GHGs through, for example, additional tanker emissions.

The MND also is required to discuss the consistency of the Ordinance Amendment with City land use policies. As they did with the Proposed Findings, the MND fails to address multiple policies that support the extraction and production of oil within the City (as discussed above).

Further, the MND glosses over the impacts to mineral resources in determining that the impacts related to the Ordinance Amendment are insignificant. As described above, the MND omits critical information from the General Plan related to the encouragement of extraction to reduce dependency on oil imports. The MND's remarks that the City "does not consider petroleum to be a mineral resource of local importance" is thus not supported by the City's own General Plan. Moreover, the CEQA Guidelines require the City to evaluate "the loss of availability of a known mineral resource that would be of value to the region and the residents of the state" not just the City. Accordingly, the analysis is flawed in that it addresses only impacts to the City, not the State as a whole.

The MND's conclusion that oil produced in the area "represents a small amount of the available Statewide resource" is also contradicted by readily available public information. For example, a report by the US Geological Service dated February 2013 describes the Los Angeles Basin, which is partly encompassed by the City, as containing "one of the highest concentrations of crude oil in the world. Sixty-eight oil fields have been named . . . including 10 accumulations that each contain more than 1 billion barrels of oil. One of these, the Wilmington-Belmont, is the fourth largest oil field in the United States." (USGS Fact Sheet 2012-3120.) Accordingly, based on this expert evidence it is undeniable, that the proposed ordinance will have a significant impact on the availability of mineral resources. Based on this information alone, the City is required to develop an EIR. CEQA requires that where there is substantial evidence supporting a fair argument that the project could have a significant non-mitigable effect the City must prepare an EIR. (CEQA Guidelines Section 15064(f)(1).) Even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on

the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines Section 15064(g).)

The City's General Plan Review For Conformity is Incomplete and Thus Unlawful

At noted above, CACAC Section 556 provides that the Planning Commission must find that proposed ordinance is in conformity with the General Plan. Such consistency is required by law. (*See e.g., City of Los Angeles v. State of California* (1982) 138 Cal.App.3d 526, 532.) This consistency is also required for charter cities pursuant to Government Code Section 65860. As discussed below, the ***Ordinance Amendment is not consistent with the City's General Plan.***

The Staff Recommendation Report at Proposed Finding 1 leaves out critical elements in the General Plan in concluding that the Ordinance Amendment is in conformance with the purposes and intent of the General Plan. For example, in discussing the Conservation Element of the General Plan, Proposed Finding 1 sets out three policies. These policies generally describe a need for encouraging energy conservation, supporting the ban on offshore drilling and protecting neighborhoods from potential accidents and subsidence associated with drilling and production.

However, listed directly above these policies, and not stated in Finding 1, is the "Objective" that these policies support. In particular, the objective is to: "conserve petroleum resources and *enable appropriate, environmentally sensitive extraction* . . . so as to protect the petroleum resources for the use of future generations and to reduce the city's dependency on imported petroleum and petroleum products." (Emphasis added.) Accordingly, these policies may only be read in the context of allowing continued extraction. The fact that the Amended Ordinance would *ban extraction* rather than *enable extraction* clearly means that it is inconsistent with the General Plan.

Similarly, in the Health Wellness and Equity Element to the General Plan, Finding 3 indicates that Policy 5.4 is to protect communities' health from noxious activities (which Finding 3 states includes, for example, oil and gas extraction). However, not included in the Staff Recommendation Report is that: "[t]his policy calls for the City to work with operators to ensure that they have the required permits in place, increase its regulatory role and encourage conditions of approval that mitigate land use inconsistencies and conflicts." As a result, this section also assumes the continuance of extractions activities within the City.

Similarly, a brief review of the Land Use Element – Wilmington Harbor City Community Plan likewise indicates that the Amended Ordinance is inconsistent with the Wilmington Harbor City Community Plan. For example, Policies 3-5.1 and 3.5.3 clearly contemplate the continuance of extraction activities. Policy 3-5.4 provides for the consolidation of oil extraction operations to increase compatibility between oil activities and other land uses. Accordingly, nothing in these policies is consistent with a total ban on oil production like that proposed in the Ordinance Amendment. Finding 1 also does not discuss Objective 3-5, which the policies are drafted to support and which provides that the objective of the policies is "[t]o ensure the public health, safety and welfare *while providing for reasonable utilization* of the area's oil and gas resources." (Emphasis added.) The Staff Recommendation Report also fails to note Policy 3-4.6, which encourages the *consolidation* of oil extraction activities rather than its *elimination.*

Accordingly, not only is the Ordinance Amendment inconsistent with the General Plan and thus unlawful, but the Staff Recommendation Report omits critical information necessary for Planning Commission and public review of the Ordinance Amendment.

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The Ordinance Amendment provides that "[no] existing well . . . shall be "*maintained*, drilled, re-drilled, or deepened, except to prevent or respond to a threat to public health, safety, or the environment, as determined by the Zoning Administrator." (Emphasis added.) The Ordinance Amendment, however, provides no definition of the word "maintained" and it is thus unconstitutionally vague and ambiguous and violates the due process clause of the U.S. Constitution. The Staff Recommendation Report acknowledges that this is a problem and defers to a "Zoning Administrator's Interpretation" that has not yet been published as to what this term means. (Staff Recommendation Report, P.3 ("Separately from this Ordinance, DCP's Office of Zoning Administration is preparing a Zoning Administrator's Interpretation on the types of oil-related activities that constitute maintenance . . . Once final, this guidance would immediately apply to all oil drilling activities. It would further clarify the types of maintenance activities prohibited under the Ordinance, with limited exceptions to prevent or respond to threats to public health, safety, or the environment.")

Due process requires fair notice and an opportunity to be heard. In turn, the most basic due process concepts require that legally enforceable ordinances be defined with sufficient clarity such that those subjected to the laws understand what is permitted and what is prohibited, and such that the laws are not susceptible to arbitrary or discriminatory enforcement. (*Genis v. Bell (C.D. Cal. July 2, 2013) 2013 U.S. Dist. LEXIS 93353,* *14-15; *see also Castro v. Terhune*, 712 F.3d 1304, 1307 (9th Cir. 2013).) Here, the failure to unambiguously explain what is meant by the word "maintained" in the Ordinance Amendment itself would mean that Warren and others similarly situated would not know when, if at all, it is violating the Ordinance Amendment. As written without any definition, Warren is deprived of advance notice and opportunity to object to the meaning of the term "maintained" since it is left to later interpretation by the Zoning Administrator.

The 20-Year Amortization Period in the Ordinance Amendment is Unlawful

The Ordinance Amendment unlawfully imposes a 20-year amortization period for existing operations without any factual evidence to support that 20 years is a "reasonable amortization period commensurate with the investment involved," as required by law. (*Metromedia, Inc. v. San Diego* (1980) 26 Cal.3d 848, 882.) The City Council directed the Planning Department to commission a study to be performed as to an appropriate amortization period and that work has not yet even commenced, let alone been completed. It thus is premature and unlawful for the Planning Commission to proceed with taking action on an amortization period when there is no study—and no evidence—to support such a period for Warren or other operators within the City.

Moreover, there is no law in California to support the use of amortization periods to eliminate a diminishing asset like mineral rights. While amortization may be appropriate under certain factual situations involving movable property like billboards or liquor stores, since those uses can be moved to other locations, the development of mineral rights is immovable and, as discussed above, protected

under the diminishing asset doctrine. There is no way to equitably amortize Warren's real property rights and its investments therein other than to allow Warren to produce until the commercially recoverable resources are depleted.

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> There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team, the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment.

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In addition to regulated pollutants, Warren has consistently reported low emissions of air contaminants. The facility routinely reports a detailed air toxics emissions inventory to the SCAQMD yet has never been required by the SCAQMD to prepare a Health Risk Assessment (HRA) because of low emissions. For example, Warren's reported emission of air pollutants and associated health risk impacts are on par with that of neighborhood gas station that operates fuel dispensing equipment, storage tanks, and vehicular traffic from customers and mobile tankers.

Warren is in compliance with all regional, state, and federal rules and regulations and has obtained the appropriate air quality permits for all operating equipment. Restricting maintenance, testing, and repair

of the existing equipment would not represent an emission reduction or result in any improved air quality for the area or the region.

Furthermore, and in violation of the Equal Protection Clause as applied through the Fourteenth Amendment to the U.S. Constitution, the City is unlawfully discriminating against one industry by prohibiting its operations within the City without taking similar actions against other industries or uses that provide similar or even more emissions than the oil and gas industry.

No Action Should Be Taken on the Ordinance Amendment and the MND

Warren respectfully requests that the Planning Commission do everything within its power to avoid what will prove to be an expensive mistake and we urge you ***not*** to take action on Agenda Item No. 11. The Ordinance Amendment will not result in the professed health benefits from shutting down Warren's operations and, instead, will subject the City to significant liability.

It is even premature for the Planning Commission to consider the draft MND and the Ordinance Amendment at this time. Indeed, the comment period has just began to run on the draft MND so the rush to take action should heed to the Commission's obligations to comply with the law and the City's ordinances.

Please understand that if the Planning Commission recommends approval, Warren will take all actions required to protect its rights, including seeking recovery from the City of in excess of $675MM in damages for putting Warren out of business, along with recovery of Warren's legal expenses under Code of Civil Procedure Sections 1021.5 and 1036. The City will be forced to incur substantial legal fees for its own counsel and ultimately Warren's counsel too, all the while losing significant revenue from property taxes on future oil and gas operations without any change in health impacts from closing Warren's doors. Warren reserves all of its rights to pursue every available remedy if the Planning Commission proceeds to recommend approval of the Ordinance Amendment and the draft MND to the City Council.

Sincerely,

WARREN RESOURCES, INC.

James A. Watt
President and Chief Executive Officer

ATTACHMENT B

October 5, 2022

VIA ONLINE PUBLIC COMMENT FORM: https://cityclerk.lacity.org/publiccomment/

Los Angeles City Council
Energy, Climate Change, Environmental Justice, and River Committee
200 N. Spring Street
Los Angeles, CA 90012

Re: **Agenda Item #2; Council File No. 17-0447-S2**
Warren Comment Letter Opposing Ordinance Amendment and Approval of MND

Dear Chairperson O'Farrell and Councilmembers Koretz, Cedillo, De Leon, and Krekorian:

This letter provides comments on behalf of Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren") opposing the ordinance amending Sections 12.03, 12.20, 12.23, 12.24, and 13.01 of the Los Angeles Municipal Code (LAMC) to prohibit new oil and gas drilling activities and make existing extraction a noncomforming use in all zones (the "Ordinance Amendment"). The comment period is still pending for the associated proposed Mitigated Negative Declaration ENV-2022-4865-MND ("MND"), and thus the Committee is being asked to consider the MND, and the Planning Commission has already recommended that the City Council approve the same, when all comments have not yet been submitted. Warren thus also objects to the process since the Committee does not, and the Planning Commission did not, have the benefit of all comments on the MND, which are not due until October 17, 2022. In addition to the comments in this letter, Warren incorporates its prior comments to the City Planning Commission, the comments of other industry organizations and companies that were submitted in connection with the August 30, 2022 Planning Staff Meeting and the September 22, 2022 Planning Commission meeting in opposition to the Ordinance Amendment, and any additional comments that are submitted by other industry organizations and companies in opposition to the Ordinance Amendment.

The Ordinance Amendment Effects an Unconstitutional Taking for Which Just Compensation Must Be Paid & Deprives Warren of Its Vested Rights

At the outset, please understand that the Ordinance Amendment, if adopted in its current form, will put Warren out of business in approximately three years, depriving Warren—and the royalty owners that it serves—of their real property rights. These rights are currently valued in excess of $675MM, and the U.S. and California Constitutions require the City to compensate Warren and its mineral owners for these losses. The Ordinance Amendment, however, unlawfully makes no provision for such compensation.

The Ordinance Amendment will result in cessation of Warren's existing production in approximately three years because it prohibits Warren from engaging in the customary operations necessary to maintain production from its existing wells. Warren's only operations and its only mineral rights are located within the City of Los Angeles and new wells are prohibited. As a result, the Ordinance Amendment would unquestionably put Warren out of business after three years, leaving its employees jobless, their families

without necessary financial support and its royalty owners without income that they have relied on for decades.

To date, Warren has invested over $400MM to develop its mineral estate in the City of Los Angeles through three well cellars at a consolidated drilling facility (the "Site"). The current LAMC allows for these operations as a *permitted right*. Warren's investment of over $400MM was incurred not merely for its existing production at the Site but also for additional operations on existing wells within the three well cellars, so that production can be maintained over the projected life of the wells, and for the drilling of new wells in the same three cellars. The Ordinance Amendment will affect a zoning change that deprives Warren of engaging in its business at the Site and its business as a whole, subjecting the City's action to heightened scrutiny under the independent judgment standard. (*See e.g., Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1525.)

Warren and its royalty owners will be deprived of their reasonable investment-backed expectations and of the right to develop the remaining reserves, which are presently valued in excess of $675MM. The Ordinance Amendment thus will result in a taking of Warren's and its royalty owner's real property rights under the U.S. and California Constitutions, thereby subjecting the City to damages for this lost value—a significant liability for the taxpayers of the City of Los Angeles. (*See e.g., Penn Cent. Transp. Co. v New York City* (1978) 438 U.S. 104; *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533, 553-554 (holding that "absolute prohibition [on mining] . . . practically amounts to a taking of the property").)

Even though it holds mineral rights in other residential areas of the City, Warren limited its operations to the Site and to the three well cellars at the City's specific request. Also at the City's specific request, Warren agreed to give up its right to redrill 560 wells located outside the Site and agreed to a phased process of plugging and abandoning wells in the nearby area in return for the City agreeing that Warren could drill 540 wells at the Site with up to 5 well cellars.[12] To date, Warren has plugged and abandoned 41 wells in the surrounding area and has plans to plug and abandon more wells as its business continues to operate in the City.

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[1] Zoning Case ZA 20725-0 (PA1) dated July 20, 2006 and Zoning Case ZA 20725-0 (PA2) dated October 2, 2008 (the "Approvals").

[2] Warren was not required under the LAMC relating to the Approvals to give up the redrill rights to 560 wells and conduct the plugging and abandonment of 56 wells in the residential areas outside the Site within a certain time period. Neither were these measures related to the mitigation of environmental impacts. Accordingly, there was no essential nexus and rough proportionality as would be required if the Approvals were interpreted solely as permits under *Nollan v. California Coastal Comm'n,* 483 U.S. 825 (1987) and *Dolan v. City of Tigard,* 512 U.S. 374 (1994). Accordingly, the Approvals constituted a contractual obligation and give rise to a vested property right for that and other reasons. (*See M. J. Brock & Sons, Inc. v. City of Davis,* 401 F.Supp. 354, 361 (1983); *Morrison Homes Corp. v. City of Pleasanton*. 58 Cal.App.3d 724 (1976).) The Ordinance Amendment thus would improperly deny Warren a vested property right in violation of due process of law.

If the Ordinance Amendment is adopted, Warren will not be allowed to complete its project under the terms agreed upon by the City since no new wells will be allowed (221 wells have been drilled to date) and existing production cannot be maintained. Warren, however, has a legally protected and vested property right to utilize the Site for these additional operations. (*See e.g., Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal. 3d 785, 791.)

The *Avco* rule provides that when a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon an entitlement issued by an agency, the party acquires a vested right to complete the construction of the project. This is particularly true for Warren in that not only did Warren obtain all necessary approvals from the City, but it also gave up its rights to redrill 560 wells in the Wilmington neighborhood outside the Site. Accordingly, Warren must be allowed to complete its project.

Warren's situation is similar to that presented in the case *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530. In that case, as in Warren's, the owner had an underlying right to use the property as a tavern. The owner subsequently obtained a conditional use permit to expand the business. When that permit expired, the City argued that the owner's rights had expired. However, the *Goat Hill Tavern* court held that "once [an approval] has been properly issued the power of a municipality to revoke it is limited . . . Where [an approval] has been properly obtained and in reliance thereon the [grantee] has incurred material expense, he acquires a vested property right to the protection of which he is entitled." (*Goat Hill Tavern*, 6 Cal.App.4th at 1530.)

Similar to *Goat Hill Tavern,* where the tavern owner had an underlying nonconforming use right, Warren also has a right to use the Site as an oil and gas well drilling site by virtue of the City's February 25, 1972 approval of a drilling and production site within the Nonurbanized Oil Drilling District No. 5 in the R4 and M2-1-O zones and by virtue of the Approvals. The *Goat Hill Tavern* court cited to multiple cases in which an agency action would ultimately force the company out of business, which as discussed above is what will happen here with Warren. (*Id.* at 1528-1529.) The court also emphasized that "interference with the right to continue an established business is far more serious than when an agency denies a request for a permit in the first instance." (*Id.* at 1529.) Once a permittee has acquired such a vested right it may be revoked only if the permittee "fails to comply with *reasonable* terms or conditions *expressed* in the permit granted." (*Id.* at 1530 (emphasis added).) Here, the Ordinance Amendment completely revokes Warren's vested rights despite its compliance with terms and conditions expressed in the 1972 approval of the "O" drilling district and in the Approvals, and thus Warren will be deprived of its vested real property rights.

That the City's actions will extinguish Warren's business is readily ascertainable in that Warren must either continuously drill and maintain its wells, or go out of business. The California Supreme Court recognized in *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533 that unlike other uses that operate within an existing structure or boundary, the use of land for mining and, in this instance, oil and gas drilling, anticipates the need to continuously expand the reach of the extraction activity. Warren must drill new wells and redrill and maintain old wells on the Site to maintain its current business. As stated by the California Supreme Court in *Hansen Brothers,* "this is not the usual case of a business conducted within buildings, nor is the land held merely as a site or location whereon the

enterprise can be conducted indefinitely with existing facilities. . . the land itself is a material resource. It constitutes a diminishing asset." *Id.* at 553-554. Accordingly, "the ordinary concept of use must yield to the realities of the business in question and nature of its operations." *Id.* Given Warren's substantial economic investment, Warren's drilling rights are a vested property right and if the City chooses to terminate these rights, Warren would be entitled to compensation under the California and United States constitutions.

The Planning Commission Unlawfully Took Action Prior to Completing its Review under CEQA

The Planning Commission unlawfully voted to recommend the Amended Ordinance prior to the City completing the CEQA process. In this situation, the proposed MND was only just circulated to the public on September 15, 2022, in conjunction with the issuance of the Staff Recommendation Report. The City states that the public comment period will extend through October 17, 2022, as is required by CEQA. Accordingly, the City has not yet received all comments from the public on the proposed MND and indeed, it would be a denial of due process and violation of CEQA to expect comments in such a short period of time. Impacts to the public's general welfare including its health and safety are evaluated through the CEQA review, which process has not been completed and the comment period is still pending. Accordingly, the Planning Commission was required to complete the CEQA process, including completion of the public comment period, prior to taking action to recommend adoption of the MND and adoption of the Amended Ordinance by the City Council.

Even without these explicit requirements, the proposed action would violate CEQA. Amendments to ordinances are clearly a project under CEQA. The completion of the CEQA process, including the required comment period and the consideration of these comments, is necessary as to two fundamental purposes of CEQA, informed decision making *by the agency* and informed public participation. The case law is clear that the failure to satisfy these requirements is prejudicial error. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)

The California Supreme Court has explicitly rejected what the Planning Commission did here—took an action prior to the completion of the CEQA review process. In particular, in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 388, 394 the Supreme Court stated that:

> A fundamental purpose of [a CEQA document] is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post approval environmental review were allowed, [CEQA documents] would likely become nothing more than post hoc rationalizations to support action already taken. We have expressly condemned this.

Accordingly, under not only its own requirements, but also under basic CEQA law, the Planning Commission unlawfully made a recommendation prior to completion of the CEQA process, thereby depriving the public of the right to participate in the process and preventing itself and your Committee from engaging in informed decision making.

A Brief Review of the MND Indicates That the City Must Prepare an EIR for the Proposed Project

A brief review of the MND[3] indicates that the Planning Department has understated the impacts that will result from this project. It is clear that, ultimately, the City will be required to prepare an EIR.

The MND's analysis of greenhouse gas emissions ("GHGs") is clearly deficient because it only analyzes the direct impacts related to curtailing oil and gas production in the City. It does not analyze any indirect impacts related to the termination of oil and gas production, which it is required to do under CEQA. (CEQA Guidelines Section 15064(d).) For example, the MND does not discuss that the termination of oil and gas extraction and production activities will result in additional imports of oil to the State and region, and that importation will result in additional GHGs through, for example, additional tanker emissions.

The MND severely underestimates the potential air quality and health risk impacts from the condensed schedule to plug and abandon wells and uses incorrect assumptions in calculating those impacts. For example, the horsepower rating of the main equipment item (the workover rig) is grossly underestimated. The MND's technical report shows that 33 bhp was used for the workover rig's power rating, whereas the normal range for a self-propelled mobile tractor-based workover rig is 450 bhp to 1,000 bhp. Warren will provide expert submissions prior to the October 17 comment deadline with more details on these issues. This analysis indicates that the ordinance will result in a significant impact to air quality.

The MND also is required to discuss the consistency of the Ordinance Amendment with City land use policies. The MND fails to address multiple policies that support the extraction and production of oil within the City (as discussed below).

Further, the MND glosses over the impacts to mineral resources in determining that the impacts related to the Ordinance Amendment are insignificant. As described above, the MND omits critical information from the General Plan related to the encouragement of extraction to reduce dependency on oil imports. The MND's remarks that the City "does not consider petroleum to be a mineral resource of local importance" is thus not supported by the City's own General Plan. Moreover, the CEQA Guidelines require the City to evaluate "the loss of availability of a known mineral resource that would be of value to the region and the residents of the state" not just the City. Accordingly, the analysis is flawed in that it addresses only impacts to the City, not the State as a whole.

The MND's conclusion that oil produced in the area "represents a small amount of the available Statewide resource" is also contradicted by readily available public information. For example, a report by the US Geological Service dated February 2013 describes the Los Angeles Basin, which is partly encompassed by the City, as containing "one of the highest concentrations of crude oil in the world. Sixty-eight oil fields have been named . . . including 10 accumulations that each contain more than 1 billion barrels of oil. One of these, the Wilmington-Belmont, is the fourth largest oil field in the United States." (USGS Fact Sheet 2012-3120.) Accordingly, based on this expert evidence it is undeniable, that the proposed

[3] Warren will be submitting more fulsome comments to the MND prior to the October 17, 2022 deadline.

ordinance will have a significant impact on the availability of mineral resources. Based on this information alone, the City is required to develop an EIR.

CEQA requires that where there is substantial evidence supporting a fair argument that the project could have a significant non-mitigable effect the City must prepare an EIR. (CEQA Guidelines Section 15064(f)(1).) Even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines Section 15064(g).)

The City's General Plan Review For Conformity is Incomplete and Thus Unlawful

At discussed in more detail below, Los Angeles Charter and Administrative Code Section 556 provides that the Planning Commission must find that proposed ordinance is in conformity with the General Plan. Such consistency is required by law. (*See e.g., City of Los Angeles v. State of California* (1982) 138 Cal.App.3d 526, 532.) This consistency is also required for charter cities pursuant to Government Code Section 65860. As discussed below, the ***Ordinance Amendment is not consistent with the City's General Plan.***

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> There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team, the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment.[4]

The City's position now is contrary to that prior report and not supported by the evidence. Warren's equipment and operations do not emit significant quantities of air pollutants and do not pose a significant health risk to the community residents or the public. Warren participates in annual emissions reporting to the SCAQMD, which includes mandatory reporting of air pollutants regulated by the Clean Air Act. Warren facility's actual emissions are low and based on these reported emissions the facility has never been required to obtain a federal operating air permit as it remains below major source thresholds for all pollutants. Further, low emissions of regulated pollutants are evidenced by the fact that Warren does not participate in the SCAQMD's RECLAIM program for large sources of oxides of nitrogen (NOx) and

[4] https://clkrep.lacity.org/onlinedocs/2017/17-0447_rpt_BPW_07-29-2019.pdf at page 145.

sulfur (SOx). Lastly, as a minor stationary source located in a heavily industrialized area of Wilmington, Warren has not permitted or installed new equipment or modified existing equipment in over 6 years.

In addition to regulated pollutants, Warren has consistently reported low emissions of air contaminants. The facility routinely reports emissions to the SCAQMD yet has never been required by the SCAQMD to prepare a Health Risk Assessment (HRA) because of low emissions. For example, Warren's reported emission of air pollutants and associated health risk impacts are on par with that of a supermarket with a fast-food restaurant or of a fast-food restaurant with a drive through.

Warren is in compliance with all regional, state, and federal rules and regulations and has obtained the appropriate air quality permits for all operating equipment. Restricting maintenance, testing, and repair of the existing equipment would not represent an emission reduction or result in any improved air quality for the area or the region.

Furthermore, and in violation of the Equal Protection Clause as applied through the Fourteenth Amendment to the U.S. Constitution, the City is unlawfully discriminating against one industry by prohibiting its operations within the City without taking similar actions against other industries or uses that provide similar or even more emissions than the oil and gas industry.

Consideration of the Amended Ordinance Now Violates the City's Own Procedural Requirements

The relevant City procedures for consideration of the Amended Ordinance are set out at Los Angeles Charter and Administrative Code ("LACAC") Sections 556 and 558. These requirements are further described in the Planning Staff Recommendation Report at Proposed Findings 1-3, at pages F-1 to F-6, which Findings the Planning Commission should have adopted to recommend adoption of the Amended Ordinance to the City Council.

LACAC Section 558(b)(2) describes the procedures for amending an ordinance. It provides that "[a]fter initiation, the proposed ordinance . . . shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance . . . to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance . . . will be in conformity with public necessity, convenience, general welfare and good zoning practice."

LACAC Section 556 provides that: "when approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan."

The Planning Commission's action is not a mere suggestion, but acts to set out how the City Council must proceed in potentially acting on the Ordinance Amendment and the MND. For example, since the Planning Commission recommended approval of the Ordinance Amendment and the MND, the City Council may approve it under a simple majority vote, whereas if the Planning Commission had recommended against the Ordinance Amendment and the MND, the City Council could only approve the change by a two-thirds vote. (LACAC § 558(b)(3).) Accordingly, the Planning Commission's action on

the Amended Ordinance were required to be in compliance with applicable laws and meet the standards of Sections 556 and 558 of the LACAC, but it failed to do so.

No Action Should Be Taken on the Ordinance Amendment and the MND

Warren respectfully requests that the Committee do everything within its power to avoid what will prove to be an expensive mistake and we urge you ***not*** to move forward with the Ordinance Amendment. The Ordinance Amendment will not result in the professed health benefits from shutting down Warren's operations and, instead, will subject the City to significant liability.

It is premature to consider the draft MND and the Ordinance Amendment at this time. Indeed, the comment period has not yet run on the draft MND so the rush to proceed should heed to the City's obligations to comply with the law and the City's ordinances.

Please understand that if the Ordinance Amendment is approved and the MND adopted, Warren will take all actions required to protect its rights, including seeking recovery from the City of in excess of $675MM in damages for putting Warren out of business, along with recovery of Warren's legal expenses under Code of Civil Procedure Sections 1021.5 and 1036. The City will be forced to incur substantial legal fees for its own counsel and ultimately Warren's counsel too, all the while losing significant revenue from property taxes on future oil and gas operations without any change in health impacts from closing Warren's doors. Warren reserves all of its rights to pursue every available remedy if the City approves the Ordinance Amendment and adopts the draft MND.

Sincerely,

WARREN RESOURCES, INC.

/s/ James A. Watt
President & Chief Executive Officer

ATTACHMENT C

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October 17, 2022

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200 North Spring Street, Room 701
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Re: *Comments on Proposed Mitigated Negative Declaration, ENV-2022-4865-MND Regarding Proposed Amendments to the City's Oil and Gas Ordinance*

Dear City Council, Planning Commission and Planning Director:

This firm represents Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren").[1] On behalf of Warren, we are providing these comments on the draft mitigated negative declaration described as ENV-2022-4865-MND (MND), prepared by the City of Los Angeles ("City") for consideration of a draft ordinance to amend sections of the Oil and Gas Drilling Ordinance ("Proposed Ordinance" or "Project").

The City may not lawfully adopt the MND because of numerous deficiencies in the document. As described below, the City failed to analyze the whole of the project in that it states that future parts of the project will be drafted and considered at a future date.

The MND also is deficient in that there is substantial evidence that the Project may have a significant effect on the environment and accordingly an environmental impact report (EIR) must be

[1] Warren operates drilling and production sites within the City and would be detrimentally affected by the Project. It has a beneficial interest that would be adversely affected by the environmental impacts associated with the Project, and the Project will otherwise have a direct, substantial effect on Warren and its operations. Further, Warren makes these comments on behalf of the public interest, which interest would suffer if the City were not compelled to perform its duties under CEQA.

prepared by the City to evaluate the Project. We further note that the City has failed to proceed in a manner required by law, in part, because it has failed to comply with CEQA's analysis and information disclosure requirements, therefore preventing significant information from being presented to the City decision makers and the public, which failure constitutes a prejudicial abuse of discretion.

A. The MND Fails to Evaluate the Whole of the Project By Providing That Future, Foreseeable Actions, Including Plugging, Abandonment, Remediation, Proper Amortization and the Meaning of "Maintenance," All Will Be Reviewed and Adopted at a Later Date.

CEQA requires the consideration, analysis and disclosure of all potentially significant environmental impacts of a proposed "project." CEQA Guidelines [Cal. Code Regs., titl. 14, § 15000 et seq.], § 15060. "Project" is defined as the ***entire*** activity before the agency, the "***whole of the action***, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." CEQA Guidelines, § 15378 (emphasis added). "Accordingly, CEQA forbids piecemeal review of the significant environmental impacts of a project. Agencies cannot allow environmental considerations to become submerged by chopping a large project into many little ones." *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222 (internal citations omitted).

As the City blatantly concedes, the entire activity before the City is the phasing-out of oil operations within its City limits, but the MND illegally only analyzes a portion of that project:

- "There are many other follow up actions that the City will undertake to ensure the safe phase-out of oil operations citywide and to address the issues that have been raised regarding oil. In addition to this proposed Ordinance, OPNGAS has been tasked with preparing an amortization study to examine the length of time needed for operators their capital investments in oil drilling operations to determine whether individual oil drilling operations must be terminated sooner than the 20 years currently prescribed in the LAMC. City Council has also instructed OPNGAS, in collaboration with DCP and the Los Angeles Fire Department (LAFD), to develop policies for the timely abandonment and remediation of existing well sites." Staff Report, A-2 to A-3.

- "Although the Ordinance does not directly regulate remediation outside of [one] mitigation measure, it represents the first step taken by the City to advance an effort to safely phase out oil and gas extraction by prohibiting and making it a nonconforming use. It is an urgent catalyst to a larger citywide effort to phase out oil drilling in Los Angeles, focused narrowly on prohibiting this incompatible land use sooner rather than later. DCP recognizes that a cleanup and remediation policy needs to be addressed on a citywide basis." Staff Report, P-6.

The City also admits that further ordinance amendments are reasonably foreseeable as a result of the initial "project":

- "Once a well ceases operations, it is **reasonably foreseeable** that the process of abandonment should occur." Staff Report, A-3 (emphasis added).

- "In addition to this proposed Ordinance, City Council has also instructed OPNGAS to develop policies for the timely abandonment and remediation of existing well sites within three to five years of sites ceasing active oil production, with the intention of ensuring oil companies bear the responsibility for abandonment and remediation. . . .While the adoption of the Ordinance [Amendment] would accomplish a significant milestone in initiating the phase-out period, DCP will continue to consult with OPNGAS to conduct the necessary research on site cleanup and remediation policies, leaving open the possibility of future regulatory changes to the Zoning Code, if appropriate." Staff Report, P-6.

- "OPNGAS has been tasked with preparing an amortization study to determine how long existing operators need to recoup their costs and to determine whether individual wells can shut down sooner than 20 years. If the results of the amortization study find that individual wells can recoup their investments sooner, then the Code would be amended to reflect those timeframes." Staff Report, A-3.

- "In order to evaluate whether or not this 20-year period is the appropriate time frame, the Mayor and City Council, as part of CF 17-0447, directed OPNGAS to prepare an amortization study to determine whether this existing amortization period should be amended. The City is in the process of securing a consultant to prepare the study. Depending on the results of this study, future code amendments may require some or all wells to shut down sooner, in instances when the operator may recoup their capital investments prior to the 20-year amortization period currently embedded in the Zoning Code." Staff Report, P-2.

The City further acknowledges that the Proposed Ordinance fails to include a necessary definition for the term "maintenance." Rather than provide the definition now to avoid piecemealing, the City leaves that also for another day under the guise of regulatory guidance:

- "Separately from this Ordinance, DCP's Office of Zoning Administration is preparing a Zoning Administrator's Interpretation on the types of oil-related activities that constitute maintenance. The definition of maintenance is being addressed separately from the Ordinance because of the present need to clarify that maintenance activities, including acidization, are within the oversight of the Zoning Administrator. Once final, this guidance would immediately apply to all oil drilling activities. It would further clarify the types of maintenance activities prohibited under the Ordinance, with limited exceptions to prevent or respond to threats to public health, safety, or the environment." Staff Report, P-3.

Similarly, the City leaves for future determination and analysis the environmental impacts of the future condition of the former oil sites, including how those compare to the current oil operations:

- Given the varied timeline of individual well abandonment and the fact the Ordinance does not establish any regulations related to well site remediation or redevelopment (except where mitigation measures are required . . .), it would be speculative to contemplate when site remediation would occur after the wells are abandoned and the types of redevelopment and future land uses that may occur on former drill sites. What might get built and at what intensity or scale is not possible to identify or analyze at this time . . . The analysis does not examine impacts from remediation and/or future development. MND, pp. 31-32.

In *Laurel Heights Improvement Association v. Regents of University of Cal.* (1988) 47 Cal.3d 376, 396, the Supreme Court established the following test for illegal piecemealing: "We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." Applying this test, the City unquestionably is committing illegal piecemealing in its draft MND by expressly omitting—and leaving for further ordinances and regulatory decisions—the reasonably foreseeable consequences of the Proposed Ordinance and the changes to scope and nature thereof, including the environmental effects.

Under the first prong of *Laurel Heights*, and as set out in the quotes from the Staff Report and MND above, the City concedes that a "reasonably foreseeable consequence" of the Proposed Ordinance is more ordinance amendments as to plugging, abandonment and remediation; amortization; and future use of former oil sites. Indeed, the City even uses the word "reasonably foreseeable" in describing the abandonment work that will follow cessation of operations. Staff Report A-3. Similarly, the City admits that it needs a definition of "maintenance" and thus the missing definition obviously is "reasonably foreseeable consequence" of the initial "project" and certainly serves no independent purpose. Even though a reasonable consequence of phasing-out oil operations in the City is that the property will be put to another use or otherwise suffer urban decay, the MND further fails to analyze these environmental effects, as discussed in more detail below in the next section of this letter. Simply put, the City knows that it is preparing an environmental document that has not fully disclosed and analyzed the "reasonably foreseeable" scope of the true, intended project, or the "whole" of the action to phase-out oil operations.

Regarding the second prong of the *Laurel Heights* test, it is clear that the City intends to, and is going to, further revise the City ordinances in ways that would, unequivocally, "change the scope or nature of the initial project or its environmental effects." 47 Cal.3d at 396. The ordinance changes and regulatory guidance that the City acknowledges will be forthcoming will further serve to phase-out oil operations. The City blatantly admits that the Proposed Ordinance is the first step in the project and changes will be coming on plugging, abandonment and remediation, amortization, what activities fall within the term "maintenance" and the future use of the former oil sites. The City's

intent is clear—it wants to phase-out oil operations as quickly as it can, and more changes will be coming to make that happen. The City cannot avoid the obvious consequence of its intention, namely, that there will be a change in the scope or nature of the initial "project" to make that happen. The City expressly concedes this point in the Staff Report and MND, as noted above, thereby confirming that the second prong of the *Laurel Heights* test is met.

As discussed herein, there also will be changes in the environmental effects of the City's plan to develop procedures and timing for plugging, abandoning and remediation operations, shortening the amortization periods and thereby impacting mineral resources. These future phases serve no independent purpose or utility and by leaving them for another day, the MND drastically understates individual impacts related to the Project. For example, the MND fails to analyze impacts related to plugging and abandonment activities occurring on an accelerated schedule due to the yet undrafted plugging and abandonment requirements and because an amortization schedule, now set at 20 years but which the City acknowledges will likely be shorter, will cause oil and gas operators to plug and abandon wells, including multiple wells at the same time, in order to meet the City requirements. The MND also does not analyze the impacts of remediation operations, which will include removal of concrete pads and other infrastructure, all of which serve no independent utility aside from phasing out oil activities in the City. The second prong of the *Laurel Heights* test is also met for these additional reasons, and the City's illegal piecemealing is undeniable.

Given the above, the City can make no cogent argument that adoption of the Proposed Ordinance is not "a necessary first step to approval" of the later ordinances and regulatory guidance that the City concedes will be forthcoming to phase-out oil operations within the City limits. See *City of Carmel-by-the-Sea v. Bd. of Supers.* (1986) 183 Cal.App.3d 229, 244; see also *Banning Ranch*, *supra*, 211 Cal.App.4th at 1223 ("there may be improper piecemealing when the purpose of the reviewed project is to be the first step toward" some future action). Questions of project scope and piecemealing are not subject to the substantial evidence standard, but instead are analyzed as a question of law by a reviewing court. *Tuolumne Cnty. Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1223-24; *Black Property Owners Assoc. v. City of Berkeley* (1994) 22 Cal.App.4th 974, 984 ("Whether a particular activity constitutes a project in the first instance is a question of law."). Here, the City illegally, improperly, and knowingly limited the scope of the project analyzed in the MND by omitting analysis and environmental review of the changes that it intends to incorporate and acknowledges will be forthcoming.

B. Multiple Individual Impact Sections Also Are Deficient Because They Fail to Define an Adequate Baseline; Fail, by the MND's Own Admission, to Adequately Analyze Potential Impacts; and Fail to Analyze, or Properly Analyze, Impacts as Described in The City's Own Thresholds of Significance. Accordingly, the City Failed to Proceed in a Manner Required by Law, and Its Review is Not Supported by Substantial Evidence.

The City can approve the MND only if it finds no substantial evidence that the Project will have a significant effect on the environment. CEQA Guidelines, § 15074(b). CEQA requires that where

there is substantial evidence supporting a fair argument that the Project could have a significant non-mitigable effect, the City must prepare an EIR. CEQA Guidelines, § 15064(f)(1). Even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." CEQA Guidelines, § 15064(g).

Moreover, CEQA requires that a lead agency proceed in a manner required by law when preparing a CEQA document. As detailed below, the MND misstates or omits analysis required by CEQA, including analysis required under the CEQA thresholds of significance, including, but not limited to, any analysis of indirect impacts resulting from the Project. As stated by the California Supreme Court, "[n]oncompliance with substantive requirements of CEQA or noncompliance with information disclosure provisions which precludes relevant information from being presented to the public agency . . . may constitute prejudicial abuse of discretion." *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515 (emphasis omitted).

1. The MND's Analysis of Impacts to Mineral Resources is Legally Inadequate and It Describes a Standard Inconsistent with the City's Own Thresholds of Significance.

It is undeniable that the Proposed Ordinance will impact the availability of mineral resources in the City and the State since the upfront and stated goal of the City is to stop oil production within the City limits, with the Proposed Ordinance being the first step in that process. "Mineral resources" are an environmental factor pursuant to CEQA, and the "loss of availability of a known mineral resource that would be a value to the region and the residents of the state" or the "loss of availability of a locally important mineral resource recovery site" constitutes an adverse environmental impact. CEQA Guidelines, Appendix G, § XII(a), (b). Public Resources Code § 21060.5 even expressly defines the "environment" to include "the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, *minerals*, flora, fauna, noise, or objects of historic or aesthetic significance." (Emphasis added.)

Here, the Proposed Ordinance *will* result in an increased loss of availability of mineral resources within the City that are of value to the region as acknowledged by the City's own land use policies and General Plan (see further discussion below and in the Land Use section of this letter). Further, the MND ignores the fact that the County of Los Angeles has enacted an ordinance similarly phasing out oil production in the unincorporated portions of the County, thereby further exacerbating the loss of availability of mineral resources of value to the region.

The Proposed Ordinance also *will* result in the loss of availability of known mineral resources that are of value to the State. The State has acknowledged the importance of protecting the oil and gas mineral resources located within its boundaries. "[T]o best meet oil and gas needs in this state, the [CalGEM] supervisor shall administer this division so as *to encourage the wise development of oil and gas resources*." Pub. Res. Code § 3106(d) (emphasis added). In particular, CalGEM shall supervise the "drilling, operation, maintenance, and abandonment of

wells so as to permit the owners or operators of the wells to utilize all methods and practices known to the oil industry *for the purpose of increasing the ultimate recovery of underground hydrocarbons* and which, in the opinion of the supervisor, are suitable for this purpose in each proposed case." *Id*. § 3106(b) (emphasis added). Since the Proposed Ordinance seeks to stop recovery of underground hydrocarbon mineral resources rather that encourage their wise development and increase their ultimate recovery, it impacts the loss of availability of mineral resources that are of value to the State and the City is required to analyze the environmental impacts of the loss of availability those resources.

The MND's analysis of impacts to mineral resources is fundamentally flawed in that while the thresholds of significance require an analysis of whether the Project will result in the loss of *availability* of a mineral resource, the MND instead focuses on how much the implementation of the Project would impact current, existing *production* in the City. For example, the MND states that "annual cumulative oil production in the City was two percent of the available Statewide resource" and that "[t]his represents a small amount of the available Statewide resource." MND at 80. Accordingly, the MND concludes that "termination of oil and gas extraction would not represent the loss of a mineral resource of value to the region and the residents of the State." *Id.*

Again, the CEQA Guidelines require an analysis not of the loss of production, but of the loss of availability, of the known mineral resource. The City's own Oil and Gas Health Report dated July 25, 2019, which is incorporated herein by reference, confirms that *1.6 billion barrels* of recoverable oil and gas reserves remain beneath the City:

> Even after more than century of prolific production, the US Geological Survey estimates 1.6 billion barrels of recoverable oil remain in place beneath the City, *rivaling the reserves in the Middle Eastern countries, like Saudi Arabia, Iraq, and Kuwait 14,000 miles away*.[2]

Here, the MND itself even states that "[t]he Los Angeles geological basin has one of the highest concentrations of crude oil per acre in the world." MND at 20. Similarly, as noted in Warren's comment letter dated September 19, 2022, to the Planning Commission, which letter is incorporated herein by reference, Warren noted that a report by the US Geological Service dated February 2013 describes the Los Angeles Basin, which is partly encompassed by the City, as containing "one of the highest concentrations of crude oil in the world. Sixty-eight oil fields have been named . . . including 10 accumulations that each contain more than 1 billion barrels of oil. One of these, the Wilmington-Belmont, is the fourth largest oil field in the United States." USGS Fact Sheet 2012-3120, which is incorporated herein by reference.[3] Accordingly, based on this expert evidence alone it is undeniable that the Proposed Ordinance will have a significant impact on the availability of mineral resources and an EIR is thus required.

[2] https://clkrep.lacity.org/onlinedocs/2017/17-0447_rpt_BPW_07-29-2019.pdf at page 19.
[3] https://pubs.usgs.gov/fs/2012/3120/fs2012-3120.pdf.

Moreover, and as described in the Land Use section below, the MND cherry picks policies in support of its position that "petroleum is no longer considered an important mineral resource at the local level." MND at 80. This statement is contradicted by General Plan policies that the MND neglects to discuss, which provide that petroleum is an important local resource. For example, in discussing the Conservation Element of the General Plan, Proposed Finding 1 of the Planning Commission report describes three policies. These policies generally describe a need for encouraging energy conservation, supporting the ban on offshore drilling and protecting neighborhoods from potential accidents and subsidence associated with drilling and production.

However, listed directly above these policies, and not stated in the MND, is that the objective of these policies and the General Plan is to: "conserve petroleum resources and *enable appropriate, environmentally sensitive extraction."* City General Plan, Conservation Element at II-64 (emphasis added). The fact that the Proposed Ordinance would *ban extraction* rather than *enable extraction* clearly means that it is inconsistent with the General Plan and demonstrates that the City has already concluded that mineral resources are of value to the region and the residents of the State, and the same has been delineated in the General Plan and other land use plans. Indeed, one need only look at the practical realities of current life in the City of Los Angeles, including, among other things, the use of gasoline-powered vehicles, to see that oil still is an important resource to the region.

Again, the MND fails to conduct this part of the analysis under the required standard. It is unquestionable that an ordinance that terminates all oil and gas production in the City would result in the loss of availability of that resource, which importance has been described in State statutes and numerous documents, including the City's own General Plan and other land use plans.

2. The MND's Air Quality Analysis is Deeply Flawed and Inadequate Under the Law.

Expert opinion as described in the attached Air Study provided by Yorke Engineering, Inc. ("Yorke"), a copy of which is included as Attachment A and incorporated herein in full by reference, describes multiple deficiencies in the MND's analysis. For example, the MND includes a gross misstatement of the emissions related to equipment used for plugging and abandonment of wells, thus drastically understating emissions. Another example is the complete lack of any analysis of the health-related impacts related to the release of toxic air contaminants associated with equipment used for plugging and abandonment operations. Yorke notes, among other things, two critical mistakes made in the MND with regard to calculating criteria pollutants.

First, the MND lists equipment used for plugging and abandonment in order to calculate these emissions. However, the MND does not disclose the specifications for all the equipment used when analyzing the emissions, and no sources are cited for the horsepower and load factors used for the calculation of the equipment for abandonment operations. The MND drastically understates the horsepower ratings for the workover rig engine, calculating this as 33 bhp when the normal range for this type of equipment is 450 bhp to 1,000 bhp. The South Coast Air Quality Management District

(SCAQMD) provides that this type of equipment would have approximately 540 bhp and yet the MND uses 33 bhp. The MND also does not describe the necessary mud pump engine that is used in these types of operations. Accordingly, Yorke calculates that criteria emissions related to plugging and abandonment operations are approximately 6.1 times that described in the MND.

Second, the MND provides that up to 19 abandonments could be performed without exceeding the threshold for NOx. Applying proper calculations, under the Regional Significance Thresholds, only three concurrent abandonments could take place without exceeding the NOx threshold. Further, when using the SCAQAMD Localized Significance Threshold as stated in the MND, only one abandonment can be performed at any one time. As noted in Yorke's report, in order to remain under the significance threshold *solely as to Warren's operations* which includes 200+ wells, it would take ten years of continuous well abandonment work. Even if this were possible, which is unlikely given that well abandonment will likely be compressed in time either because operators seek to produce up to the end of the 20-year period or because the amortization period is shortened by the City following its study, this does not even take into account the approximately 2,000 other wells described in the MND as being located within the City that will need to be abandoned.[4]

The MND suffers from another major flaw in that it does not analyze health risk impacts, as required by CEQA, related to plugging and abandonment operations. It is unclear why the MND fails to do this as no explanation is provided. This is particularly concerning as to diesel particulate matter (DPM), which is associated with equipment used for plugging and abandonment operations. As noted in the Yorke report, DPM is "not easily dissipated" as described in the MND. Moreover, as it is a recognized carcinogen, the drastic increase in DPM emissions must be analyzed in terms of a health risk assessment. Yet the MND omits to do this in its entirety. Using the MND's own estimate of 0.19 lb./day alone exceeds the maximum significant cancer risk of 10 in a million while also exceeding the significance criteria related to acute and chronic health hazards. Using the correct power ratings of a workover rig and the inclusion of a mud pump engine, as described in the Yorke report, would result in an emission rate of 1.16 lb./day, which exceeds the maximum cancer risk of 10 in a million while passing the acute health hazard and all but one chronic health hazard. Thus, the cancer risk is 262 times higher than the level that is considered significant. Again, an EIR and much more detailed health risk assessments are needed to properly assess the Project's health risks.

The Yorke report notes that "health risks from DPM produced from the combustion of diesel fuel in the workover rig and other associated engines <u>are not addressed at all</u>." In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521 (2018), the California Supreme Court noted that the lead agency must make a reasonable effort to discuss the "general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce." In that case, unlike here, the lead agency had provided a general discussion of the adverse health impacts related to pollutants, but this discussion did not connect this analysis to the actual levels of pollutant emitted

[4] The failure to consider a compressed schedule also fatally undermines the MND's light and traffic sections in that both of these sections fail to consider a compressed abandonment schedule.

by the project. *Id.* at 522. Accordingly, the California Supreme Court found the EIR deficient both in that substantial evidence did not support the agency's conclusions and because the absence of relevant information was prejudicial.

Accordingly, the MND Air Quality Analysis section fails in its entirety to meet the minimum requirements of CEQA.

3. The MND's GHG Impacts Analysis is Inadequate Because It Understates the Resulting Emissions from Plugging and Abandonment Operations and Fails, in Its Entirety to Analyze Indirect Impacts That May Result from the Project.

The MND is deficient in that it fails to evaluate direct and indirect impacts related to GHG. This failure stems in part from the points already described in the Air Quality Analysis. For example, the MND describes the difficulty of doing an extensive analysis on the impacts and simply describes an analysis to "illustrate the potential scope" of the emissions. As with the Air Quality Analysis, the MND drastically understates emissions related to plugging and abandonment because of the failure to describe the proper bhp of the drill rig and the failure to include certain necessary equipment in the analysis.

As discussed further below, the MND must discuss the Projects' indirect impacts. CEQA Guidelines, §15064(d). This extends to GHG impacts, which the thresholds of significance acknowledge. The most obvious failure is the potential GHG emissions related to the use of the property after the oil production operations have ceased following the amortization period. This is a fairly easy analysis to undertake as is described in the Yorke report, which analyzes Warren's emissions as compared to a fast-food restaurant with a drive-thru among other uses. Yet the MND declines to make any type of analysis and instead states that such an analysis is too difficult even when a similar report done by Yorke was conducted over a couple of weeks.

The GHG Section also fails because of its apparent assumption that a decrease in production will necessarily result in a decrease in consumption of things like gasoline. The Yorke report points out a basic failure that the GHG Section fails to consider in that Warren transports its oil by pipeline to the local refinery where the oil is processed. The Project curtails oil production but in no way will reduce the amount of oil processed at the area refineries. Accordingly, a similar amount of oil will be trucked in from other sources or imported through the nearby port facilities. The MND fails to consider basic sources of information provided by the California Energy Commission ("CEC"), which references below are incorporated herein by reference. For example, there are multiple refineries located in the area, including some of the largest by production amounts in the State, and nothing in the Proposed Ordinance will reduce the amount of oil processed at these refineries.[5] The oil processed at these facilities will simply come from other, more distant, sources. The CEC information further indicates that foreign oil imports have

[5] https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/californias-oil-refineries

generally increased as production in California has decreased, and describes the amount of foreign oil processed at California refineries.[6] The CEC information is in no way speculative but is a reasonably foreseeable consequence of the Project. This situation is similar to that presented in *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, where the court held that an EIR was required when an ordinance passed restricting the disposal of sewage sludge because it failed to describe the reasonably foreseeable indirect impacts of the restriction, including the need for an alternate disposal site and things like increased hauling.

The GHG Section also fails to describe the impacts related to conflicts with other applicable plans or regulations, such as the Cap-And-Trade Program. Under this program and others, oil and gas production is strictly regulated to reduce GHG emissions. These are some of the most stringent restrictions in the world. The effect of the Project will be to shift production to other areas, including outside the State and overseas, which areas are not subject to these restrictions. Again, information on where these imports are likely to come from are listed in detail at the California Energy Commission website. For example, the CEC describes that as of 2021, Ecuador, Saudi Arabia and Iraq were responsible for more than 66% of California's imports.[7] Thus, production GHG emissions will increase at those sources, as will the emissions related to the transportation of oil to California, leading to increased emissions as the Ports since there are no intrastate pipelines transporting oil to the State. As discussed in a Los Angeles Times article that was published today (and is incorporated herein by reference), GHG and other air emissions already have increased significantly at these Ports.[8] They will further increase with importation of more oil to the region, yet the MND contains no discussion of these reasonably foreseeable indirect impacts. GHG emissions are unique under CEQA in that, unlike other impacts, the effects of GHG emissions are not localized. A metric ton of GHG emissions emitted in Saudi Arabia has the same effect as a metric ton of GHG emitted in California. Yet the MND fails to make any attempt to calculate the effect of shifting production and how this will impact California's various plans to reduce GHG impacts.

For all these reasons, the GHG Section is deficient and does not meet the requirements of CEQA. It is clear that for such a complicated issue, particularly where indirect impacts are key, an EIR must be prepared.

[6] https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/foreign-sources-crude-oil-imports/2020-0.
[7] https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market/foreign-sources-crude-oil-imports.
[8] https://www.latimes.com/environment/story/2022-10-17/ports-blame-covid-19-for-spike-in-harmful-emissions.

4. The MND's Land Use and Planning Analysis is Deficient Because It Omits City General Plan and Community Plan Elements That Support the Production of Oil and Gas.

Pursuant to Government Code section 65860, a city zoning ordinance must be consistent with the city's general plan. The MND is required to address this consistency, and to show that "the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan." Gov't Code § 65860(a)(2); *see e.g., City of Los Angeles v. State of California* (1982) 138 Cal.App.3d 526, 532. As discussed below, the MND is deficient in that it fails to address the many policies of both the City General Plan and the various Community Plans that support the extraction and production of oil within the City. More importantly, the Proposed Ordinance is in fact not consistent with the various City plans.

The MND concludes that there is a less than significant "environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." MND at 76. In drawing this conclusion, the MND asserts that it reviewed eight total City plans, including the Conservation Element of the General Plan, the Health Wellness and Equity Element to the General Plan, and the Wilmington-Harbor City Community Plan. MND at 76-77. It points to Table 4 as setting forth the "City Policies Supporting the Oil and Gas Ordinance," including certain land use policies, and concludes that the Ordinance is consistent and does not conflict with the policies identified in Table 4. However, Table 4 only lists four land use policies in support of the Ordinance—including one from the West Adams-Baldwin Hills-Leimert Community Plan and two from the Wilmington-Harbor City Community Plan—and fails to address the numerous City land use policies that support the continued extraction, maintenance, and production of oil and gas.

As an initial matter, the Proposed Ordinance will have an impact City-wide, there are wells in various locations all over the City, and the General Plan contains 35 community plans; yet the MND only lists land use policies from the West Adams-Baldwin Hills-Leimert Community Plan and the Wilmington-Harbor City Community Plan. Moreover, the policies cited contemplate continued oil and gas operations—as do many policies not included in the MND—and are therefore in conflict with a ban on such activities.

By way of just one example, a review of the Wilmington-Harbor City Community Plan reveals that the continued extraction of oil is clearly contemplated in the plan. Policy 3-4.6 supports "the consolidation of surface oil extraction operations, the landscaping or improvement of existing oil wells, and elimination of inactive and/or unneeded wells . . . increase compatibility between oil operations and other land uses . . . ." Further, Policy 3-5.1: "Regulate oil extraction activities and facilities in such a manner to enhance their compatibility with the surrounding community." Policy 3-5.2: ". . . require that existing and new oil well sites observe attractively landscaped and well maintained front yard setbacks . . . ." And Policy 3-5.4—which is cited in Table 4—provides for the consolidation of oil extraction operations to increase compatibility between oil activities and other land uses. All of these policies follow Objective 3-5 "[t]o ensure the public health, safety and welfare *while providing for reasonable utilization* of the area's oil and gas resources." (Emphasis

added.) Accordingly, nothing in these policies is consistent with a total ban on oil production like that proposed in the Proposed Ordinance.

The MND also focuses on broad policies supporting discretionary review of *changes to* oil extraction sites, *reduction* of oil production, and general community health, without recognizing that those policies necessarily require the continuance of oil and gas operations. MND at 77. For example, the MND cites to Policy 5.4 of the Health Wellness and Equity Element of the General Plan, to protect communities' health from noxious activities, but fails to discuss that the same Element further provides that "[t]his policy calls for the City to work with operators to ensure that they have the required permits in place, increase its regulatory role and encourage conditions of approval that mitigate land use inconsistencies and conflicts." As a result, this section clearly assumes the continuance of extractions activities within the City.

Similarly, and as discussed above, the Conservation Element of the General Plan provides the Objective to "conserve petroleum resources and *enable appropriate, environmentally sensitive extraction* . . . so as to protect the petroleum resources for the use of future generations and to reduce the city's dependency on imported petroleum and petroleum products." City General Plan, Conservation Element at II-64 (emphasis added). This may only be read in the context of allowing continued extraction. The fact that the Proposed Ordinance would *ban extraction* rather than *enable extraction* clearly means that it is inconsistent with the General Plan. Not only is the Proposed Ordinance inconsistent with the General Plan and Community Plans and thus unlawful, but the MND omits or otherwise fails to consider critical information necessary for the City and public review of the Proposed Ordinance.

5. The MND's Noise Analysis is Legally Deficient Because It Understates Noise and Vibrations Related to Plugging and Abandonment Operations and It Does Not Describe an Enforceable Mitigation Measure for an Impact the MND Concedes is Potentially Significant.

The noise analysis in the MND is defective for multiple reasons. As with other sections in the MND, it fails to describe the baseline (here ambient noise) against which noise levels must be measured. In applying significance thresholds, the lead agency must consider both the absolute noise level associated with a project as well as the increase in the level of noise that will result from a project. *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 887, 893.

As noted elsewhere in this letter, the analysis is flawed in that it assumes all well abandonment and plugging operations at a well site would be done sequentially (one by one) and intermittently. The effect of the City's past ordinances is that multiple wells exist on consolidated drill sites. For example, at Warren's Wilmington site, there are in excess of 200 wells on a 9.22-arce site. Well plugging and abandonment schedules will likely be condensed toward the end of the amortization period with multiple wells being plugged and abandoned at the same site at the same time. However, the noise analysis assumes only that "each well abandonment would last approximately two weeks . . . and on-site equipment would include one

workover rig, one cement pump truck, one welder, and one tractor/loader/backhoe." MND at 82. The MND must analyze the noise impacts of operating multiple pieces of equipment involved in plugging and abandoning of multiple wells at the same time.[9] This is particularly true given that the MND has already concluded that a significant impact will result.[10]

The mitigation measure described as MM NOI-1 is also defective in that it fails to take into account multiple, simultaneous plugging and abandonment operations. Moreover, there is no discussion as to how the requirement would be implemented. Under CEQA, mitigation measures must be enforceable to be considered effective, yet the MND contains no information as to how the measure will be implemented or what will be required of operators. CEQA Guidelines, §15126.4(a)(2).[11]

Moreover, the MND further states that noise reduction would occur using best practices, including by scheduling abandonment activities to avoid operating several pieces of equipment simultaneously (as feasible), which causes high noise levels. MND at 84. The MND also concedes that the LAMC noise limitation does "not apply where compliance is technically infeasible." MND at 83. Accordingly, the noise analysis describes further mitigation without requiring an actual mitigation measure, and essentially concedes that it may not be feasible to avoid operating several pieces of equipment at the same time, which by the MND's admission will result in "high noise levels" and that the LAMC noise limitation "may not apply where it is technically infeasible."

The same problems in assuming low-levels of well plugging and abandonment operations also cause the MND to understate the vibration or ground borne noise levels. The analysis fails to take into account the compressed plugging and abandonment will have to occur in order to meet the City's amortization requirements. Accordingly, the MND fails to meet the basic requirements of CEQA.

6. The MND is Legally Deficient Because It Fails to Examine Any Cumulative Impacts Associated with the Project and Fails to Discuss Reasonably Foreseeable Indirect Impacts.

The MND also is legally deficient because it fails to describe any cumulative impacts associated with the Project, despite the fact that this is required under the Thresholds of Significance and CEQA. This flawed analysis may stem from the fact that the MND assumes that all impacts will be less than those associated with existing oil production operations. As noted throughout this letter, this is simply not true in that the MND only provides conclusory comments that existing operations

[9] The MND Transportation Section similarly fails to describe traffic impacts related to abandonment and fails to describe the potential hazards resulting from increased oil transportation to the refineries by truck.
[10] As noted in the comments on Air Quality Impacts, the MND also omits from its equipment list a mud truck and vastly understates the engine bhp of the workover rig.
[11] The mitigation measure described in the Hazards Section suffers from a similar flaw.

are worse and because the MND drastically understates impacts associated with plugging and abandonment operations. The MND's cumulative impacts analysis consists of four sentences. MND at 100. It includes the statement that "the impacts associated with individual well abandonments have been found to be less than significant." However, direct project-related impacts may be less than significant and still be cumulatively considerable. Yet there is no discussion of the effect of similar recently-enacted restrictions on oil operations such as SB 1137 and the new ordinance adopted by the County of Los Angeles, both of which will result in increased well abandonments. CEQA, however, does not restrict the required cumulative impacts analysis to similar projects but requires an analysis of other past, current, and probable future projects (including those unrelated to oil production restrictions). The MND remarkably contains no discussion of *any* other projects. The courts have found unlawful the conclusory approach used in the MND. The discussion must be more than a conclusion "devoid of any reasoned analysis." *Whitman v. Board of Supervisors*, 88 Cal. App. 3d 397, 411 (1979). Accordingly, the MND fails to meet the minimum standards of CEQA for cumulative impacts analysis.

Similarly, the MND also fails to discuss reasonably foreseeable indirect impacts. This requirement extends to the adoption of lead agency ordinances that result in changes to land use patterns. For example, in *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, the court held that an EIR was required when an ordinance was passed restricting the disposal of sewage sludge. The EIR was necessary to analyze an alternate disposal site and things like increased hauling.

Here, the MND is almost completely devoid of any basic analysis of indirect impacts. The MND uses the term "indirect" or "indirectly" approximately 22 times, and the vast majority of these mentions are related to a description of the CEQA thresholds, with the other mentions contained in conclusory statements that there are no indirect impacts. There is not even any discussion as to how the abandoned well sites may be used. For example, in Warren's situation the production site is located in a heavily-industrialized area next to the Port of Los Angeles. Yet there is no discussion as to the potential impacts that may result from the development of the sites as they are abandoned. Basic information, such as the zoning for the consolidated well sites, is not even included in the MND even though this information is readily available. Indirect effects include secondary effects. CEQA Guidelines, § 15358. If a direct change in the physical environment will cause another change in the environment, the secondary effect must be evaluated as an indirect effect of the project. CEQA Guidelines, § 15064(d). The impact analysis must also consider the potential for growth-inducing impacts. CEQA Guidelines, § 15358(a). Yet the MND fails to do this in its entirety.

The MND also fails to analyze the cumulative impacts from increased GHG and other air emissions at the nearby Ports. These emissions can be quantified, and have already increased significantly, as noted in a Los Angeles Times Article that was published today and which is incorporated herein by

reference.[12] Nonetheless, the MND contains no discussion of the cumulative impacts from increased importation of oil to the State through those Ports, even though it is reasonably foreseeable that such activity will occur. Accordingly, the MND is deficient as matter of law.

7. The MND is Flawed Because It Consistently Fails to Describe, or Describes Inaccurately, the Existing Baseline.

A CEQA document must describe the physical environmental conditions in the vicinity of a proposed project as they exist at that time, which environmental setting will normally constitute the baseline physical conditions by which a lead agency will determine whether a project may have a significant impact on the environment. Without a comparison of existing baseline physical conditions to the conditions expected to be produced by a project, an initial study or environmental impact report (EIR) will not inform decision makers and the public of the project's significant environmental impacts, as CEQA mandates. *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, 1047-1048.

The MND fails to meet this requirement in that it fails to describe, or describes inaccurately, the existing setting. For example, the MND describes an existing setting of oil and gas production, which the City analyzed in a report, and which indicates that "the report . . . shows that activities related to oil and gas operations have been associated with many potential negative health and safety impacts, especially when they occur in close proximity to sensitive uses." MND at 22.

It is on this basis that the City indicates it is going forward with the Proposed Ordinance and on this basis that the MND in multiple sections describes an erroneous, harmful existing setting based on oil and gas wells.

The statement in the MND is false and the CalGEM report referenced is based on areas outside of the City and, in most instances, even outside California.[13] California has conducted relevant studies, including under SB4, but the MND fails to acknowledge or use those studies. In fact, in 2019, the City of Los Angeles Office of Petroleum and Natural Gas Administration and Safety conducted an exhaustive review of government reports and studies and concluded that:

> There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team,

[12] https://www.latimes.com/environment/story/2022-10-17/ports-blame-covid-19-for-spike-in-harmful-emissions.

[13] The report relies on data from Pennsylvania, Colorado, Oklahoma and Texas relating to unconventional drilling, which is different from the drilling conducted in the City. Moreover, the report ignores numerous studies of California operations and Health Risk Assessments relating thereto, and it does not appear that the report has even been finalized. It is thus improper to rely on this report in support of the MND.

> the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment.[14]

Accordingly, the MND proceeds in all of its analysis with a fundamentally flawed assumption as to the existing setting.

Moreover, multiple sections of the MND essentially state that it is too difficult to quantify the existing setting. For example, the Air Quality Section provides that "there remains substantial uncertainty in the emissions factors and calculation methodologies." MND at 42. In part, the MND states that this difficulty is due to the need for a "rigorous bottom-up approach [which] requires expert knowledge to apply and relies on detailed data which may be difficult and costly." *Id.* The MND thus declines to make such an assessment (apparently because it is too costly), but nevertheless concludes it has made a good faith effort "for illustrative purposes." *Id.* This is all despite the fact that oil production operations routinely report their emissions to the SCAQMD. The MND then makes the breathtaking statement that "the degree to which air quality emissions may be avoided under the Ordinance is not the basis for the impact determination." *Id.* This is exactly contrary to the purpose of CEQA in that the MND must determine the impacts related to the proposed Project. It is the delta between the existing setting and the emissions projected if the Project is adopted that goes to the very basis of CEQA, either because impacts would be decreased or increased significantly. Further, by failing to describe the existing setting, the MND fails to inform the public of the Project's impacts. The Air Quality Section goes on to state that "because the Ordinance would reduce long-term air quality emissions compared to existing emissions associated with oil and gas extraction . . . the Ordinance would not result in [a cumulative impact]." It is simply impossible to make such a conclusory assertion without quantifying the existing emissions.

It is evident that the City rushed to push forward the MND for consideration and thereby created an inaccurate and legally deficient document. This is acutely evident in its conclusory statements about the harm related to oil and gas operations in the City rather than providing any accurate quantitative analysis of these emissions. It is simply assumed that these emissions are harmful and drastically affecting local residents. Yet Warren's emissions are so low that they compare favorably to a fast-food restaurant with a drive-thru, a supermarket and fast-food restaurant (with no drive-thru) or a 200-unit low rise apartment complex. In fact, Warren's emissions of PM, a TAC, are drastically lower than these other uses. Yorke Report at 3. Warren's emissions are also drastically lower than those defined as requiring a major source permit and lower than those requiring offsets. Yorke Report at 2.

A similar non-substantive approach is also described in the MND's Greenhouse Gas Emissions Section. The language in this section is similar to that contained in the Air Quality Section in that

[14] https://clkrep.lacity.org/onlinedocs/2017/17-0447_rpt_BPW_07-29-2019.pdf at page 145. This review is incorporated herein by reference.

the MND punts on any accurate analysis as to existing emissions and instead includes estimates for "illustrative purposes." MND at 61.

As described above, the Noise Section is similarly lacking in any kind of quantification of the Project baseline for such things as ambient sound conditions.

Accordingly, the MND is fundamentally flawed and does not comply with the basic legal requirements of CEQA, thereby depriving the public and City decision makers of relevant information needed for informed deliberation and consideration.

C. The MND is Also Deficient Because It Fails to Consider the Potential for Urban Decay, Which Requires an EIR.

"A lead agency must address the issue of urban decay in an EIR when a fair argument can be made that the proposed project will adversely affect the physical environment." *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 188. Although economic and social impacts of a proposed project typically fall outside of CEQA review, where those impacts could foreseeably result in an indirect environmental impact or physical change, such as urban decay, the lead agency must do an EIR to assess that impact. Moreover, the agency must adopt enforceable mitigation measures and a monitoring program to ensure those measures are enforced. "*The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded [ ].*" *Id. citing Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-61 (emphasis in original).

Here—in part as a result of its piecemealing of the plugging, abandonment, remediation, and redevelopment requirements—the City has failed to consider the impact that hundreds of abandoned wells will have on the City's economy and eventually on its physical presence. It is reasonably foreseeable that the economic impact of banning drilling and driving the oil and gas industry out of the City will lead to abandoned sites, deterioration, and urban decay. Moreover, as it stands now, the Proposed Ordinance does not require any specific plugging, abandonment, and remediation work to be done. This means that not only does the MND fail to consider the environmental impacts of that plugging, abandonment and remediation work as discussed above, but nothing actually requires that work to be done in the first place. As drafted, it is therefore reasonably foreseeable that the Proposed Ordinance will result in hundreds, or perhaps thousands, of idle and abandoned wells throughout the City, resulting in inevitable urban decay and deterioration that is wholly unmitigated by the MND.

In other words, the City's attempts to address plugging, abandonment, and remediation work in a future ordinance or otherwise is not sufficient under CEQA because it is either (1) an admission that the City is improperly piecemealing, or (2) an improper, vague, and unenforceable attempt at future mitigation of a reasonably foreseeable indirect impact. *See Cal. Clean Energy Committee*, 225 Cal.App.4th at 196 (mitigation measures that did not commit agency to any enforceable "*actual*

mitigation" or "concrete, measurable actions" to ameliorate the expected urban decay caused by the project are insufficient).

D. Conclusion.

For all the foregoing reasons, Warren urges the City to prepare an EIR and to do so on the whole of the project, not just this first phase of it. If the City fails to do so, it will be in violation of the law and subject to legal action for, among other things, failing to comply with CEQA. As described above, the MND is also deficient in that it does not describe a baseline and drastically understates both direct and indirect impacts related to the Project, particularly as to mineral resources and air quality impacts.[15]

Very truly yours,

DAY CARTER & MURPHY LLP

Thomas A. Henry

TAH:tl
Attachments

[15] Warren incorporates by reference its previous letter to the Planning Commission dated September 19, 2022, a copy of which is included as Attachment B. Warren also incorporates any written or oral comments made to the City in opposition to the City's adoption of the Project and the associated MND.

ATTACHMENT A

Yorke
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October 17, 2022

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Subject: Planning Commission Comment on LA City Ordinance

Dear Ms. Hunckler:

The equipment and operations at Warren E&P (Warren) do not emit significant quantities of air pollutants and do not pose a significant health risk to community residents or the public. Warren participates in annual emissions reporting to the South Coast Air Quality Management District (SCAQMD), which includes the mandatory reporting of air pollutants regulated by the Clean Air Act. Due to the low levels of facility emissions, Warren has never been required to obtain a federal operating air permit (Title V permit). Warren's reported emissions from 2021 are shown in Table 1 and are compared to the major source threshold are shown in Figure 1 below. All reported pollutants are less than 15% of the threshold.

Table 1: Warren Criteria Pollutant Emissions

	VOC/ROG	NOx	SOx	CO	PM
Warren E&P	2718	930	50.0	764	48.0

Further, Warren's low emissions of regulated pollutants exempt them from participation in the SCAQMD's RECLAIM program for large sources of oxides of nitrogen (NO_x) and sulfur oxides (SO_x). In addition, Warren has not been required to purchase emission offsets. The thresholds for offsets are lower than for major source permitting and are set by the SCAQMD. The purpose of offsets is to mitigate any emissions increase from a facility that would impact the local ambient air quality. Figure 2 shows the levels of Warren's emissions in comparison to the offset thresholds for the SCAQMD.

Figure 1: Major Source Threshold Comparison

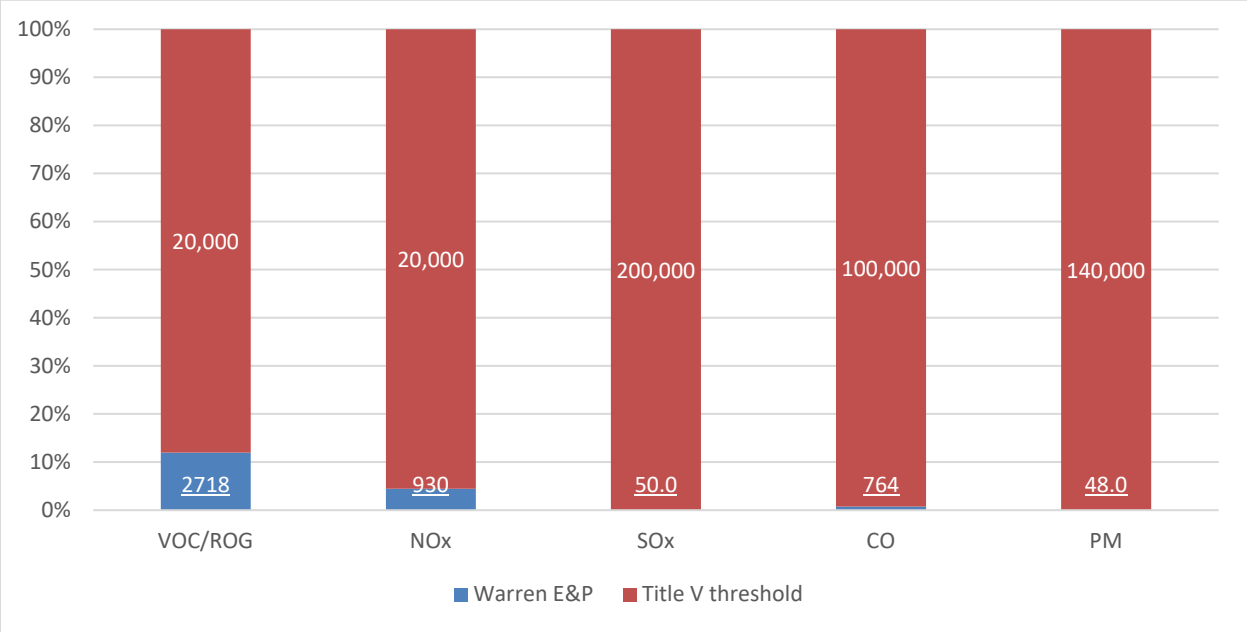
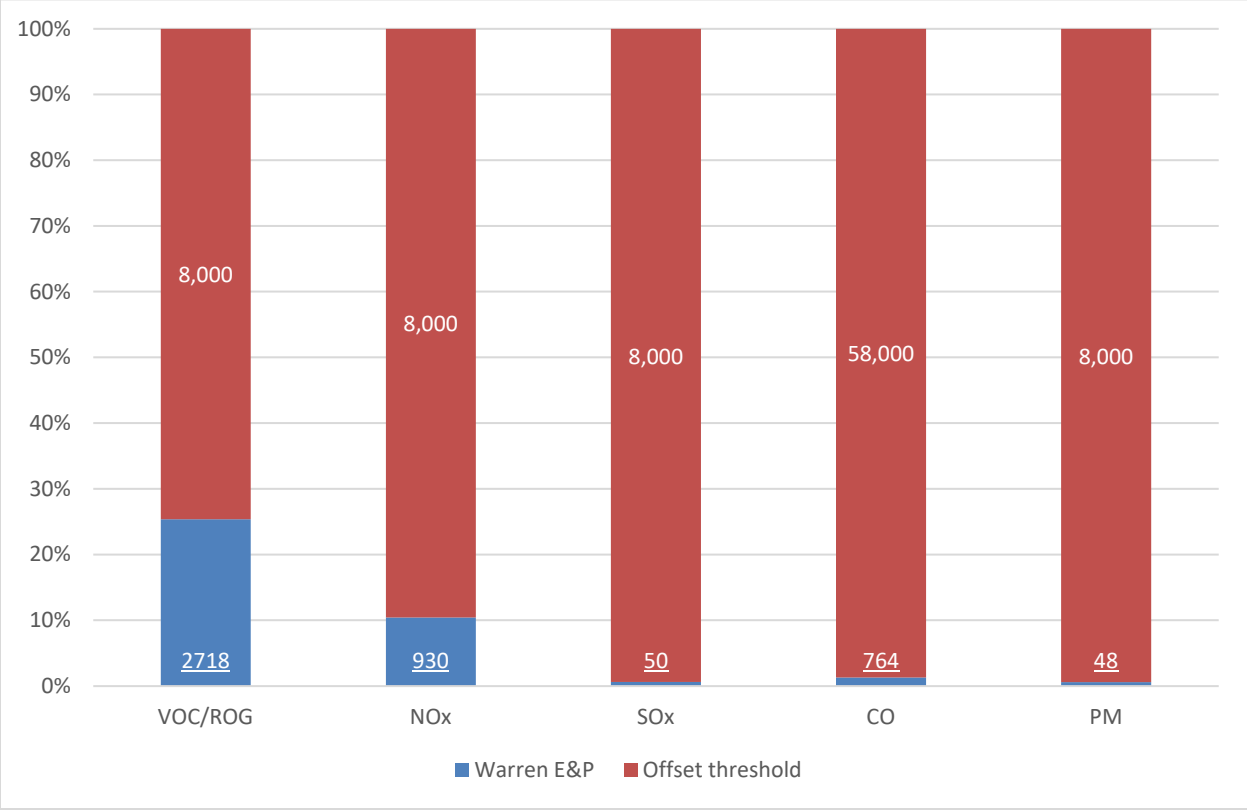


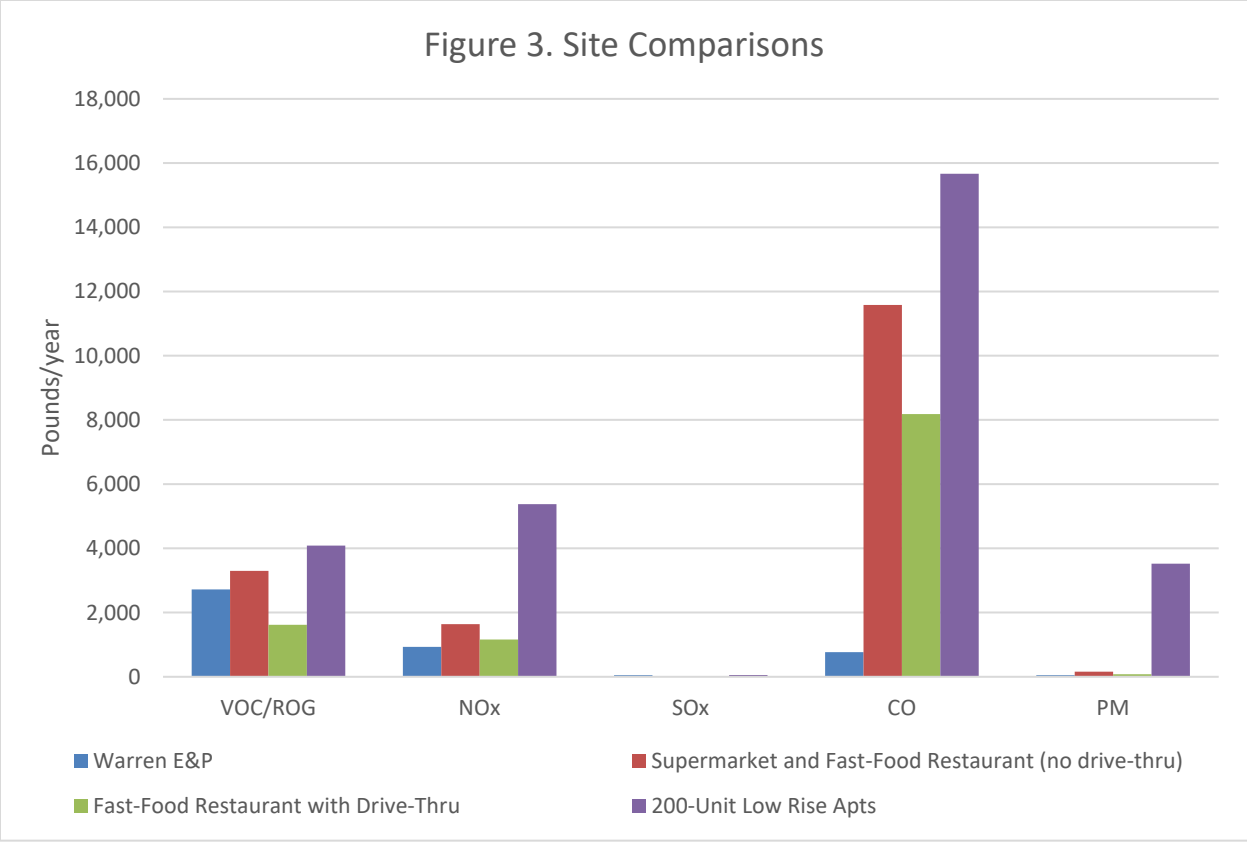
Figure 2: Emission Offset Limit Comparison



As a minor stationary source located in a heavily industrialized area of Wilmington, Warren has not permitted or installed new equipment or modified existing equipment in over six years. In addition, emissions are comparable to other types of business commonly found around Warren. Calculations of expected annual operational emissions from a supermarket and fast-food restaurant without a drive-thru, a fast-food restaurant with a drive-thru, and a 200-unit low-rise apartment complex performed using CalEEMod[1] are shown compared with the annual emissions from Warren as reported in 2021 (Figure 3). The emissions associated with the other types of businesses come from natural gas combustion used for heating and hot water, fuel-powered landscaping equipment, paints and coatings for regular building maintenance, and household products used by residents and cleaning staff.

Warren's emissions of NO_x and CO, two criteria pollutants associated with combustion sources, are lower than all other comparable sites. Its volatile organic compound (VOC) emissions are on the same order of magnitude as the other types of business. VOCs from Warren include any fugitive emissions associated with wells, as well as VOCs from combustion sources.

Figure 3: Site Comparisons



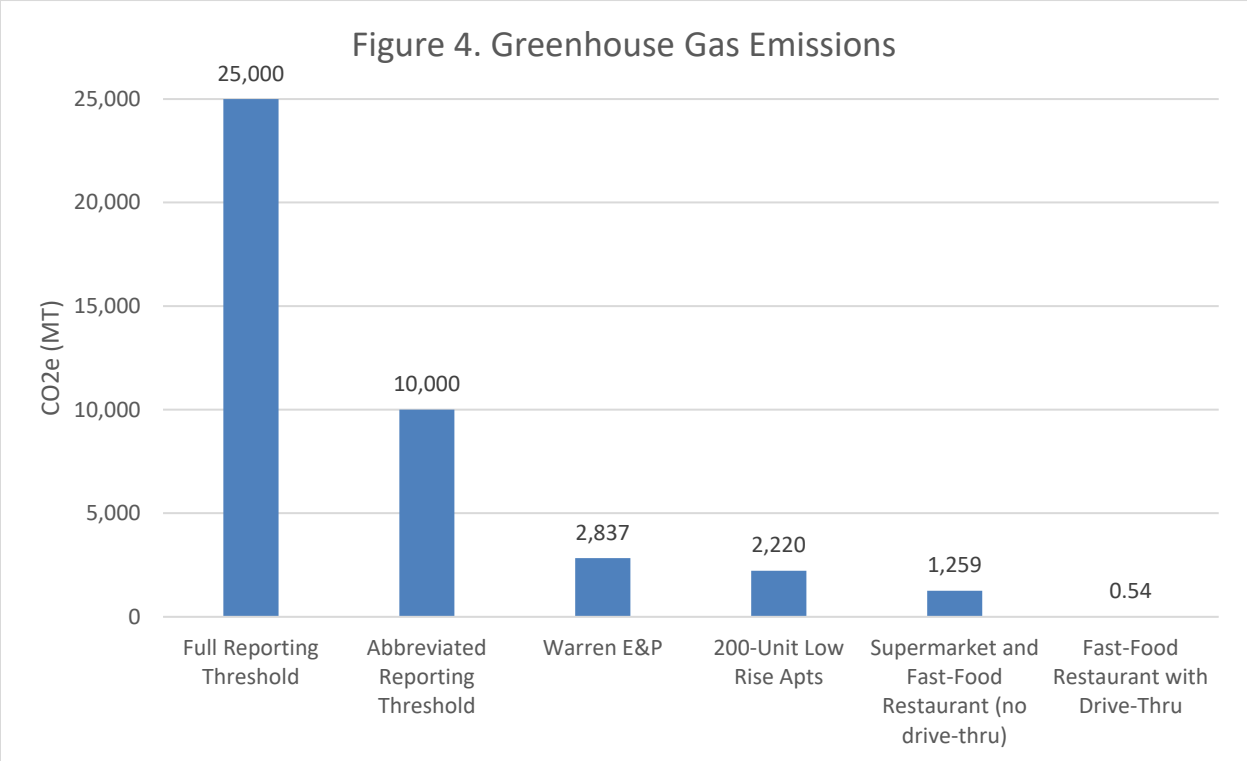
[1] The California Emissions Estimator Model (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.

GREENHOUSE GAS EMISSIONS

Greenhouse gas (GHG) emissions contribute to global warming, and the contribution from Warren comes from the combustion of natural gas, which produces CO_2, as well as from fugitive methane emissions associated with the wells and drilling components. Warren's emissions are well below the thresholds for mandatory reporting to CARB and the U.S. EPA, as shown in Figure 4. In addition, when compared to other types of land use that might be put in place should the facility be fully decommissioned, such as low-rise apartment housing, the associated annual greenhouse gas emissions would be on the same order of magnitude.

Warren's production currently travels by pipeline to a nearby refinery for processing. If production ceases at the facility, crude will need to be transported into the area by some other means, likely by truck which would increase GHG emissions. The Draft Ordinance's Mitigated Negative Declaration does not address GHG associated with fuel transportation, only reduction in worker commutes and fugitive emissions. Additional analysis should be done in order to accurately quantify the GHG emissions.

Figure 4: Greenhouse Gas Emissions



TOXIC AIR CONTAMINANTS

In addition to regulated pollutants, Warren has consistently reported low emissions of toxic air contaminants. The facility routinely reports a detailed air toxics emissions inventory to the SCAQMD, and yet has never been required by the SCAQMD to prepare a Health Risk Assessment (HRA) because of low emissions. Combustion emissions from Warren operations are comparable to those shown above based on motor vehicle operations at supermarkets, fast-food restaurants, and 200-unit low rise apartments. Fugitive emissions that are associated with Warren operations

have been most recently reported as low emissions that contribute to a low health risk. For example, annual benzene emissions for 2021 are estimated as approximately 6.24 pounds and are well below any cancer risk significance threshold based on a 100 meter or greater distance. This low health risk estimate is consistent with the SCAQMD's determination in all prior reporting years that a facility-wide health risk assessment is not required.

COMPARISON OF ABANDONMENT POLICY IN DRAFT ORDINANCE VERSUS CALGEM REGULATIONS

The Draft Ordinance states that petroleum is not a mineral resource. This is contrary to the primary regulatory responsibility given to the California Department of Conservation's Geologic Energy Management Division (CalGEM) which provides protection to public health, safety, and the environment while overseeing the state's oil, natural gas, and geothermal industries. This basic goal of CalGEM is given to the agency by state law as follows:

> *"[T]o best meet oil and gas needs in this state, the [CalGEM] supervisor shall administer this division so as to encourage the wise development of oil and gas resources." Pub. Res. Code § 3106(d). In particular, CalGEM shall supervise the "drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of the wells to utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate recovery of underground hydrocarbons and which, in the opinion of the supervisor, are suitable for this purpose in each proposed case." Id. § 3106(b).*

CalGEM's regulations have been instituted over decades of governmental studies, legislative action, public participation, and industry input to form and implement regulations that govern every aspect of oil and gas production. CalGEM's regulatory structure with full jurisdiction over the oil and gas industry is extensive and rigorous, in terms of permitting requirements, testing requirements, operational requirements and abandonment procedures.

One major difference between the Draft Ordinance's and CalGEM's defined applicability for when a well becomes idle is as follows:

- The Draft Ordinance states that if a well's operation is discontinued or idled for a continuous period of six months, such use shall be deemed terminated. Thus, the well is designated as permanently idle and from that point on, the timeline toward abandonment starts. In current practice, however, the operation of a well can be ceased for over six months due to supply chain delays in getting the appropriate parts for repair or maintenance just to continue normal operations. The ordinance does not consider such typical scenarios and makes those wells, that were idle only due to waiting for repair or maintenance, as permanently idled and on a timeline to abandonment.
- CalGEM Regulations define a well as idle if it has been inactive for at least two years with no production of oil and gas. CalGEM's Idle Well Management regulations deal with all long-term idle wells, defined as being over eight years idle. For these wells, there are strict requirements for periodic testing including fluid level testing, casing pressure testing and mechanical integrity testing. For all long-term idle wells, these strict requirements help assure well integrity during the period prior to plugging and abandonment. If the operator intends to return the well to production or injection, it may do so only after approval from

CalGEM and passing various operational and integrity tests. Continuous production or injection for six months after approval is required to return the well to active status.

The Draft Ordinance makes oil and gas production and injection a non-conforming use that must be eliminated, requiring all operations and oil production to cease within 20 years. The Draft Ordinance expects that many operators will choose to abandon their wells earlier in that timeline consistent with "all applicable local state and federal laws, regulations, rules and standards." The process of dealing with long-term idle wells and abandonment procedures are already greatly detailed in CalGEM's compilation of Statutes and Regulations, which include workable timelines for abandonment.

Companies with long-term idle wells are required to plug and abandon at least 4% to 6% of their long-term idle wells each year. The Draft Ordinance provides no correlation to CalGEM's regulations or statutes, and conflicts with some of the definitions, the primary one being the definition of "idle" as being over six months of no production or injection, whereas CalGEM defines "idle" as being over two years of no production or injection. The Draft Ordinance does not allow a return to production after becoming idle, while CalGEM does provide a process of returning to an active status after being idle.

In 2019, CalGEM revised its idle well regulations to create far more stringent test requirements that better protect public safety and the environment from potential threats posed by idle wells. Tests that must be performed include casing pressure tests, mechanical integrity tests, fluid level tests, and clean-out tags. Many of the current problems with long-term idle wells and also plugged and abandoned wells, which were previously plugged and abandoned under less stringent regulations, are addressed by the revised Idle Well Management regulations.

If all wells must essentially cease operations as a non-conforming use within twenty years, not only will it have great direct effects on the industry, but also on the probable glut of abandonment work that will result at the end of this 20-year period.

The Draft Ordinance prohibits certain types of maintenance and re-work on wells, as it interprets this as encouraging production of oil. In practice, maintenance and re-work is required to at least maintain stable viability of the resources, which is the goal of both CalGEM and the operators. Maintenance also serves to reduce the potential for a leak or spill or other adverse event that could impact the local community or the surrounding environment. The Draft Ordinance does not clearly define what activities constitute prohibited maintenance, which would cause varying interpretations by operators and agencies.

DEFICIENCIES IN THE DRAFT ORDINANCE'S MITIGATED NEGATIVE DECLARATION (MND)

The MND and its supporting Air Quality and GHG Technical Report is inadequate for several reasons. First, the MND significantly underestimates the potential impacts for following an intensive and accelerated abandonment program, including not only the quantity of emissions that could exceed significance thresholds for criteria pollutants and GHG, but also for toxic air contaminants (TAC) that may have acute, chronic, and carcinogenic health effects. In addition, the Draft Ordinance's MND does not include an assessment of human health for its proposed mandated abandonment program on either a per-well basis or on the full inventory of city wells to be abandoned. It only presents criteria and GHG emissions for one well abandonment at a time,

without a health risk assessment. Using references to several studies, the Draft Ordinance's MND cites area-wide emissions for fugitive components and wellheads, but only for criteria and GHG emissions. Toxic air contaminants are not quantitatively discussed or determined.

When determining whether a threshold for a criteria pollutant, a toxic pollutant such as DPM, or GHG is being exceeded, the analyses should use the most representative equipment ratings and assumptions for the equipment to be used during abandonment activities. The Draft Ordinance's MND used averages for many of their input values. If significance thresholds are exceeded after correction and refinement of the MND's technical report, to pass the Ordinance when a significance level is exceeded, the City Council will have to approve an Overriding Consideration that the Potentially Significant Impacts posed by abandonment activities exceed those from fugitive emissions from oil fields' wells and well cellars.

In addition, the Draft Ordinance's MND does not disclose the specifications for all the equipment used when analyzing abandonment emissions per well. There are no sources cited for the horsepower or load factors used in the CalEEMod calculations for the equipment items assumed for abandonment activities.

Most importantly, an incorrect horsepower rating for the main equipment item, the workover rig engine, used during abandonment activities is used in the CalEEMod analysis. The MND's technical report shows that 33 bhp was used for the workover rig engine's power rating, whereas the normal range for a self-propelled mobile tractor-based workover rig is 450 bhp to 1,000 bhp. From other available Environmental Impact Reports prepared by the South Coast Air Quality Management District (SCAQMD), a standard rig used for operations that would include abandonment, well maintenance, and drilling, is approximately 540 bhp[2i]. Therefore, the workover rig emissions are roughly sixteen times the emissions calculated by CalEEMod in the MND. In addition, per research on typical equipment on-hand during abandonment activities, a mud pump engine is included. Adding a typical mud pump engine, which has a similar sized engine to the workover rig engine, produces a roughly six-fold increase in the emissions of criteria, toxic and GHG pollutants during abandonment activities.

COMPARISON OF ABANDONMENT EMISSIONS IN THE DRAFT ORDINANCE'S MND VERSUS THE MND REVISED TO CORRECT INFORMATION

Attachment 1 includes tables presenting the emissions of criteria emissions, DPM emissions (a toxic air contaminant), and GHG are shown in the attachments. The tables use most of the assumptions used in the Draft Ordinance's MND, including a schedule of five working days over a period of two weeks for a typical abandonment event; the offroad equipment necessary for abandonment including a workover rig engine, cement pump engine, welding engine and one tractor/loader/backhoe engine; and worker trips in both normal light-duty and heavy-duty vehicles to and from the jobsite. All the data and assumptions were input to CalEEMod originally for presentation in the Draft Ordinance's MND.

[2] South Coast Air Quality Management District, Final Environmental Impact Report for: Breitburn Santa Fe Springs Blocks400/700 Upgrade Project, August 2015. State Clearinghouse No.: 2014121014. Appendix B - Air Quality and Greenhouse Gases Technical Report; Table B-16

The revisions to these calculations determined by CalEEMod include only the correction of the power rating of the workover rig engine from 33 bhp to 540 bhp, and the inclusion of one mud pump engine, also an offroad equipment item with a power rating of 540 bhp. There were no changes to the time of usage or load factor of each equipment item included in the original MND's CalEEMod analysis. The calculated increase in emissions from the original MND to the revised MND is due solely to the correct power rating and the inclusion of one mud pump engine, by prorating the combined bhp-hr for all abandonment offroad equipment. The emissions of each criteria pollutant, including PM_{10}, increased by 6.11 times. Yorke assumes that all the PM_{10} is DPM. Since the only combustion sources contributing particulate emissions during abandonment are diesel-powered, this assumption is sound.

Each criteria pollutant's emissions therefore are increased by 6.11 times. Although the significance thresholds for both the Regional Significance Thresholds and the SCAQMD Localized Significance Thresholds are not exceeded for any single abandonment event, the number of abandonment events that can be performed concurrently at the facility are decreased substantially.

The Draft Ordinance's MND determined that when comparing the number of concurrent abandonments to the Regional Significance Thresholds, up to nineteen abandonments could be performed without exceeding the threshold for NO_x, the criteria pollutant that approached its threshold the closest. The revised MND analysis, using the correct power rating of the workover rig engine and including the mud pump engine, causes the number of allowable concurrent abandonments to drop from nineteen to three abandonments.

When comparing the allowable concurrent abandonments to the SCAQMD Localized Significance Threshold stated in the Draft Ordinance's MND, only one abandonment can be performed at any one time when using the correct power ratings and equipment, compared to nine abandonments in the Draft Ordinance's MND.

From a review of CalGEM's Wellstar database of active and idle production and injection/water disposal wells, Warren E&P currently has 165 active wells and 79 idle wells at its WTU facility at 625 E. Anaheim Street in Wilmington. Prorating the number of abandonments that can be performed concurrently during one-year yields 26 wells per year that can be abandoned without exceeding the SCAQMD Localized Significance Threshold stated in the Draft Ordinance's MND. Therefore, it would take almost ten years of continuous abandonment activity for Warren E&P to abandon its existing idle wells and the remaining active wells once the Draft Ordinance's amortization period dictates those active wells must also be abandoned. As there are multiple oil and gas production companies that will be required to meet the same thresholds and abandonment requirements as Warren E&P. Warren E&P is just one facility; the emissions of criteria, toxic and GHG pollutants will be replicated many times over from similar oil and gas production companies that also have wells throughout the City. Community residents may experience significant health risks that will be produced by an accelerated abandonment program, especially for those community residents living in close proximity to the abandonment locations. Health risks determined from many abandonments will be cumulative and will show a far greater area-wide impact than an assessment that only focuses on a per-well emissions basis.

SCAQMD TIER 2 SCREENING-LEVEL HEALTH RISK ASSESSMENT FOR DPM EMISSIONS

The MND states that DPM emissions from abandonment activities are short-term and are easily dissipated in the environment. In fact, since DPM is classified as a TAC, it is more likely to pose a health risk to the community than alleged health risks due to fugitive emissions from oil and gas production well heads and well cellars. Combustion emissions of DPM will be more concentrated at all abandonment locations. The workover rig and associated offroad combustion equipment are large point sources at specific locations, rather than area sources such as fugitive emission from smaller non-combustion sources spread throughout the oil field.

The MND also includes a comment that the long-term health risks from the abandonment of each well are insignificant. However, this this does not account for the cumulative impact of the health risks for the abandonment of all wells. As DPM is recognized as a carcinogen which also poses chronic health impacts to the respiratory system, the omission of a Health Risk Assessment (HRA) to assess DPM in the MND is a deficiency that needs to be addressed.

The SCAQMD has defined CEQA health risk thresholds for long-term and short-term health impacts. The health risks associated with DPM are the long-term cancer risk, cancer burden risk, and chronic health hazard (CHH) index to the respiratory system; DPM does not have a listed health risk impact for short-term acute health hazard risks. The SCAQMD CEQA thresholds for these health risks are the cancer risk of 10 in a million and the CHH index of 1 (CEQA does not define a threshold of significance for cancer burden).

Yorke Engineering has prepared a Tier 2 screening-level HRA for DPM emissions based on SCAQMD procedures from both the existing MND, with its incorrect lower rating of 33 bhp for the workover rig engine, and a corrected rating of 540 bhp for the workover rig engine. As shown in the attachment presenting the HRA outputs, both scenarios fail and are shown to be Potentially Significant Impacts to human health due to the emissions of DPM. Therefore, the daily DPM emissions from one abandonment event, and thus increased cancer risk due to abandonment activities necessary to comply with the Draft Ordinance's abandonment requirements, may in fact outweigh any perceived reduction of risk from fugitive emissions from oil and gas production wells.

Attachment 2 presents the results of Yorke's screening HRA for DPM emissions, which again were not analyzed in the Draft Ordinance's MND. The results show that the DPM emission rate of 0.19 lb/day as cited in the Draft Ordinance's MND exceeds the maximum cancer risk of 10 in a million, while falling below the limit of 1 for the CHH index. The cancer risk at 0.19 lb/day of DPM emissions produces a calculated cancer risk that is 42.9 times higher than the threshold level that would not result in a significant impact. At the very least, a more detailed HRA in accordance with the SCAQMD CEQA guidelines would be required to prove that a Potentially Significant Impact would not result. A summary of the screening health risk results for the existing MND is shown below.

Table 1: Screening HRA Results – Existing MND

Risk Parameter	Risk Level	Threshold	Threshold Exceeded?
Cancer Risk (in one million)	429	10	Yes
Chronic Health Hazard Index (HIC)	0.25	1	No

Notes:

1. Cancer risk based on 2-year exposure.
2. Thresholds are based on SCAQMD CEQA Air Quality Guidelines.

Attachment 3 presents a screening HRA prepared by Yorke for DPM emissions calculated from the revised data that was included in the MND, where the correct power rating of the workover rig was used in addition to the inclusion of a mud pump engine. The revised MND shows that the DPM emission rate of 1.16 lb/day exceeds the maximum cancer risk of 10 in a million and the CHH index of 1. The cancer risk at 1.16 lb/day of DPM emissions produces a calculated cancer risk that is 262 times higher than a level that would not be a significant impact. Again, further detailed HRAs including those using more advanced computer modeling of weather and health factors would be required to a prove that a Potentially Significant Impact would not result. A summary of the screening health risk results for the revised MND are shown below.

Table 2: Screening HRA Results – Existing MND

Risk Parameter	Risk Level	Threshold	Threshold Exceeded?
Cancer Risk (in one million)	2,619	10	Yes
Chronic Health Hazard Index (HIC)	1.53	1	Yes

Notes:

1. Cancer risk based on 2-year exposure.
2. Thresholds are based on SCAQMD CEQA Air Quality Guidelines.

Although cancer burden does not have an SCAQMD CEQA threshold of significant impact, cancer burden does have a threshold of 0.5 under the SCAQMD air toxics reporting program as well as their permitting program for public notification requirements. For both scenarios presented above, cancer burden health risks were estimated to be significantly higher than 0.5. Based on the cancer risk and the distance to receptors in the MND, the cancer burden health risk would be well above the air toxics reporting and public notification threshold.

CONCLUSIONS

Warren complies with all regional, state, and federal rules and regulations and has obtained the appropriate air quality permits for all operating equipment. Restricting maintenance, testing, and repair of the existing equipment would not represent an emission reduction or result in any improved air quality for the area or the region.

The Draft Ordinance's MND had several notable deficiencies including the use of incorrect data when calculating emissions of criteria, toxic and GHG emissions. It also tended to minimize impacts that will result from a significant increase in accelerated abandonment operations compared to those abandonment operations that are systematically scheduled and regulated by CalGEM. Also, certain pollutants that are toxic and carcinogenic, such as DPM and other combustion TACs, will be produced in much larger quantities, and will not be controlled solely by using regulations that limit engine idling to five minutes as suggested in the Draft Ordinance's Initial Study. Elapsed time for active equipment operation for abandonment activities will be far greater than idling time, as idling only occurs during standby status or equipment downtime.

Perhaps the largest deficiency in the Draft Ordinance's MND is the absence of any calculated health risks associated with the drastically increased emissions of DPM from abandonment activities due to the Draft Ordinance itself. When comparing the perceived health risks of fugitive emissions, which are generally emitted as an area source and do not involve any combustion of fuels such as diesel, to the increased emissions of DPM, the resulting real health risks from DPM produced from the combustion of diesel fuel in the workover rig and other associated engines are not addressed at all. Further studies should be completed on the real and expected impacts of increased DPM emissions on human health and the environment, especially in those areas where most abandonment activities will occur.

In general, Warren's emissions are low and do not exceed thresholds that would qualify the facility as a major source requiring a federal facility operating permit, or that would require acquisition of emission offsets. Due to its low emissions, Warren has not had to submit a full health risk assessment to the SCAQMD.

Warren is part of an oil and gas production industry that per the 2022 Draft SCAQMD Air Quality Management Plan (AQMP) produces less than 1 percent of the total emissions of criteria pollutants, including ROG, VOC, NOx and PM10, in the South Coast Air Basin.[3] The oil and gas industry is not listed as a top-ten significant source of pollution-emitting categories in the Draft AQMP, while off-road equipment is listed as the second-largest emitting category in the Draft AQMP. The addition of off-road equipment emissions from an accelerated abandonment program would only produce more such emissions in community areas that already see a large percentage of emissions from industrial activities. For example, the Ports of Long Beach and Los Angeles recently issued a report of emissions from port operations, showing annual emissions increases from 2020 to 2021 for DPM (up to 56%) and NOx (up to 54%)[4]. The accelerated phase-out of oil and gas production in the Los Angeles area would increase importation of oil from foreign nations, thus producing increased transportation emissions of DPM and NOx due to oil transport by tanker ships.

[3] South Coast Air Quality Management District, Draft Air Quality Management Plan – 2022, Chapter 3 – Base Year and Future Emissions.

[4] Los Angeles Times, 10/17/2022, "Ports Blame Covid-19 for Surge in Harmful Emissions," https://www.latimes.com/environment/story/2022-10-17/ports-blame-covid-19-for-spike-in-harmful-emissions

In conclusion, Warren E&P finds that the Draft Ordinance's MND is deficient since it does not fully discuss the environmental effects of the increased emissions from off-road equipment in an accelerated abandonment program. The resulting health impacts from DPM emissions exceed the thresholds for carcinogenic and long-term chronic respiratory health risks. The MND failed to fully address immediate health risks for receptors for abandonment activities, since there was no health risk screening at all for DPM emissions in the Air Quality discussions of the Initial Study and the MND itself.

Should you have any questions or concerns, please contact me at (949) 426-4943.

Sincerely,

Don Barkley
Senior Engineer II
Yorke Engineering, LLC
DBarkley@YorkeEngr.com

Enclosures:

1. Attachment 1 – Emissions from Abandonment Activities / Existing MND
2. Attachment 2 – Emissions from Abandonment Activities / Revised MND
3. Attachment 3 – Health Risk Screening of Abandonment Activities / Existing MND
4. Attachment 3 – Health Risk Screening of Abandonment Activities / Revised MND

ATTACHMENT 1 – EMISSIONS FROM ABANDONMENT ACTIVITIES / EXISTING MND

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Abandonment Emissions Comparison - Proposed MND vs. Revised Proposed MND

Schedule		
Days per Week	5	5
Number of Weeks	2	2
Total Days per Abandonment	10	10

Construction Equipment Emissions - Abandonment Per Well	MND for Proposed City Ordinance										
	Quantity	Power, Bhp	Hours per Day	Bhp-hr	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Off-Road Equipment											
Workover Rig	1	33	8	264							
Cement Pump Engine	1	367	1	367							
Welding Engine	1	84	6	504	0.51	4.69	5.79	0.01	0.19	0.19	3.88
Tractor / Backhoe / Loader	1	84	6	504							
Mud Pump Engine	0	0	0	0							
				1,639							

Construction Vehicle Emissions - Abandonment Per Well	Vehicle Category	Vehicle Trips	Miles per Trip	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Worker Pick-Up Trucks	LDA, LDT1, LDT2	20	18.5	0.09	0.10	1.51	0.00	0.02	0.02	1.25
Vendor Truck	HHDT	6	10.2	0.01	0.31	0.14	0.01	0.02	0.02	1.05
Hauling Truck	HHDT	0	20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
On-Site Truck	HHDT	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				0.61	5.10	7.44	0.02	0.23	0.23	6.18

Regional Significance Threshold	75	100	550	150	150	NA	NA
Exceeds Regional Significance Threshold?	No	No	No	No	No	No	No
SCAQMD Localized Significance Threshold (@ 25m)	NA	46	231	NA	4	4	NA
Exceeds SCAQMD Localized Significance Threshold?	NA	No	No	NA	No	No	No
Number of Abandonments Per Day Before Exceed Regional Significance Threshold	19						
Number of Abandonments Per Day Before Exceed SCAQMD Localized Significance	9						

ATTACHMENT 2 – EMISSIONS FROM ABANDONMENT ACTIVITIES / REVISED MND

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Abandonment Emissions Comparison - Proposed MND vs. Revised Proposed MND

Schedule		
Days per Week	5	5
Number of Weeks	2	2
Total Days per Abandonment	10	10

Construction Equipment Emissions - Abandonment Per Well	Revised MND to Correct Rig Bhp and Add Mud Pump Engine										
	Quantity	Power, Bhp	Hours per Day	Bhp-hr	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Off-Road Equipment											
Workover Rig	1	540	8	4,320							
Cement Pump Engine	1	367	1	367							
Welding Engine	1	84	6	504	3.12	28.66	35.38	0.06	1.16	1.16	23.71
Tractor / Backhoe / Loader	1	84	6	504							
Mud Pump Engine	1	540	8	4,320							
				10,015							

Construction Vehicle Emissions - Abandonment Per Well	Vehicle Category	Vehicle Trips	Miles per Trip	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Worker Pick-Up Trucks	LDA, LDT1, LDT2	20	18.5	0.09	0.10	1.51	0.00	0.02	0.02	1.25
Vendor Truck	HHDT	6	10.2	0.01	0.31	0.14	0.01	0.02	0.02	1.05
Hauling Truck	HHDT	0	20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
On-Site Truck	HHDT	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				3.22	29.07	37.03	0.07	1.20	1.20	26.01

Regional Significance Threshold	75	100	550	150	150	NA	NA
Exceeds Regional Significance Threshold?	No	No	No	No	No	No	No
SCAQMD Localized Significance Threshold (@ 25m)	NA	46	231	NA	4	4	NA
Exceeds SCAQMD Localized Significance Threshold?	NA	No	No	NA	No	No	No
Number of Abandonments Per Day Before Exceed Regional Significance Threshold	3						
Number of Abandonments Per Day Before Exceed SCAQMD Localized Significance	1						

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Possible Duration for Number of Warrant E&P Wells to be Abandoned	
Idle Wells to Abandon per CalGEM Database on Wellstar	79
Active Wells to Abandon per CalGEM Database on Wellstar	165
TOTAL WELLS TO ABANDON	**244**
Weeks to Abandon One Well as one Abandonment Event	2
Wells that can be Abandoned in Two Weeks without Exceeding Regional Significance Threshold	3
Wells to Abandon Continuously in One Year without Exceeding Regional Significance Threshold	**78**
Wells that can be Abandoned in Two Weeks without Exceeding SCAQMD Localized Significance Threshold	1
Wells to Abandon Continuously in One Year without Exceeding SCAQMD Localized Significance Threshold	**26**

ATTACHMENT 3 – HEALTH RISK SCREENING OF ABANDONMENT ACTIVITIES / EXISTING MND

EMISSIONS ARE ENTERED ON THE EMISSIONS WORKSHEET OR ON ONE OF EQUIPMENT WORKSHEETS

INPUT PARAMETERS ENTERED ON THE EMISSIONS SHEET ARE USED FOR TIERS 1 AND TIER 2 ANALYSES

TIER 2 SCREENING RISK ASSESSMENT REPORT

(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.105

A/N: N/A **Fac:** Warren - Original **Application deemed complete date:** 10/12/2022

1. Stack Data

Equipment Type: Other

Combustion Eff: 0.0

No T-BACT

Operation Schedule: 8 hrs/day; 7 days/week; 52 weeks/year

Stack Height: 14 ft

Distance to Residential: 25 m

Distance to Commercial: 25 m

Meteorological Station: Long Beach Airport

2. Tier 2 Data

Dispersion Factors tables	Point Source
For Chronic X/Q	Table 6
For Acute X/Q max	Table 6.4

Dilution Factors

Receptor	X/Q ($\mu g/m^3$)/(tons/yr)	X/Qmax ($\mu g/m^3$)/(lbs/hr)
Residential	36.19	676.64
Commercial - Worker	36.19	676.64

Intake and Adjustment Factors

	Residential	Worker
Year of Exposure	2	
Combined Exposure Factor (CEF) - Table 4	311.35	4.47
Worker Adjustment Factor (WAF) - Table 5	1	3.00

A/N: N/A Application deemed complete date: 10/12/22

3. Rule 1401 Compound Data

Compound	R1 - Uncontrolled (lbs/hr)	R2 - Controlled (lbs/hr)	CP $(mg/kg\text{-}day)^{-1}$	MP MICR Resident	MP MICR Worker	MP Chronic Resident	MP Chronic Worker	REL Chronic ($\mu g/m^3$)	REL 8-hr Chronic ($\mu g/m^3$)	REL Acute ($\mu g/m^3$)	MWAF
Particulate Emissions from Diesel-Fueled En	2.38E-02	2.38E-02	1.10E+00	1.00	1.00	1.00	1.00	5.00E+00			1

4. Emission Calculations

Compound	R1 (lbs/hr)	R2 (lbs/hr)	R1 (lbs/day)	R2 (lbs/day)	R2 (lbs/yr)	R2 (tons/yr)
Particulate Emissions from Diesel-Fueled En	2.38E-02	2.38E-02	1.90E-01	1.90E-01	6.92E+01	3.46E-02
Total	**2.38E-02**	**2.38E-02**	**1.90E-01**	**1.90E-01**	**6.92E+01**	**3.46E-02**

TIER 2 RESULTS **A/N:** N/A **Application deemed complete date:** 10/12/22

5a. MICR

MICR Resident = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Resident * CEF Resident * MP Resident * 1e-6 * MWAF

MICR Worker = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Worker * CEF Worker* MP Worker* WAF Worker* 1e-6 * MWAF

Compound	Residential	Commercial
Particulate Emissions from Diesel-Fueled En	4.29E-04	1.85E-05
Total	**4.29E-04**	**1.85E-05**
	FAIL	**FAIL**

5b. Is Cancer Burden Calculation Needed (MICR >1E-6)?	**YES**
New X/Q at which $MICR_{70yr}$ is one-in-a-million [(µg/m³)/(tons/yr)]:	3.43E-02
New Distance, interpolated from X/Q table using New X/Q (meter):	857.15
Zone Impact Area (km²):	2.31E+00
Zone of Impact Population (7000 person/km²):	1.62E+04
Cancer Burden:	**1.71E+01**
Cancer Burden is more than 0.5	**FAIL**

6. Hazard Index Summary **A/N:** N/A **Application deemed complete date:** 10/12/22

HIA = [Q(lb/hr) * (X/Q)max * MWAF]/ Acute REL
HIC = [Q(ton/yr) * (X/Q) * MP * MWAF] / Chronic REL
HIC 8-hr= [Q(ton/yr) * (X/Q) * WAF * MWAF] / 8-hr Chronic REL

Target Organs	Acute	Chronic	8-hr Chronic	Acute Pass/Fail	Chronic Pass/Fail	8-hr Chronic Pass/Fail
Alimentary system (liver) - AL				Pass	Pass	Pass
Bones and teeth - BN				Pass	Pass	Pass
Cardiovascular system - CV				Pass	Pass	Pass
Developmental - DEV				Pass	Pass	Pass
Endocrine system - END				Pass	Pass	Pass
Eye				Pass	Pass	Pass
Hematopoietic system - HEM				Pass	Pass	Pass
Immune system - IMM				Pass	Pass	Pass
Kidney - KID				Pass	Pass	Pass
Nervous system - NS				Pass	Pass	Pass
Reproductive system - REP				Pass	Pass	Pass
Respiratory system - RESP		2.50E-01		Pass	Pass	Pass
Skin				Pass	Pass	Pass

6a. Hazard Index Acute - Resident

HIA = [Q(lb/hr) * (X/Q)max resident * MWAF] / Acute REL

	HIA - Residential									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En										
Total										

6a. Hazard Index Acute - Worker **A/N:** N/A **Application deemed complete date:** 10/12/22

HIA = [Q(lb/hr) * (X/Q)max Worker * MWAF] / Acute REL

	HIA - Commercial									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng										
Total										

A/N: N/A **Application deemed complete date:** 10/12/22

6b. Hazard Index Chronic - Resident

HIC = [Q(ton/yr) * (X/Q) Resident * MP Chronic Resident * MWAF] / Chronic REL

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												2.50E-01	
Total												2.50E-01	

6b. Hazard Index Chronic - Worker

HIC = [Q(ton/yr) * (X/Q) * MP Chronic Worker * MWAF] / Chronic REL

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												2.50E-01	
Total												2.50E-01	

6c. 8-hour Hazard Index Chronic - Resident **A/N:** N/A **Application deemed complete date:** 10/12/22

HIC 8-hr = [Q(ton/yr) * (X/Q) Resident * WAF Resident * MWAF] / 8-hr Chronic REI

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

6c. 8-hour Hazard Index Chronic - Worker

HIC 8-hr = [Q(ton/yr) * (X/Q) Worker * WAF Worker * MWAF] / 8-hr Chronic REI

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

ATTACHMENT 4 – HEALTH RISK SCREENING OF ABANDONMENT ACTIVITIES / REVISED MND

EMISSIONS ARE ENTERED ON THE EMISSIONS WORKSHEET OR ON ONE OF EQUIPMENT WORKSHEETS

INPUT PARAMETERS ENTERED ON THE EMISSIONS SHEET ARE USED FOR TIERS 1 AND TIER 2 ANALYSES

TIER 2 SCREENING RISK ASSESSMENT REPORT

(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.105

A/N: N/A **Fac:** Warren - Revised **Application deemed complete date:** 10/12/2022

1. Stack Data

Equipment Type: Other

Combustion Eff: 0.0

No T-BACT

Operation Schedule: 8 hrs/day; 7 days/week; 52 weeks/year

Stack Height: 14 ft

Distance to Residential: 25 m

Distance to Commercial: 25 m

Meteorological Station: Long Beach Airport

2. Tier 2 Data

Dispersion Factors tables	Point Source
For Chronic X/Q	Table 6
For Acute X/Q max	Table 6.4

Dilution Factors

Receptor	X/Q (µg/m³)/(tons/yr)	X/Qmax (µg/m³)/(lbs/hr)
Residential	36.19	676.64
Commercial - Worker	36.19	676.64

Intake and Adjustment Factors

	Residential	Worker
Year of Exposure	2	
Combined Exposure Factor (CEF) - Table 4	311.35	4.47
Worker Adjustment Factor (WAF) - Table 5	1	3.00

A/N: N/A **Application deemed complete date:** 10/12/22

3. Rule 1401 Compound Data

Compound	R1 - Uncontrolled (lbs/hr)	R2 - Controlled (lbs/hr)	CP $(mg/kg\text{-}day)^{-1}$	MP MICR Resident	MP MICR Worker	MP Chronic Resident	MP Chronic Worker	REL Chronic ($\mu g/m^3$)	REL 8-hr Chronic ($\mu g/m^3$)	REL Acute ($\mu g/m^3$)	MWAF
Particulate Emissions from Diesel-Fueled En	1.45E-01	1.45E-01	1.10E+00	1.00	1.00	1.00	1.00	5.00E+00			1

A/N: N/A **Application deemed complete date:** 10/12/22

4. Emission Calculations

Compound	R1 (lbs/hr)	R2 (lbs/hr)	R1 (lbs/day)	R2 (lbs/day)	R2 (lbs/yr)	R2 (tons/yr)
Particulate Emissions from Diesel-Fueled En	1.45E-01	1.45E-01	1.16E+00	1.16E+00	4.23E+02	2.11E-01
Total	**1.45E-01**	**1.45E-01**	**1.16E+00**	**1.16E+00**	**4.23E+02**	**2.11E-01**

TIER 2 RESULTS

A/N: N/A **Application deemed complete date:** 10/12/22

5a. MICR

MICR Resident = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Resident * CEF Resident * MP Resident * 1e-6 * MWAF

MICR Worker = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Worker * CEF Worker* MP Worker* WAF Worker* 1e-6 * MWAF

Compound	Residential	Commercial
Particulate Emissions from Diesel-Fueled En	2.62E-03	1.13E-04
Total	**2.62E-03**	**1.13E-04**
	FAIL	**FAIL**

5b. Is Cancer Burden Calculation Needed (MICR >1E-6)?	**YES**
New X/Q at which $MICR_{70yr}$ is one-in-a-million [(µg/m³)/(tons/yr)]:	5.61E-03
New Distance, interpolated from X/Q table using New X/Q (meter):	280.55
Zone Impact Area (km²):	2.47E-01
Zone of Impact Population (7000 person/km²):	1.73E+03
Cancer Burden:	**1.12E+01**
Cancer Burden is more than 0.5	**FAIL**

6. Hazard Index Summary **A/N:** N/A **Application deemed complete date:** 10/12/22

HIA = [Q(lb/hr) * (X/Q)max * MWAF]/ Acute REL

HIC = [Q(ton/yr) * (X/Q) * MP * MWAF] / Chronic REL

HIC 8-hr= [Q(ton/yr) * (X/Q) * WAF * MWAF] / 8-hr Chronic REL

Target Organs	Acute	Chronic	8-hr Chronic	Acute Pass/Fail	Chronic Pass/Fail	8-hr Chronic Pass/Fail
Alimentary system (liver) - AL				Pass	Pass	Pass
Bones and teeth - BN				Pass	Pass	Pass
Cardiovascular system - CV				Pass	Pass	Pass
Developmental - DEV				Pass	Pass	Pass
Endocrine system - END				Pass	Pass	Pass
Eye				Pass	Pass	Pass
Hematopoietic system - HEM				Pass	Pass	Pass
Immune system - IMM				Pass	Pass	Pass
Kidney - KID				Pass	Pass	Pass
Nervous system - NS				Pass	Pass	Pass
Reproductive system - REP				Pass	Pass	Pass
Respiratory system - RESP		1.53E+00		Pass	**Fail**	Pass
Skin				Pass	Pass	Pass

6a. Hazard Index Acute - Resident

HIA = [Q(lb/hr) * (X/Q)max resident * MWAF] / Acute REL

	HIA - Residential									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En										
Total										

6a. Hazard Index Acute - Worker **A/N:** N/A **Application deemed complete date:** 10/12/22

HIA = [Q(lb/hr) * (X/Q)max Worker * MWAF] / Acute REL

	HIA - Commercial									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled Eng										
Total										

A/N: N/A **Application deemed complete date:** 10/12/22

6b. Hazard Index Chronic - Resident

HIC = [Q(ton/yr) * (X/Q) Resident * MP Chronic Resident * MWAF] / Chronic REL

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												1.53E+00	
Total												**1.53E+00**	

A/N: N/A **Application deemed complete date:** 10/12/22

6b. Hazard Index Chronic - Worker

HIC = [Q(ton/yr) * (X/Q) * MP Chronic Worker * MWAF] / Chronic REL

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												1.53E+00	
Total												**1.53E+00**	

6c. 8-hour Hazard Index Chronic - Resident **A/N:** N/A **Application deemed complete date:** 10/12/22

HIC 8-hr = [Q(ton/yr) * (X/Q) Resident * WAF Resident * MWAF] / 8-hr Chronic REI

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

A/N: N/A **Application deemed complete date:** 10/12/22

6c. 8-hour Hazard Index Chronic - Worker

HIC 8-hr = [Q(ton/yr) * (X/Q) Worker * WAF Worker * MWAF] / 8-hr Chronic REI

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

ATTACHMENT B

Warren RESOURCES

Green Hill Towers
14131 Midway Rd., Suite 500
Addison, Texas 75001
Office: (214) 393-9688

September 19, 2022

VIA EMAIL: CPC@LACITY.ORG

Los Angeles City Planning Commission
200 N. Spring Street, Room 525
Los Angeles, CA 90012

Re: **Agenda Item #11 - CPC-2022-4864-CA; Council File No. 17-0447**
Warren Comment Letter Opposing Ordinance Amendment and Approval of MND

Dear President Millman and Honorable Commissioners:

This letter provides comments on behalf of Warren E&P, Inc.; Warren Resources of California, Inc.; Warren Resources, Inc.; Warren Management Corp.; and Warren Operating LLC (collectively "Warren") opposing the ordinance amending Sections 12.03, 12.20, 12.23, 12.24, and 13.01 of the Los Angeles Municipal Code (LAMC) to prohibit new oil and gas drilling activities and make existing extraction a noncomforming use in all zones (the "Ordinance Amendment"). While the comment period is still pending for the associated proposed Mitigated Negative Declaration ENV-2022-4865-MND ("MND"), the Commission is being asked to recommend the City Council approve the same and thus, Warren also objects to that action, especially since the Commission does not have the benefit of all comments on that proposed action since they are not due until October 17, 2022. In addition to the comments in this letter, Warren incorporates the comments of other industry organizations and companies that were submitted in connection with the August 30, 2022 Planning Staff Meeting in opposition to the Ordinance Amendment (as attached to the Staff Recommendation Report) and any additional comments that are submitted by other industry organizations and companies in connection with the upcoming September 22, 2022 Planning Commission Meeting.

The Ordinance Amendment Effects an Unconstitutional Taking for Which Just Compensation Must Be Paid & Deprives Warren of Its Vested Rights

At the outset, please understand that the Ordinance Amendment, if adopted in its current form, will put Warren out of business in approximately three years, depriving Warren—and the royalty owners that it serves—of their real property rights. These rights are currently valued in excess of $675MM and the U.S. and California Constitutions require the City to compensate Warren and its mineral owners for these losses. The Ordinance Amendment, however, unlawfully makes no provision for such compensation.

The Ordinance Amendment will result in cessation of Warren's existing production in approximately three years because it prohibits Warren from engaging in the customary operations necessary to maintain production from its existing wells. Warren's only operations and its only mineral rights are located within the City of Los Angeles and new wells are prohibited. As a result, the Ordinance Amendment would unquestionably put Warren out of business after three years, leaving its employees

jobless, their families without necessary financial support and its royalty owners without income that they have relied on for decades.

To date, Warren has invested over $400MM to develop its mineral estate in the City of Los Angeles through three well cellars at a consolidated drilling facility (the "Site"). The current LAMC allows for these operations as a *permitted right*. Warren's investment of over $400MM was incurred not merely for its existing production at the Site but also for additional operations on existing wells within the three well cellars, so that production can be maintained over the projected life of the wells, and for the drilling of new wells in the same three cellars. The Ordinance Amendment will affect a zoning change that deprives Warren of engaging in its business at the Site and its business as a whole, subjecting the City's action to heightened scrutiny under the independent judgment standard. (*See e.g., Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1525.)

Warren and its royalty owners will be deprived of their reasonable investment-backed expectations and of the right to develop the remaining reserves, which are presently valued in excess of $675MM. The Ordinance Amendment thus will result in a taking of Warren's and its royalty owner's real property rights under the U.S. and California Constitutions, thereby subjecting the City to damages for this lost value—a significant liability for the taxpayers of the City of Los Angeles. (*See e.g., Penn Cent. Transp. Co. v New York City* (1978) 438 U.S. 104; *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533, 553-554 (holding that "absolute prohibition [on mining] . . . practically amounts to a taking of the property").)

Even though it holds mineral rights in other residential areas of the City, Warren limited its operations to the Site and to the three well cellars at the City's specific request. Also at the City's specific request, Warren agreed to give up its right to redrill 560 wells located outside the Site and agreed to a phased process of plugging and abandoning wells in the nearby area in return for the City agreeing that Warren could drill 540 wells at the Site with up to 5 well cellars.[1][2] To date, Warren has plugged and abandoned 41 wells in the surrounding area and has plans to plug and abandon more wells as its business continues to operate in the City.

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[1] Zoning Case ZA 20725-0 (PA1) dated July 20, 2006 and Zoning Case ZA 20725-0 (PA2) dated October 2, 2008 (the "Approvals"), copies of which are not attached hereto due to the 10-page limit for this submission but can be found in the Planning Department records.

[2] Warren was not required under the LAMC relating to the Approvals to give up the redrill rights to 560 wells and conduct the plugging and abandonment of 56 wells in the residential areas outside the Site within a certain time period. Neither were these measures related to the mitigation of environmental impacts. Accordingly, there was no essential nexus and rough proportionality as would be required if the Approvals were interpreted solely as permits under *Nollan v. California Coastal Comm'n,* 483 U.S. 825 (1987) and *Dolan v. City of Tigard,* 512 U.S. 374 (1994). Accordingly, the Approvals constituted a contractual obligation and give rise to a vested property right for that and other reasons. (*See M. J. Brock & Sons, Inc. v. City of Davis,* 401 F.Supp. 354, 361 (1983); *Morrison Homes Corp. v. City of Pleasanton.* 58 Cal.App.3d 724 (1976).) The Ordinance Amendment thus would improperly deny Warren a vested property right in violation of due process of law.

If the Ordinance Amendment is adopted, Warren will not be allowed to complete its project under the terms agreed upon by the City since no new wells will be allowed (221 wells have been drilled to date) and existing production cannot be maintained. Warren, however, has a legally protected and vested property right to utilize the Site for these additional operations. (*See e.g., Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal. 3d 785, 791.)

The *Avco* rule provides that when a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon an entitlement issued by an agency, the party acquires a vested right to complete the construction of the project. This is particularly true for Warren in that not only did Warren obtain all necessary approvals from the City, but it also gave up its rights to redrill 560 wells in the Wilmington neighborhood outside the Site. Accordingly, Warren must be allowed to complete its project.

Warren's situation is similar to that presented in the case *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530. In that case, as in Warren's, the owner had an underlying right to use the property as a tavern. The owner subsequently obtained a conditional use permit to expand the business. When that permit expired, the City argued that the owner's rights had expired. However, the *Goat Hill Tavern* court held that "once [an approval] has been properly issued the power of a municipality to revoke it is limited . . . Where [an approval] has been properly obtained and in reliance thereon the [grantee] has incurred material expense, he acquires a vested property right to the protection of which he is entitled." (*Goat Hill Tavern*, 6 Cal.App.4th at 1530.)

Similar to *Goat Hill Tavern,* where the tavern owner had an underlying nonconforming use right, Warren also has a right to use the Site as an oil and gas well drilling site by virtue of the City's February 25, 1972 approval of a drilling and production site within the Nonurbanized Oil Drilling District No. 5 in the R4 and M2-1-O zones and by virtue of the Approvals. The *Goat Hill Tavern* court cited to multiple cases in which an agency action would ultimately force the company out of business, which as discussed above is what will happen here with Warren. (*Id.* at 1528-1529.) The court also emphasized that "interference with the right to continue an established business is far more serious than when an agency denies a request for a permit in the first instance." (*Id.* at 1529.) Once a permittee has acquired such a vested right it may be revoked only if the permittee "fails to comply with *reasonable* terms or conditions *expressed* in the permit granted." (*Id.* at 1530 (emphasis added).) Here, the Ordinance Amendment completely revokes Warren's vested rights despite its compliance with terms and conditions expressed in the 1972 approval of the "O" drilling district and in the Approvals, and thus Warren will be deprived of its vested real property rights.

That the City's actions will extinguish Warren's business is readily ascertainable in that Warren must either continuously drill and maintain its wells, or go out of business. The California Supreme Court recognized in *Hansen Brothers Enterprises v. Board of Supervisors* (1996) 12 Cal.4th 533 that unlike other uses that operate within an existing structure or boundary, the use of land for mining and, in this instance, oil and gas drilling, anticipates the need to continuously expand the reach of the extraction activity. Warren must drill new wells and redrill and maintain old wells on the Site to maintain its current business. As stated by the California Supreme Court in *Hansen Brothers,* "this is not the usual case of a business conducted within buildings, nor is the land held merely as a site or location whereon the enterprise can be conducted indefinitely with existing facilities. . . the land itself is a material

resource. It constitutes a diminishing asset." *Id.* at 553-554. Accordingly, "the ordinary concept of use must yield to the realities of the business in question and nature of its operations." *Id.* Given Warren's substantial economic investment, Warren's drilling rights are a vested property right and if the City chooses to terminate these rights, Warren would be entitled to compensation under the California and United States constitutions.

Consideration of the Amended Ordinance Now Violates the City's Own Procedural Requirements Such that It Would Be Unlawful to Adopt the Recommended Findings

The relevant City procedures for consideration of the Amended Ordinance are set out at Los Angeles Charter and Administrative Code ("LACAC") Sections 556 and 558. These requirements are further described in the Staff Recommendation Report at the Proposed Findings 1-3 at ps. F-1 to F-6, which Findings the Planning Commission must adopt to recommend adoption of the Amended Ordinance to the City Council.

LACAC Section 558(b)(2) describes the procedures for amending an ordinance. It provides that "[a]fter initiation, the proposed ordinance . . . shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance . . . to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance . . . will be in conformity with public necessity, convenience, general welfare and good zoning practice."

LACAC Section 556 provides that: "when approving any matter listed in Section 558, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan."

The Planning Commission's action is not a mere suggestion, but acts to set out how the City Council must proceed in potentially acting on the Ordinance Amendment and the MND. For example, if the Planning Commission recommends approval of the Ordinance Amendment and the MND, the City Council may approve it under a simple majority vote, while if the Planning Commission has recommended against the Ordinance Amendment and the MND, the City Council can only approve the change by a two-thirds vote. (LACAC § 558(b)(3).) Accordingly, the Planning Commission's action on the Amended Ordinance must be in compliance with applicable laws and meet the standards of Sections 556 and 558 of the LACAC.

The Planning Commission Cannot Lawfully Take Action Until It Completes its Review under CEQA

The Planning Commission may not vote to recommend the Amended Ordinance until the City completes the CEQA process. In this situation, the proposed MND was only just circulated to the public on September 15, 2022—four days ago—in conjunction with the issuance of the Staff Recommendation Report. The City states that the public comment period will extend through October 17, 2022, as is required by CEQA. Accordingly, the City has not yet received all comments from the public on the proposed MND and indeed, it would be a denial of due process and violation of CEQA to expect comments in such a short period of time.

Yet at the same time the Planning Commission is being asked to recommend that the City Council find that "after consideration of the whole of the administrative record, including the Mitigated Negative Declaration . . . *and all comments received*, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment." (Staff Recommendation Report at p. 1-2, and at p. A-8 (emphasis added).)

The Planning Commission is also being asked to adopt Proposed Finding 3, which states that the City has prepared an MND for the project and that "[i]n consideration of the whole administrative record *and all comments received regarding the MND* . . . the City Planning Commission shall recommend the City Council to adopt the MND." (Staff Recommendation Report, Proposed Finding 3 at p. F-6.)

Proposed Finding 2 also clearly requires the completion of the CEQA review. Proposed Finding 2, which the Planning Commission must make pursuant to LACAC Section 556 provides that "[i]n accordance with City Charter Section 558 (b)(2), the proposed ordinance will be in conformance with public necessity, convenience, general welfare, and good zoning practice by advancing the basic core zoning to project citizens' health, safety, and welfare." Impacts to the public's general welfare including its health and safety, however, are evaluated through the CEQA review, which process has not been completed and the comment period is still pending.

Accordingly, pursuant to LACAC Sections 556 and 558 and Proposed Finding 2 and 3, the Planning Commission must complete the CEQA process, including completion of the public comment period, prior to taking action to recommend adoption of the MND and adoption of the Amended Ordinance by the City Council.

Even without these explicit requirements, the proposed action would violate CEQA. Amendments to ordinances are clearly a project under CEQA. The completion of the CEQA process, including the required comment period and the consideration of these comments, is necessary as to two fundamental purposes of CEQA, informed decision making *by the agency* and informed public participation. The case law is clear that the failure to satisfy these requirements is prejudicial error. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)

The California Supreme Court has explicitly rejected what the Planning Commission is being asked to do—take an action prior to the completion of CEQA review. In particular, in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 388, 394 the Supreme Court stated that:

> A fundamental purpose of [a CEQA document] is to provide decision makers with information they can use in deciding whether to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post approval environmental review were allowed, [CEQA documents] would likely become nothing more than post hoc rationalizations to support action already taken. We have expressly condemned this.

Accordingly, under not only its own requirements under CACAC Sections 556 and 558 and under the language proposed in the recommended actions and Proposed Findings, but also under basic CEQA law,

the Planning Commission cannot act on the recommendation until the CEQA process is complete. Otherwise, the Planning Commission will deprive the public of the right to participate in the process and prevent itself from engaging in informed decision making.

A Brief Review of the MND Indicates That the City Must Prepare an EIR for the Proposed Project

A brief review of the MND (it was only published four days ago) indicates that the Planning Department has understated the impacts that will result from this project. It is clear that, ultimately, the City will be required to prepare an EIR.

The MND's analysis of greenhouse gas emissions ("GHGs") is clearly deficient because it only analyzes the direct impacts related to curtailing oil and gas production in the City. It does not analyze any indirect impacts related to the termination of oil and gas production, which it is required to do under CEQA. (CEQA Guidelines Section 15064(d).) For example, the MND does not discuss that the termination of oil and gas extraction and production activities will result in additional imports of oil to the State and region, and that importation will result in additional GHGs through, for example, additional tanker emissions.

The MND also is required to discuss the consistency of the Ordinance Amendment with City land use policies. As they did with the Proposed Findings, the MND fails to address multiple policies that support the extraction and production of oil within the City (as discussed above).

Further, the MND glosses over the impacts to mineral resources in determining that the impacts related to the Ordinance Amendment are insignificant. As described above, the MND omits critical information from the General Plan related to the encouragement of extraction to reduce dependency on oil imports. The MND's remarks that the City "does not consider petroleum to be a mineral resource of local importance" is thus not supported by the City's own General Plan. Moreover, the CEQA Guidelines require the City to evaluate "the loss of availability of a known mineral resource that would be of value to the region and the residents of the state" not just the City. Accordingly, the analysis is flawed in that it addresses only impacts to the City, not the State as a whole.

The MND's conclusion that oil produced in the area "represents a small amount of the available Statewide resource" is also contradicted by readily available public information. For example, a report by the US Geological Service dated February 2013 describes the Los Angeles Basin, which is partly encompassed by the City, as containing "one of the highest concentrations of crude oil in the world. Sixty-eight oil fields have been named . . . including 10 accumulations that each contain more than 1 billion barrels of oil. One of these, the Wilmington-Belmont, is the fourth largest oil field in the United States." (USGS Fact Sheet 2012-3120.) Accordingly, based on this expert evidence it is undeniable, that the proposed ordinance will have a significant impact on the availability of mineral resources. Based on this information alone, the City is required to develop an EIR. CEQA requires that where there is substantial evidence supporting a fair argument that the project could have a significant non-mitigable effect the City must prepare an EIR. (CEQA Guidelines Section 15064(f)(1).) Even where there is "disagreement among expert opinion supported by the facts over the significance of an effect on

the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." (CEQA Guidelines Section 15064(g).)

The City's General Plan Review For Conformity is Incomplete and Thus Unlawful

At noted above, CACAC Section 556 provides that the Planning Commission must find that proposed ordinance is in conformity with the General Plan. Such consistency is required by law. (*See e.g., City of Los Angeles v. State of California* (1982) 138 Cal.App.3d 526, 532.) This consistency is also required for charter cities pursuant to Government Code Section 65860. As discussed below, the ***Ordinance Amendment is not consistent with the City's General Plan.***

The Staff Recommendation Report at Proposed Finding 1 leaves out critical elements in the General Plan in concluding that the Ordinance Amendment is in conformance with the purposes and intent of the General Plan. For example, in discussing the Conservation Element of the General Plan, Proposed Finding 1 sets out three policies. These policies generally describe a need for encouraging energy conservation, supporting the ban on offshore drilling and protecting neighborhoods from potential accidents and subsidence associated with drilling and production.

However, listed directly above these policies, and not stated in Finding 1, is the "Objective" that these policies support. In particular, the objective is to: "conserve petroleum resources and *enable appropriate, environmentally sensitive extraction* . . . so as to protect the petroleum resources for the use of future generations and to reduce the city's dependency on imported petroleum and petroleum products." (Emphasis added.) Accordingly, these policies may only be read in the context of allowing continued extraction. The fact that the Amended Ordinance would *ban extraction* rather than *enable extraction* clearly means that it is inconsistent with the General Plan.

Similarly, in the Health Wellness and Equity Element to the General Plan, Finding 3 indicates that Policy 5.4 is to protect communities' health from noxious activities (which Finding 3 states includes, for example, oil and gas extraction). However, not included in the Staff Recommendation Report is that: "[t]his policy calls for the City to work with operators to ensure that they have the required permits in place, increase its regulatory role and encourage conditions of approval that mitigate land use inconsistencies and conflicts." As a result, this section also assumes the continuance of extractions activities within the City.

Similarly, a brief review of the Land Use Element – Wilmington Harbor City Community Plan likewise indicates that the Amended Ordinance is inconsistent with the Wilmington Harbor City Community Plan. For example, Policies 3-5.1 and 3.5.3 clearly contemplate the continuance of extraction activities. Policy 3-5.4 provides for the consolidation of oil extraction operations to increase compatibility between oil activities and other land uses. Accordingly, nothing in these policies is consistent with a total ban on oil production like that proposed in the Ordinance Amendment. Finding 1 also does not discuss Objective 3-5, which the policies are drafted to support and which provides that the objective of the policies is "[t]o ensure the public health, safety and welfare *while providing for reasonable utilization* of the area's oil and gas resources." (Emphasis added.) The Staff Recommendation Report also fails to note Policy 3-4.6, which encourages the *consolidation* of oil extraction activities rather than its *elimination.*

Accordingly, not only is the Ordinance Amendment inconsistent with the General Plan and thus unlawful, but the Staff Recommendation Report omits critical information necessary for Planning Commission and public review of the Ordinance Amendment.

The Ordinance Amendment is Unconstitutionally Vague and Ambiguous

The Ordinance Amendment provides that "[no] existing well . . . shall be "*maintained*, drilled, re-drilled, or deepened, except to prevent or respond to a threat to public health, safety, or the environment, as determined by the Zoning Administrator." (Emphasis added.) The Ordinance Amendment, however, provides no definition of the word "maintained" and it is thus unconstitutionally vague and ambiguous and violates the due process clause of the U.S. Constitution. The Staff Recommendation Report acknowledges that this is a problem and defers to a "Zoning Administrator's Interpretation" that has not yet been published as to what this term means. (Staff Recommendation Report, P.3 ("Separately from this Ordinance, DCP's Office of Zoning Administration is preparing a Zoning Administrator's Interpretation on the types of oil-related activities that constitute maintenance . . . Once final, this guidance would immediately apply to all oil drilling activities. It would further clarify the types of maintenance activities prohibited under the Ordinance, with limited exceptions to prevent or respond to threats to public health, safety, or the environment.")

Due process requires fair notice and an opportunity to be heard. In turn, the most basic due process concepts require that legally enforceable ordinances be defined with sufficient clarity such that those subjected to the laws understand what is permitted and what is prohibited, and such that the laws are not susceptible to arbitrary or discriminatory enforcement. (*Genis v. Bell (C.D. Cal. July 2, 2013) 2013 U.S. Dist. LEXIS 93353,* *14-15; *see also Castro v. Terhune*, 712 F.3d 1304, 1307 (9th Cir. 2013).) Here, the failure to unambiguously explain what is meant by the word "maintained" in the Ordinance Amendment itself would mean that Warren and others similarly situated would not know when, if at all, it is violating the Ordinance Amendment. As written without any definition, Warren is deprived of advance notice and opportunity to object to the meaning of the term "maintained" since it is left to later interpretation by the Zoning Administrator.

The 20-Year Amortization Period in the Ordinance Amendment is Unlawful

The Ordinance Amendment unlawfully imposes a 20-year amortization period for existing operations without any factual evidence to support that 20 years is a "reasonable amortization period commensurate with the investment involved," as required by law. (*Metromedia, Inc. v. San Diego* (1980) 26 Cal.3d 848, 882.) The City Council directed the Planning Department to commission a study to be performed as to an appropriate amortization period and that work has not yet even commenced, let alone been completed. It thus is premature and unlawful for the Planning Commission to proceed with taking action on an amortization period when there is no study—and no evidence—to support such a period for Warren or other operators within the City.

Moreover, there is no law in California to support the use of amortization periods to eliminate a diminishing asset like mineral rights. While amortization may be appropriate under certain factual situations involving movable property like billboards or liquor stores, since those uses can be moved to other locations, the development of mineral rights is immovable and, as discussed above, protected

under the diminishing asset doctrine. There is no way to equitably amortize Warren's real property rights and its investments therein other than to allow Warren to produce until the commercially recoverable resources are depleted.

There is No Evidence to Support that Warren's Operations Result in Negative Health Effects

Warren not only complies with California's stringent environmental regulations, but it also agreed with the City to use electric sources for its operations except for two combustion sources which produce minimal emissions and are not a significant impact for the City. The Staff Recommendation Report contains no specific evidence as to Warren's operations or its emissions and also ignores the City's prior report that failed to support any negative health impacts from oil and gas operations within the City.

In 2019, the City of Los Angeles Office of Petroleum and Natural Gas Administration and Safety conducted an exhaustive review of government reports and studies and concluded that:

> There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team, the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment.

The City's position now is contrary to that prior report and not supported by the evidence. Warren's equipment and operations do not emit significant quantities of air pollutants and do not pose a significant health risk to the community residents or the public. Warren participates in annual emissions reporting to the SCAQMD, which includes mandatory reporting of air pollutants regulated by the Clean Air Act. Warren facility's actual emissions are low and based on these reported emissions the facility has never been required to obtain a federal operating air permit as it remains below major source thresholds for all pollutants. Further, low emissions of regulated pollutants is evidenced by the fact that Warren does not participate in the SCAQMD's RECLAIM program for large sources of oxides of nitrogen (NOx) and sulfur (SOx). Lastly, as a minor stationary source located in a heavily industrialized area of Wilmington, Warren has not permitted or installed new equipment or modified existing equipment in over 6 years.

In addition to regulated pollutants, Warren has consistently reported low emissions of air contaminants. The facility routinely reports a detailed air toxics emissions inventory to the SCAQMD yet has never been required by the SCAQMD to prepare a Health Risk Assessment (HRA) because of low emissions. For example, Warren's reported emission of air pollutants and associated health risk impacts are on par with that of neighborhood gas station that operates fuel dispensing equipment, storage tanks, and vehicular traffic from customers and mobile tankers.

Warren is in compliance with all regional, state, and federal rules and regulations and has obtained the appropriate air quality permits for all operating equipment. Restricting maintenance, testing, and repair

of the existing equipment would not represent an emission reduction or result in any improved air quality for the area or the region.

Furthermore, and in violation of the Equal Protection Clause as applied through the Fourteenth Amendment to the U.S. Constitution, the City is unlawfully discriminating against one industry by prohibiting its operations within the City without taking similar actions against other industries or uses that provide similar or even more emissions than the oil and gas industry.

No Action Should Be Taken on the Ordinance Amendment and the MND

Warren respectfully requests that the Planning Commission do everything within its power to avoid what will prove to be an expensive mistake and we urge you ***not*** to take action on Agenda Item No. 11. The Ordinance Amendment will not result in the professed health benefits from shutting down Warren's operations and, instead, will subject the City to significant liability.

It is even premature for the Planning Commission to consider the draft MND and the Ordinance Amendment at this time. Indeed, the comment period has just began to run on the draft MND so the rush to take action should heed to the Commission's obligations to comply with the law and the City's ordinances.

Please understand that if the Planning Commission recommends approval, Warren will take all actions required to protect its rights, including seeking recovery from the City of in excess of $675MM in damages for putting Warren out of business, along with recovery of Warren's legal expenses under Code of Civil Procedure Sections 1021.5 and 1036. The City will be forced to incur substantial legal fees for its own counsel and ultimately Warren's counsel too, all the while losing significant revenue from property taxes on future oil and gas operations without any change in health impacts from closing Warren's doors. Warren reserves all of its rights to pursue every available remedy if the Planning Commission proceeds to recommend approval of the Ordinance Amendment and the draft MND to the City Council.

Sincerely,

WARREN RESOURCES, INC.

James A. Watt
President and Chief Executive Officer

EXHIBIT C

Warren RESOURCES

14131 Midway Road, Suite 500
Addison, Texas 75001
Office: (214) 393-9688

December 1, 2022

DAY ▪ CARTER ▪ MURPHY LLP
3620 American River Drive, Suite 205
Sacramento, CA 95864

Attention: Tracy K. Hunckler

Dear Tracy:

Re: Equipment and Horsepower used for Well Plugging and Abandonment Work

Since October 2020, Warren has plugged and abandoned 40 wells (one of those still in process) in the Cities of Los Angeles and Long Beach using the following equipment for the downhole portion of the well abandonments:

Company	Equipment	Engine HP	Fuel
Oil Well Services	Service Rig	Detroit Series 60 - 490 HP (on-road)	Diesel
	Mud Pump	Detroit Series 60 - 490 HP	Diesel
	Rig Supervisor	Ford F150 5.0 liters	Gasoline
	Crew Truck	GMC 6500, 26,000 GVW	Gasoline
Raptor	Logging Truck	Paccar Px-7 360 HP	Diesel
Mr. T	Vacuum Truck	Cummins 400 HP	Diesel
Coast Range	Transportation	Detroit Diesel 15	Diesel
Warren E&P	Supervision	Ford F150 5.0 liters	Gasoline
LAFD	Regulatory	Car	Gasoline
CalGEM	Regulatory	Ford F150 5.0 liters	Gasoline

Surface abandonment also requires equipment to eliminate the well cellar and any flow lines, along with remediation of the site.

Sincerely,

James A. Watt
President and CEO

EXHIBIT D

Well Name & No	Well Count	Date	Comments
NWU 8-4	1	10/19/2020	LA Harbor Department/California Sulphur Company
NWU 8-3	2	11/6/2020	LA Harbor Department/California Sulphur Company
NWU 26-18	3	5/6/2021	Warren Resources
NWU 68-12	4	9/27/2021	Marathon Petroleum Corporation
NWU 68-13	5	10/4/2021	Marathon Petroleum Corporation
NWU 51-2	6	10/11/2021	Eddie Chen
NWU 20-9	7	10/19/2021	Clean Harbors-Wilmington, CA
NWU 7-2	8	11/8/2021	Equilon Enterprises, LLC (Shell)
NWU 21-10	9	12/20/2021	Manual J Mercedes, M. Sibrean
NWU 67-19	10	1/10/2022	Fish Fader Trust Agreement
NWU 13-2	11	2/2/2022	Todd Taricco
NWU 13-1	12	2/9/2022	Todd Taricco
NWU 34-33	13	2/23/2022	Menveg Collier LLC & Pope Family Trust
NWU 34-35	14	3/4/2022	Menveg Collier LLC & Pope Family Trust
NWU 34-32	15	3/4/2022	Menveg Collier LLC & Pope Family Trust
NWU 34-34	16	3/9/2022	Menveg Collier LLC & Pope Family Trust
NWU 34-35	17	3/31/2022	Menveg Collier LLC & Pope Family Trust
NWU 34-30	18	4/11/2022	Menveg Collier LLC & Pope Family Trust
NWU 12-1	19	4/14/2022	JW Steinmeyer Trst &John W Steinm R
NWU 34-31	20	4/22/2022	Menveg Collier LLC & Pope Family Trust
NWU 15-4	21	4/27/2022	LKQ Pick Your Part
NWU 6-8	22	4/29/2022	Watson Land Company
NWU 6-9	23	5/5/2022	Watson Land Company
NWU 6-11	24	5/12/2022	Watson Land Company
NWU 3-12	25	5/13/2022	Doug
NWU 6-7	26	5/17/2022	Watson Land Company
NWU 79-12	27	5/24/2022	Watson Land Company
NWU 79-11	28	6/17/2022	Watson Land Company
NWU 79-1	29	6/27/2022	Watson Land Company
NWU 79-10	30	7/1/2022	Watson Land Company
NWU 79-09	31	7/13/2022	Watson Land Company
NWU 79-02	32	7/19/2022	Watson Land Company
NWU 79-03	33	8/1/2022	Watson Land Company
NWU 79-06	34	8/4/2022	Watson Land Company
NWU 79-08	35	8/11/2022	Watson Land Company
NWU 79-05	36	9/1/2022	Watson Land Company
NWU 73-03	37	9/9/2022	Satellite 7
NWU 73-04	38	9/23/2022	Satellite 7
NWU 74-01	39	11/21/2022	Gaylord Street
NWU 425-9	40		Rig on Location

Company	Equipment	Engine HP	Fuel	Job
Oil Well Services	Service Rig	Detroit Series 60 - 490 HP	Diesel	Abandonment
	Mud Pump	Detroit Series 60 - 490 HP	Diesel	Abandonment
	Rig Supervisor	Ford F150 5.0 liters	gasoline	Abandonment
	Crew Truck	GMC 6500, 26,000 GVW	gasoline	Abandonment
Raptor	Logging Truck	Paccar Px-7 360 HP	Diesel	CBL
	Logging Truck	Paccar Px-7 360 HP	Diesel	USDW Perforation
	Logging Truck	Paccar Px-7 360 HP	Diesel	Surface Perforation
Mr. T	Vacuum Truck	Cummins 400 HP	Diesel	Abandonment
Coast Range	Transportation	Detroit Diesel 15	Diesel	Abandonment
Warren E&P	Supervision	Ford F150 5.0 liters	gasoline	Abandonment
LAFD	Regulatory	Car	gasoline	Abandonment
CalGEM	Regulatory	Ford F150 5.0 liters	gasoline	Abandonment

Communication from Public

Name:	Warren Resources, Inc., et al
Date Submitted:	12/01/2022 06:08 PM
Council File No:	17-0447-S2
Comments for Public Posting:	Dear City Council Members, In follow-up to our earlier submission, Warren is submitting part 2 of 3 (Yorke Supplemental Report, Exhibit A, with attachments 1 through 7 of 13) to remain within the file size requirements. We appreciate your time and review. Sincerely, Warren Resources, Inc., et al

EXHIBIT A

Yorke
ENGINEERING, LLC
www.YorkeEngr.com

December 1, 2022

Ms. Tracy K. Hunckler
Day Carter & Murphy, LLP
3620 American River Drive, Suite 205
Sacramento, CA 95864
Direct: (916) 246-7306
Main: (916) 570-2500 x106
Fax: (916) 570-2525
E-mail: THunckler@DayCarterMurphy.com

Subject: Rebuttal Letter to Impact Sciences Evaluation of Yorke Air Study Used in Comment Letter on Behalf of Warren Resources

Dear Ms. Hunckler:

In response to a memorandum dated November 23, 2022 provided to the City of Los Angeles, Department of City Planning submitted by Impact Sciences, Inc., Yorke Engineering LLC (Yorke) is providing its response to the issues raised by Impact Sciences regarding Yorke's Air Quality Study that was included in the Public Comments submitted on behalf of Warren Exploration and Production (Warren Resources) on the Oil & Gas Drilling Ordinance IS/MND (Case No. ENV-2022-4865-MND). Warren Resources' comment letter was submitted by Day, Carter, Murphy LLP on October 17, 2022.

To find that a public comment is not credible and thus not a legitimate argument that a project may have a significant effect on the environment, the comment must be shown to not include any substantial evidence. As stated in Section 15384(a) of the State CEQA Guidelines, substantial evidence includes enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Yorke has provided such substantial evidence in its previous Air Quality Study and is also providing additional substantial evidence in this letter to refute the assertions of Impact Sciences in the memorandum.

Most notably, this letter will address several key points. First, Impact Sciences used a grossly incorrect brake horsepower (BHP or bhp) rating when they performed emissions calculations for the abandonment of one well and did not include additional significant equipment (a mud pump engine) required by most well servicing companies that perform plugging and abandonment services. This letter submits additional supporting documentation supporting the factual soundness of this first point. Second, Impact Sciences only calculated emissions for abandonment of a single well, inferring that abandonment is only a short-term activity. In fact, a single abandonment is relatively short term, typically lasting from 10 to 14 workdays. However, Warren Resources and other similar oil and gas production companies have a much larger concentration of wells located at their respective properties that will require abandonment. Therefore, the health risks associated

with abandonment are not due to just one well abandoned at a time but must be analyzed for the effects posed by a long-term abandonment program for multiple wells. Lastly, Yorke is providing a revised screening tool analysis that still shows that an abandonment program as produced by this Ordinance may produce a cancer risk greater than one in a million. Though not in itself a final determination, the screening tool results require that a more detailed health risk assessment be performed.

The information provided by Yorke is not speculative, opinion or narrative, or erroneous information. It is supported by multiple sources and references. For example, Yorke has obtained from various sources confirmation of a proper Workover Rig Engine BHP rating range to use in CalEEMod calculations. These include the following:

- Warren Resources' letter citing actual abandonment data since October 2020. This is supported by Warren Resources records and Oil Well Servicing, Inc. statements of actual equipment necessary for abandonments. Attachment 1 shows Workover Rig Engines of 490 bhp and inclusion of Mud Pump Engines for all 40 abandonments since October 2020 (note the 40th abandonment is in the process of being completed).
- Calls with operators at other oil and gas production facilities confirming correct BHP range.
- Confirmation (verbal and email) from well servicing companies confirming correct BHP range (Oil Well Services, Inc. and Rival Well Services, Inc.).
- Online research citing specifications of typical workover rig engines' BHP rating.

The inclusion of a Mud Pump Engine for abandonment that is of similar BHP rating to Workover Rig Engine is supported by Warren Resources records and Oil Well Servicing, Inc. statements of actual equipment necessary for abandonments. Again, Attachment 1 shows Workover Rig Engines of 490 bhp and a Mud Pump Engine of 490 bhp were used for all 40 abandonments since October 2020.

COMMENTS REGARDING EMISSIONS DURING ABANDONMENT

Yorke does not question all the specifications used by Impact Sciences in their CalEEMod calculations. As shown in Yorke's calculations (again included in Attachment 2 to show Yorke has not revised any of the previous inputs), the only items challenged and revised from Impact Sciences' calculations are (1) the revision of the BHP rating for the Workover Rig Engine, (2) the addition of a mud pump engine, and (3) using Warren Resources as an example, the likelihood of only one well per acre as being the appropriate well spacing is questioned, as Warren Resources' facility is a consolidated well site comprising over 240 wells in four group cellars.

Specifically, the use of 33 bhp is not feasible for a Workover Rig Engine, as evidenced by the information supplied by Warren Resources, real discussions with operators and well servicing companies that have performed hundreds if not more of successful abandonments in the Los Angeles Basin, and research on typical rig engine specifications from actual rig manufacturers and

well service companies. Attachments 3 through 7 show BHP ratings for typical workover rig engines compared to the type of mobile equipment powered by a 33 bhp.

- Jereh Oilfield Equipment shown in Attachment 3
- IPGMX (International Prospering Group) shown in Attachment 4
- Royalty Well Service, Inc. shown in Attachment 5
- Service King Manufacturing shown in Attachment 6
- Riding Lawn Mower - Simplicity Legacy XL Vanguard Big Block Rear PTO 33 hp; this size engine is incapable of providing necessary power to transport a large oil well servicing rig and power necessary down-hole abandonment activities. This equipment is shown in Attachment 7.

Even in Impact Sciences' response letter to counter Yorke's initial comment letter, there is no attempt to provide a reference or verifiable source for the use of 33 bhp as the proper rating for a Workover Rig Engine. A simple internet search, performed by both Yorke and Day, Carter, Murphy LLP, quickly provided a range of BHP ratings for Workover Rig Engines, from 450 bhp to 1000 bhp, that includes the proposed rating used by Yorke in our revision to the abandonment emissions calculations. This range of BHP ratings was also confirmed by phone and email with Warren personnel, by phone and email with other oil and gas production operations personnel, and by phone with active well servicing companies performing plug and abandonment services. Notably, neither Impact Sciences' study nor the IS/MND give any indication that an active well servicing company, with experience in plugging and abandonment operations, was consulted for actual equipment types or specifications for a workover rig.

Yorke agrees with the use of CalEEMod for the calculation of off-road abandonment emissions from the equipment and assumptions provided by Impact Sciences. Again, the only changes to the equipment list were the increase of the BHP rating from 33 bhp to 540 bhp and the addition of a similarly sized mud pump engine, which is supported by the fact that Warren Resources has used such a mud pump engine for 100% of its abandonments completed since October 2020. No changes were suggested or used for the pollutant emissions factors, the number of days to complete an abandonment, the hours per day used for each equipment item, engine load factors, or number of worker and truck trips per day. The use of CalEEMod by Impact Sciences, as well as most of its assumptions, was correct and is not challenged by our comment letter, but the use of a grossly low BHP rating and the omission of a mud pimp engine typically used in abandonment operations is challenged as those two items required correction to reflect correct routine abandonment activity emissions.

COMMENTS REGARDING ABANDONMENT TIMING

Impact Sciences states that under the IS/MND abandonment may occur at any time before or after the expiration of the 20-year amortization period, as if there will be no need for abandonments to occur in a timely fashion after production ceases. Warren estimates that its production will cease in approximately three years without the ability to engage in operations to maintain that

production, as prohibited by the ordinance. At that time, Warren explains that it will no longer have any wells to operate as its only wells are within the City and Warren thus will be faced with the obligation to plug and abandon its wells. Thus, Impact Sciences improperly concludes that the timing for abandonments is uncertain.

A quick review of publicly available data also indicates that the City requires plugging and abandonment operations to take place on a much quicker time schedule than claimed by Impact Sciences. For example, the City has required another operator, Sentinel Peak, to abandon all of its wells at the Jefferson site within a three-year time period. (See December 15, 2020 Letter of Communication from the City Planning Department, which is incorporated herein by reference) at https://planning.lacity.org/pdiscaseinfo/document/MjM3NzQz0/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd.

COMMENTS REGARDING HEALTH RISKS

Impact Sciences states that they appropriately evaluated potential health-related risks posed by diesel particulate matter (DPM) under the Ordinance. Impact Sciences rationalized that since an abandonment will usually last 10 workdays, which is a reasonable and correct assumption, there is only exposure to DPM for those 10 workdays. Thus, they assume that abandonment is a short-term activity, and since there are no universally accepted short-term methodologies for assessing DPM short-term effects, no further analysis was needed. However, most of the companies affected by the Ordinance have scores of wells that will require abandonment. Due to the operational impacts of the Ordinance, which prohibits maintenance that could be interpreted as sustaining or enhancing production, Warren will have to cease production in just a few years and will then have to commence abandonment of approximately 240 wells at their consolidated well site. Warren Resources' wells are located within three group well cellars spaced between 60 and 350 apart. Within each group well cellar, the wells are spaced several feet apart, indeed much closer to each other than the "one well per acre" used by Impact Sciences in its CalEEMod analysis. Therefore, the immediate community adjacent to the Warren Resources consolidated well site will experience these supposed "short-term" health risks over a prolonged period, much greater than six months and lasting for many years, which should trigger an analysis of the long-term risks. In addition, as evidenced by the California Air Resources Board's (CARB) published information for DPM (see Attachment 8), there are acute "short-term" health impacts that occur due to the interaction of continued DPM exposure and the chronic health effects of DPM exposure. For example, acute respiratory symptoms are exacerbated by long-term damage to the lungs by DPM, including lung cancer. The significant exposure to DPM realized by the same sensitive receptors adjacent to this consolidated well site increases the risk of acute impacts such as asthma attacks causing emergency room and hospital visits, especially for children, the elderly, and those whose respiratory system are already compromised. These effects are not speculative; they are supported by extensive study and data as cited in CARB's overview of DPM and its health impacts found in Attachment 8.

When Impact Sciences states that they did evaluate "short-term" risks, the claim falls short when noting that they are only considering one discreet abandonment rather than the multiple continuous abandonments that would occur at a consolidated well site such as Warren Resources. Impact Sciences states that Yorke supplied no evidence that well abandonment would typically last more

than 10 working days. Again, Yorke agrees with the 10 working days for a typical abandonment. What Impact Sciences ignores is the fact that it is not just one well abandoned. As shown in Attachment 1, Warren has abandoned approximately 40 wells since October 2020; if one assumes each abandonment has been about two weeks, then taken as a whole, the abandonment process has been relatively continuous since October 2020.

Impact Sciences also states that Yorke mischaracterized particulate emissions by assuming that all particulate emissions are DPM emissions. Referring to the Unites States Environmental Protection Agency's (USEPA), as shown in Attachment 9, for all diesel engines, primary PM10 (particulate matter 10 microns or less in diameter) emissions are equal to Diesel-PM10 and primary PM2.5 emissions are equal to Diesel-PM2.5. Therefore, Yorke's assumption that PM110 equals DPM is supported by USEPA's classifications of particulate emissions. As Impact Sciences states in their response letter, by excising the exact language from CARB's introductory paragraph as shown in Attachment 8, 90% of DPM is less than 1 micron in diameter, and thus is a subset of PM2.5. PM2.5 is in turn a subset of PM10. Stating that most of the DPM emissions are less than 1 micron in diameter only says that most of the particulate emissions, less than 1 micron in diameter, are included in total PM10 emissions. Since the majority of DPM emissions are less than 1 micron in diameter, these particulates will infiltrate the lungs deeper and therefore will have greater potential to cause lung damage or lung cancer.

Impact Sciences states that the use of the SCAQMD screening tool, which is not to be used to determine a final determination of health risks but only whether further analysis is required by performing a more detailed health risk evaluation as part of a full Environmental Impact Report, is incorrectly applied by Yorke. Yorke assumed that the timeframe of abandonment activities would be 8 hours per day (per Impact Sciences CalEEMod inputs), 7 days per week, 52 weeks per year. Yorke used 52 weeks per year for the reasons previously discussed in this letter, that Warren (as well as other similarly affected operators) would have an abandonment program that essentially plugs and abandons multiple wells throughout the year. For example, Warren is just now completing its current abandonment phase of 40 wells since October 2020. While Yorke's prior analysis included appropriate assumptions, Yorke has revised the screening tool calculations as shown in Attachment 10 to address Impact Sciences' comments as to timing and Equipment Type. In this new revision, Yorke changed two items: the days per week were changed from 7 to 6 to adjust for "no work on Sundays," and the Equipment Type was changed to "Diesel ICE" rather than "Other." The results of this revision show that both the cancer/chronic and the acute health risks are reduced from Yorke's previous calculations. However, the results still show that both the original screening of DPM emissions from the initial Impact Sciences calculations, as well as the revised screening by Yorke, show a cancer risk that does not pass the initial screening level of one in a million. This result therefore calls for a more detailed analysis to be performed. Impact Sciences did not perform any health risk assessment in its Air Quality Study for the IS/MND, including any initial screening, because they only considered one well being abandoned discreetly without consideration for the abandonment of the nearly 2,000 wells in the City of Los Angeles to be affected by the Ordinance.

YORKE ENGINEERING PERSONNEL CREDENTIALS

Yorke assembled a team of highly experienced professionals to evaluate the Initial Study and the Mitigated Negative Declaration (IS/MND) prepared by Impact Sciences for the City of Los Angeles (City) proposed Oil and Gas Drilling Ordinance (Oil Ordinance). Yorke Engineering, LLC, has prepared over 50 environmental documents and specializes in preparing air quality technical studies pursuant to CEQA for industrial facilities. To ensure we evaluated the technical methodology used in the IS/MND, as well as the sources and equipment that would be subject to the proposed Oil Ordinance, our team included technical experts in emissions quantification and health risk assessment, as well as professionals knowledgeable in the oil and gas industry practices and operations. Mr. Don Barkley is a Professional Engineer (PE) with over 30 years working in environmental compliance and consulting services exclusively serving the oil and gas production industry, including 8 years working in the oil and gas industry as the HSE manager for several Los Angeles Basin oil field facilities. Mr. Sean Gildea is a PE specializing in air dispersion and health risk assessment modeling of industrial sources in support of CEQA documents, California's air toxics hot spots program, and air permitting with the South Coast Air Quality Management District (AQMD). Mr. Gregory Wolffe is a certified permitting professional (CPP) with the South Coast AQMD and has over 35 years of experience working in environmental research and consulting, specializing in air dispersion modeling analysis to evaluate potential impacts on state and federal ambient air quality standards, and evaluated toxic air contaminant (TAC) emissions for health risk assessments (HRAs).

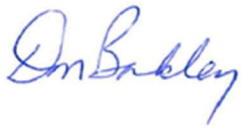
Attachments 11, 12 and 13 present the credentials of the Yorke personnel involved in the preparation of both the initial Air Quality Study and this rebuttal letter.

CONCLUSIONS

Yorke has presented credible and substantial evidence to counter the Impact Sciences study, and that should trigger an EIR due to a conflict among expert witnesses.

Should you have any questions or concerns, please contact me at (949) 426-4943.

Sincerely,



Don Barkley
Senior Engineer II
Yorke Engineering, LLC
DBarkley@YorkeEngr.com

Enclosures:

1. Attachment 1 – Warren Resources Abandonment Data
2. Attachment 2 – Initial Yorke Calculations of Existing and Revised MND
3. Attachment 3 – Workover Rig Data – Jereh Oilfield Equipment
4. Attachment 4 – Workover Rig Data - IPGMX

5. Attachment 5 – Workover Rig Data – Royalty Well Service, Inc.
6. Attachment 6 – Workover Rig Data – Service King Manufacturing
7. Attachment 7 – Riding Lawn Mower, 33hp
8. Attachment 8 – CARB / Overview of Diesel Exhaust and Health
9. Attachment 9 – U.S. EPA / Air Emissions Inventories – Particulate Matter
10. Attachment 10 – Revised Yorke Screening Tool Results - Existing and Revised MND
11. Attachment 11 – CV for Greg Wolffe
12. Attachment 12 – CV for Don Barkley
13. Attachment 13 – CV for Sean Gildea

ATTACHMENT 1 – WARREN RESOURCES ABANDONMENT DATA

Warren RESOURCES

14131 Midway Road, Suite 500
Addison, Texas 75001
Office: (214) 393-9688

December 1, 2022

DAY ▪ CARTER ▪ MURPHY LLP
3620 American River Drive, Suite 205
Sacramento, CA 95864

Attention: Tracy K. Hunckler

Dear Tracy:

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Mr. T	Vacuum Truck	Cummins 400 HP	Diesel
Coast Range	Transportation	Detroit Diesel 15	Diesel
Warren E&P	Supervision	Ford F150 5.0 liters	Gasoline
LAFD	Regulatory	Car	Gasoline
CalGEM	Regulatory	Ford F150 5.0 liters	Gasoline

Surface abandonment also requires equipment to eliminate the well cellar and any flow lines, along with remediation of the site.

Sincerely,

James A. Watt
President and CEO

ATTACHMENT 2 – INITIAL YORKE CALCULATIONS OF EXISTING AND REVISED MND

Yorke ENGINEERING, LLC
www.YorkeEngr.com

Abandonment Emissions Comparison - Proposed MND vs. Revised Proposed MND

Schedule		
Days per Week	5	5
Number of Weeks	2	2
Total Days per Abandonment	10	10

Construction Equipment Emissions - Abandonment Per Well	MND for Proposed City Ordinance										
	Quantity	Power, Bhp	Hours per Day	Bhp-hr	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Off-Road Equipment											
Workover Rig	1	33	8	264							
Cement Pump Engine	1	367	1	367							
Welding Engine	1	84	6	504	0.51	4.69	5.79	0.01	0.19	0.19	3.88
Tractor / Backhoe / Loader	1	84	6	504							
Mud Pump Engine	0	0	0	0							
				1,639							

Construction Vehicle Emissions - Abandonment Per Well	Vehicle Category	Vehicle Trips	Miles per Trip	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Worker Pick-Up Trucks	LDA, LDT1, LDT2	20	18.5	0.09	0.10	1.51	0.00	0.02	0.02	1.25
Vendor Truck	HHDT	6	10.2	0.01	0.31	0.14	0.01	0.02	0.02	1.05
Hauling Truck	HHDT	0	20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
On-Site Truck	HHDT	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				0.61	5.10	7.44	0.02	0.23	0.23	6.18

Regional Significance Threshold	75	100	550	150	150	NA	NA
Exceeds Regional Significance Threshold?	No	No	No	No	No	No	No
SCAQMD Localized Significance Threshold (@ 25m)	NA	46	231	NA	4	4	NA
Exceeds SCAQMD Localized Significance Threshold?	NA	No	No	NA	No	No	No
Number of Abandonments Per Day Before Exceed Regional Significance Threshold	19						
Number of Abandonments Per Day Before Exceed SCAQMD Localized Significance	9						

Yorke ENGINEERING, LLC
www.YorkeEngr.com

Abandonment Emissions Comparison - Proposed MND vs. Revised Proposed MND

Schedule		
Days per Week	5	5
Number of Weeks	2	2
Total Days per Abandonment	10	10

Construction Equipment Emissions - Abandonment Per Well	Revised MND to Correct Rig Bhp and Add Mud Pump Engine										
	Quantity	Power, Bhp	Hours per Day	Bhp-hr	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Off-Road Equipment											
Workover Rig	1	540	8	4,320	3.12	28.66	35.38	0.06	1.16	1.16	23.71
Cement Pump Engine	1	367	1	367							
Welding Engine	1	84	6	504							
Tractor / Backhoe / Loader	1	84	6	504							
Mud Pump Engine	1	540	8	4,320							
				10,015							

Construction Vehicle Emissions - Abandonment Per Well	Vehicle Category	Vehicle Trips	Miles per Trip	ROG - lb/day	NOx - lb/day	CO - lb/day	SOx - lb/day	PM10, lb/day	DPM, lb/day	GHG CO2e, MT/yr
Worker Pick-Up Trucks	LDA, LDT1, LDT2	20	18.5	0.09	0.10	1.51	0.00	0.02	0.02	1.25
Vendor Truck	HHDT	6	10.2	0.01	0.31	0.14	0.01	0.02	0.02	1.05
Hauling Truck	HHDT	0	20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
On-Site Truck	HHDT	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				3.22	29.07	37.03	0.07	1.20	1.20	26.01

Regional Significance Threshold	75	100	550	150	150	NA	NA
Exceeds Regional Significance Threshold?	No	No	No	No	No	No	No
SCAQMD Localized Significance Threshold (@ 25m)	NA	46	231	NA	4	4	NA
Exceeds SCAQMD Localized Significance Threshold?	NA	No	No	NA	No	No	No
Number of Abandonments Per Day Before Exceed Regional Significance Threshold	3						
Number of Abandonments Per Day Before Exceed SCAQMD Localized Significance	1						

Yorke ENGINEERING, LLC
www.YorkeEngr.com

Possible Duration for Number of Warrant E&P Wells to be Abandoned	
Idle Wells to Abandon per CalGEM Database on Wellstar	79
Active Wells to Abandon per CalGEM Database on Wellstar	165
TOTAL WELLS TO ABANDON	**244**
Weeks to Abandon One Well as one Abandonment Event	2
Wells that can be Abandoned in Two Weeks without Exceeding Regional Significance Threshold	3
Wells to Abandon Continuously in One Year without Exceeding Regional Significance Threshold	**78**
Wells that can be Abandoned in Two Weeks without Exceeding SCAQMD Localized Significance Threshold	1
Wells to Abandon Continuously in One Year without Exceeding SCAQMD Localized Significance Threshold	**26**

ATTACHMENT 3 – WORKOVER RIG DATA – JEREH OILFIELD EQUIPMENT

Truck/Trailer Mounted Workover Rig



Description

Jereh truck/trailer mounted workover rig is mechanically and hydraulically driven. The power system, drawworks, mast, travelling system and transmission mechanism of the workover rig are mounted on the self-propelled chassis, which improves the moving efficiency greatly. Now, Jereh truck mounted workover rig series cover the workover depth from 2500m to 7000m and drawworks power from 250HP to 1000HP, featuring high operation load, reliable performance, excellent off-road performance, convenient movement and low operation/moving cost. Besides, workover rigs for arctic, desert and highland applications are available.

Features

- Conform to API Q1, 4F, 7K and 8C Specification and API monogrammed.
- The technical parameters and overall design conform to GB/T 23505 Petroleum Drilling and Workover Rigs.
- Conduct strength analysis for the mast and substructure based on SAFI software.
- Modular design achieves fast move and transportation.
- Mechanical transmission, simple operation and easy maintenance.
- Special off-road chassis extends service life.

Specifications

Model	XJ700Z(T)	XJ900Z(T)	XJ1100Z(T)	XJ1350Z(T)	XJ1600Z(T)	XJ1800CZ(T)	XJ2250CZ(T)
Max. Hook Load kN(lb)	700 (160000)	900 (200000)	1100 (250000)	1350 (300000)	1600 (360000)	1800 (400000)	2250 (500000)
Rated Hook Load kN(lb)	400 (90000)	600 (130000)	800 (180000)	1000 (225000)	1200 (270000)	1500 (337000)	1800 (400000)

(/en) Nominal Workover Depth m(ft)	Workover (Lifting only)	3200 (10500)	4000 (13100)	5500 (18000)	7000 (23000)	8500 (27900)	-	
	Workover 73 mm (2 7/8") Drill Pipe	2000 (6560)	3200 (10500)	4500 (14800)	5800 (19000)	7000 (23000)	8000 (26200)	9000 (29500)
Engine Power kW(hp)		224(300)	280(375)	403(540)	403(540)	470(630)	2×403(2×540)	2×470(2×630)
Drawworks Rated Power kW(hp)		185(250)	260(350)	335(450)	410(550)	485(650)	560(750)	745(1000)
Main Brake		Belt Brake	Belt Brake or Disc Brake	Belt Brake or Disc Brake	Belt Brake or Disc Brake	Belt Brake or Disc Brake	Belt Brake or Disc Brake	Belt Brake or Disc Brake
Lines of Travelling System		6	6	8	8	8	10	10
Drilling Line Dia. mm(in)		22(7/8)	26(1)	26(1)	29(1 1/8)	29(1 1/8)	32(1 1/4)	32(1 1/4)
Travelling System Sheave OD mm(in)		610(24)	760(30)	760(30)	760(30)	760(30)	915(36)	915(36)
Mast Height m(ft)		22(72)	32(105)	33(108)	33(108)	35(115)	38(125)	38(125)
Self-propelled Chassis		6×6	8×8 or 10×8	10×8	10×8	12×8	14×8	14×10
Trailer		-	3-axle	3-axle	3-axle	4-axle	5-axle	5-axle
Remarks		C-Dual-engine gear compound transmission; Z-Self-propelled chassis; T-Trailer						

Successful Cases

Jereh XJ1800 Workover Rig in Turkey

Jereh X

Related Products

Truck/Trailer Mounted Drilling Rig

(/en/products/drilling-and-workover-equipment/truck-mounted-drilling-rig)

ATTACHMENT 4 – WORKOVER RIG DATA – IPGMX

Workover Rig

Light-duty mobile workover rigs

☑ This kind of workover rigs are designed and manufactured in accordance with API Spec Q1、4F、7k、8C and technical standards of RP500，GB3826.1、GB3836.2 GB7258，SY5202 as well as“3C” compulsory standard.
☑ The whole unit structure is compact and adopts hydraulic + mechanical driving mode, with high comprehensive efficiency.
☑ The workover rigs adopt II-class or self-made chassis with various to meet the user’s different requirements.
☑ The mast is front-open type and with single-section or double-section structure, which can be raised and telescoped hydraulically or mechanically.
☑ Safety and inspection measures are strengthened under the guidance of the design concept of “Humanism Above All” to meet the requirements of HSE

The main technical specification for light-duty (below 80T) mobile workover rigs

Model	XJ35	XJ60	XJ70(XJ250)	XJ80
Nominal service depth (2 7/8″OP) ft	5200	8500	10000	12000
Nominal workover depth (2 7/8″DP) ft	3300	4900	6600	8200
Max hook load (lbs)	80000	130000	150000	180000
Engine model	X6130	F8L413F	T-3A929 or WD615.68	MWM TBD234V6
Engine power (hp)	233	252	282 or 303	335

Transmission mode)	Hydraulic +Mechanical

Heavy-duty mobile workover rigs

☑ This kind of workover rigs are designed and manufactured in accordance with API Spec Q1、4F、7k、8C and technical standards of RP500，GB3826.1、GB3836.2 GB7258，SY5202 as well as“3C”compulsary standard.
☑ The whole rig structure is compact, highly integrated, and requires a small space for installation.
☑ The heavy-duty chassis are 8×6、10×8、12×8、14×8 constant- drive and self-propelled, equipped with hydraulic steering system and have a good capability of passage and cross country.
☑ A good and reasonable assembly of CATERPILLAR engine and ALLISON transmission box can supply a high driving efficiency and increase safe performance.
☑ Band brake or disc brake is applied for the main brake and the air disc brake/water brake or FDWS is used for auxiliary brake.
☑ The compound box for rotary table has a function of forward-reverse speed shift gears, which can be suitable for DP’s rotary operations. The anti-torque releasing device can be used to release the deformation energy of the DP safely.
☑ The mast is front –open type, with double- section structure, which can be telescoped, raised and extended hydraulically.
☑ The drill floor is twin-body telescopic type or with parallelogram structure, which is convenient for installation and transportation. The dimension and height of the drill floor can be designed according to the user’s requirements.
☑ Safety and inspection measures are strengthened under the guidance of the design concept of “Humanism Above All” to meet the requirements of HSE.

The main technical specification for heavy-duty (above 80T) mobile workover rigs

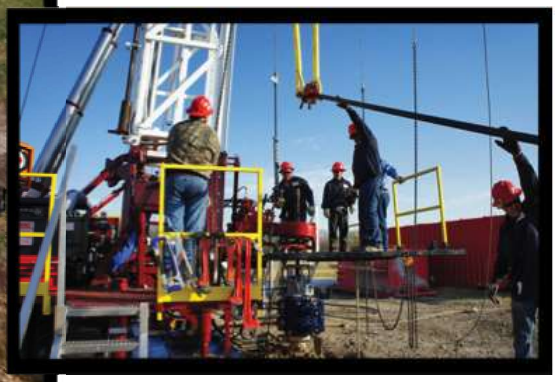
Model	XJ90(XJ350)	XJ110(XJ450)	XJ135(XJ550)	XJ160(XJ650)	XJ180(XJ750)	XJ225(XJ850)
Nominal service depth(2 7/8″OP)ft	13000	18000	23000	26000	----	----
Nominal workover depth(2 7/8 “DP)ft	10000	15000	19000	23000	26000	----
Drilling depth(4 1/2″DP)ft	3300	5000	6600	8200	10000	13000
Max hook load (lbs)	200000	250000	300000	350000	400000	500000
Engine model	CAT3406 C-9ANAAC	CAT3408DITA C-15ATAAC	CAT3408DITA C-15ATAAC	CAT3412DITA C-16ATAAC	2×CAT3408DITA 2×-15ATAAC	2×CAT3408DITA 2×-15ATAAC
Engine power (Noxhp)	361 or 350	475	531 or 526	650 or 660	2×475	2×531 or 2×526
Model for hydraulic transmission box	S5610HR	S5610HR	S5610HR	S5610HR	2×S5610HR	2×S5610HR
Transmission mode	Hydraulic + Mechanical	Hydraulic + Mechanical	Hydraulic + Mechanical	Hydraulic + Mechanical	Hydraulic + Mechanical	Hydraulic + Mechanical
Mast height ft	95	105	108	115	118/125	118/125
Traveling system	4×3	5×4	5×4	5×4/6×5	5×4/6×5	6×5
Main wireline diameter (in)	1	1	1	1	1/1/2004	1/1/2004
Hook speed (ft/s)	0.66~5.74	0.66~3.94	0.66~4.59	0.66~4.27 /	0.66~4.27 /	0.66~4.27

				0.66~4.59	0.66~3.94	
Substructure model/ transmission way)	XD40/8×6	XD50/10×8	XD50/10×8	XD60/12×8	XD70/14×8	XD70/14×8
Approaching angle/leaving angle	23°/16°	26°/17°	26°/17°	23°/18°	26°/18°	26°/18°
Min. ground clearance (in)	13 3/8	12 1/4	12 1/4	12 1/4	12 1/4	12 1/4
Max gradeability	30%	26%	26%	26%	26%	26%
Min turning radiusft	92	108	108	38	41	41
Rotary table Model	ZP90	ZP135	ZP135	ZP175	ZP205 / P275	ZP205 / ZP275
Hook block Model	YG90	YG110	YG135	YG160	YG180	YG225
Swivel Model	SL110	SL110	SL135	SL160	SL225	SL225
Overall dimension ft	55×9×13.5	61×9×14	62×9×14	67×9×15	74×10×15	74×10×15
Weight for main unit (lbs)	92600	110000	120000	143000	168000	172000
Weight for accessories (lbs) (approximate)	33000	44000	44000	44000	66000	66000

Products

‹
›

ATTACHMENT 5 - WORKOVER RIG DATA – ROYALTY WELL SERVICE, INC.



Royalty Well Service is the foremost Oil & Gas Well Plugging & Abandonment specialists in the southern United States. With a fleet of rigs that have been custom designed for Plugging & Abandonment (P&A) and casing recovery operations, we can confidently say that we provide superior service when compared to other P&A companies. Royalty Well Service is completely focused on P&A and has compiled the knowledge, equipment, and specialized workforce to best serve the oil & gas industry.

Plugging Rig Capabilities:

- Service King 675 HP Rigs
- Operational capabilities of up to 25,000 ft.
- Capable of 300,000lb hook load instantaneously
- 104 ft. 350,000lb mast

Safety is of utmost importance at RWS. Our employees have received Safeland, H2S, CPR, and First Aid Training. Daily safety meetings and JSA's are also performed.

www.RoyaltyWellService.com

Preferred plugging contractor of:

The McDaniel Company

So how does Royalty Well Service compare to other P&A companies?

	Royalty Well Service/The McDaniel Company	Others
Rigs & Age	Six Service King rigs built exclusively for plugging operations. Rigs manufactured in 2010, 2011 & 2012. Rated at 675 HP	In many cases, well servicing rigs are converted for plugging operations. Usually in service 15-25 years. Average horsepower rating at 400 HP
Pulling Capacity	Normal daily pulling capacity at 250,000# with 30 minute conversions can pull up to 300,000#	Normal daily pulling capacity at 110,000# - 125,000# range
Casing Jacks	Casing jacks available up to 500,000# capacity, but are rarely needed because of rig capacity. *Huge time savings. Eliminates many hours of rigging up and down of casing jacks. Also eliminates casing jack charges. Reduces overall P&A cost.*	Forced to rig up casing jacks at weights in excess of 125,000#
Wireline	20,000 FT E-Line, 5,000# Grease Head Lubrication, 5,000# BOP, Freepoint Tools, Casing/ Tubing Cutting, Perforating	Many companies must use 3rd party companies for these services
BOP Age	Hydraulic BOP's that are less than 5 years old & rated to 5,000 PSI	Over 10 years old and in many cases only rated to 3,000 PSI
Tools	Rig tongs for tubing: 2-3/8" - 3-1/2" Casing tongs: 4- 1/2" - 13-3/8"	Casing tongs are typically rented
Insurance	General Liability Coverage - $13,000,000 *RWS & The McDaniel Company Combined*	Industry AVG - $2,000,000 - $5,000,000
Services Offered	Self sufficient with most services including rig complete w/ tools, BOP's, wireline, slickline, jet cement mixing and pumping capabilities, casing jacks, water & mud hauling, backhoe/loader, and welder	Many companies must use 3rd party companies for these services
Safety	ISNetworld, Safeland USA, PEC Premier	Ask your P&A contractor if they have all three
People	Having the best equipment means nothing without an exceptional crew of people to operate it. Our people are thoroughly trained, knowledgeable, experienced and dedicated to safe and efficient plug and abandonment operations	

ATTACHMENT 6 - WORKOVER RIG DATA – SERVICE KING MANUFACTURING

Service King Manufacturing

PLUGGING & ABANDONMENT EQUIPMENT

SERVICE KING 675 HP RIGS

- OPERATIONAL CAPABILITIES UP TO 25,000 FT.
- CAPABLE OF 300,000 LB HOOK LOAD
- 104 FT. 400,000 LB MAST
- SPECIFICALLY BUILT FOR P&A
- CASING RECOVERY

ON-SITE EQUIPMENT

- KILL TRUCK (3000 PSI CAPABLE)
- CEMENT TRUCK
- BACKHOE / LOADER
- WELDER
- SLICKLINE
- 5K HYDRAULIC BOP

AVAILABLE

- WIRELINE
  - 20,000 FT E-LINE
  - 5,000 LB GREASE HEAD LUBRICATION
  - 5,000 LB BOP
  - FREEPOINT TOOLS
  - CASING / TUBING CUTTING & PERFORATING
- CASING JACKS (500,000 LB CAPABLE)

ATTACHMENT 7 – RIDING LAWN MOWER, 33 HP

2021 Simplicity Legacy XL Vanguard Big Block Rear PTO 33 hp

New Lawn Mowers - Riding • Legacy XL

Get Price

Category	Lawn Mowers - Riding
Model Type	Legacy XL
Model Code	2691524
Color	Orange

MULTI-TALENTED WORKHORSE

Check all of those yard jobs off the to-do list in no time with the Legacy XL subcompact garden tractor. This workhorse offers reliable power and dynamic capabilities in a subcompact package without skimping on the comfort features and luxury feel Simplicity is famous for. The Legacy XL is your new Saturday secret weapon.

Features

- POWERFUL WORKHORSE: A reliable Vanguard™ Big Block™ 885cc V-Twin Engine offers the power and performance for the most challenging application. Electronic Fuel Injection (EFI) option provides easy automotive-style starting whether the engine is cold or hot and greater fuel efficiency. Plus the 33HP gasoline option is second to none with exceptional torque and year over year reliability.
- DELUXE INSTRUMENT PANEL: An intuitive instrument panel complete with a fuel gauge and height-of-cut indicator provides the operator with a premium experience.
- UTILITY LIGHT: The top-mounted work light conveniently adjusts to meet your directional needs and adds just the right amount of light to your project.
- OPERATOR COMFORT: The deep-cushioned commercial-style 18-inch high-back seat with armrests provides comfortable operation.
- 4WD: Reach new performance levels. The four wheel drive model features a shaft driven front axle for reliability and traction; shift between 2WD and 4WD on-the-go so it's there when you need it.
- HYDRAULIC CONTROL LEVER: The all-in-one hydraulic joystick lever is integrated into the dash to easily raise, lower or steer attachments such as the mower deck, dozer blade or front-end loader.

General Information

Manufacturer	Simplicity
Model Year	2021
Model	Legacy XL Vanguard Big Block Rear PTO 33 hp
Model Code	2691524

Color	Orange

Body

Frame	7 ga. steel
Seat	18 in. Premium High-Back

Drivetrain

Drive System	4-Wheel Drive
Transmission	Differential - Hydrostatic with Differential Lock
Transmission Type	Tuff Torq® K92 (rear)
Travel Speed Forward	0-9 mph
Travel Speed Reverse	0-5.5 mph
Tire Size	Front - 18 x 8.5 - 8 in. / 4-Ply Field Rear - 26 x 12 - 12 in. / 4-Ply Field
Axles	Front - Shaft-Driven
Brakes	Internal Wet Disc

Electrical

Battery	500 CCA
Instrumentation	Fuel Level Indicator - Digital, Dash
Lighting	LED headlights
Hour Meter	Standard

Engine

Engine Make	Vanguard ™
Engine Model	Big Block™ V-twin with EFI
Cylinders	2
Horsepower	33 hp
Displacement	885 cc
Starter	Electric, Key
Fuel Capacity	6 gal.

Measurements

Length	81 in.
Width	45 in.
Height	82 in.
Turning Radius	55 in.

Mowing Height Adjustments	Positions - Infinite / Electric
Cutting Height	

Operational

Steering	Hydraulic Power
Deck Lift	Fabricated
Deck Removal	Quick Hitch™
Spindles	Commercial Aluminum with Zerk Fittings
Blades	Engagement - Electric PTO Switch
Cruise control	Standard
Attachment Lift	Hydraulic Dash Lever

Other

Includes	Single-Lever Choke Automatic Controlled Traction™ 12 V DC Outlet Hand grips Cup holder
Warranty	Consumer (Product) ** - 3-Years Commercial (Product) ** - 1-Year Fabricated Mower Deck** - Lifetime **See operator's manual or dealer for complete warranty details. Length of engine warranty coverage varies by manufacturer.

POLARIS PRE-ORDER

Communication from Public

Name:	Warren Resources, Inc., et al
Date Submitted:	12/01/2022 06:10 PM
Council File No:	17-0447-S2
Comments for Public Posting:	Dear City Council Members, Finally, Warren is submitting part 3 of 3 (Attachments 8 through 13 of 13 to the Yorke Supplemental Report) to remain within the file size requirements. We appreciate your time and review. Sincerely, Warren Resources, Inc., et al

ATTACHMENT 8 – CARB / OVERVIEW OF DIESEL EXHAUST AND HEALTH

Overview: Diesel Exhaust & Health

CATEGORIES

Topics Health, Air Pollution, Electrifying Transportation, Construction & Earthmoving Equipment, Environmental Justice, Oceangoing Vessels & Harbor Craft, Freight & Goods Movement, Trains & Railyards, Transit, VW Diesel Vehicles

Programs Exposure, Community Air Protection Program , Community Health, Zero-Emission Powertrain Certification, Alternative Diesel Fuels, In-Use Off-Road Diesel-Fueled Fleets Regulation, Study of Neighborhood Air near Petroleum Sources, School Buses

Type Information

CONTACT

Research Division

Email research@arb.ca.gov

Phone (916) 445-0753

Background

Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material.The solid material in diesel exhaust is known as diesel particulate matter (DPM). More than 90% of DPM is less than 1 µm in diameter (about $1/70^{th}$ the diameter of a human hair), and thus is a subset of particulate matter less than 2.5 microns in diameter (PM2.5). Most PM2.5 derives from combustion, such as use of gasoline and diesel fuels by motor vehicles, burning of natural gas to generate electricity, and wood burning. PM2.5 is the size of ambient particulate matter air pollution most associated with adverse health effects of the air pollutants that have ambient air quality standards. These health effects include cardiovascular and respiratory hospitalizations, and premature death. As a California statewide average, DPM comprises about 8% of PM2.5 in outdoor air, although DPM levels vary regionally due to the non-uniform distribution of sources throughout the state.

DPM is typically composed of carbon particles (“soot”, also called black carbon, or BC) and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene. Diesel exhaust also contains gaseous pollutants, including volatile organic compounds and oxides of nitrogen (NO_x). NO_x emissions from diesel engines are important because they can undergo chemical reactions in the atmosphere leading to formation of PM2.5 and ozone.

Most major sources of diesel emissions, such as ships, trains, and trucks operate in and around ports, rail yards, and heavily traveled roadways. These areas are often located near highly populated areas. Because of this, elevated DPM levels are mainly an urban problem, with large numbers of people exposed to higher DPM concentrations, resulting in greater health consequences compared to rural areas. A large fraction of personal exposure to DPM occurs during travel on roadways. Although Californians spend a relatively small proportion of their time in enclosed vehicles (about 7% for adults and teenagers, and 4% for children under 12), 30 to 55% of total daily DPM exposure typically occurs during the time people spend in motor vehicles.

Diesel Particulate Matter and Health

The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface. Although particles the size of DPM can deposit throughout the lung, the largest fraction deposits in the deepest regions of the lungs where the lung is most susceptible to injury.

In 1998, CARB identified DPM as a toxic air contaminant based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. In 2012, additional studies on the cancer-causing potential of diesel exhaust published since CARB’s determination led the International Agency for Research on Cancer (IARC, a division of the World Health Organization) to list diesel engine exhaust as “carcinogenic to humans”. This

determination is based primarily on evidence from occupational studies that show a link between exposure to DPM and lung cancer induction, as well as death from lung cancer. Download the IARC report (external site).

Because it is part of PM2.5, DPM also contributes to the same non-cancer health effects as PM2.5 exposure. These effects include premature death, hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children. Several studies suggest that exposure to DPM may also facilitate development of new allergies. Those most vulnerable to non-cancer health effects are children whose lungs are still developing and the elderly who often have chronic health problems.

Estimated Health Effects of DPM in California

DPM has a significant impact on California's population. It is estimated that about 70% of total known cancer risk related to air toxics in California is attributable to DPM. Based on 2012 estimates of statewide exposure, DPM is estimated to increase statewide cancer risk by 520 cancers per million residents exposed over a lifetime. Non-cancer health effects associated with exposure to DPM (based on 2014 - 2016 air quality data) are shown in the table below.

Health Effect	**Estimated Annual Number of Cases***
Cardiopulmonary Death	730 (570 – 890)
Hospitalizations (Cardiovascular and Respiratory)	160 (20 – 290)
Emergency Room Visits for Asthma	370 (240 – 510)

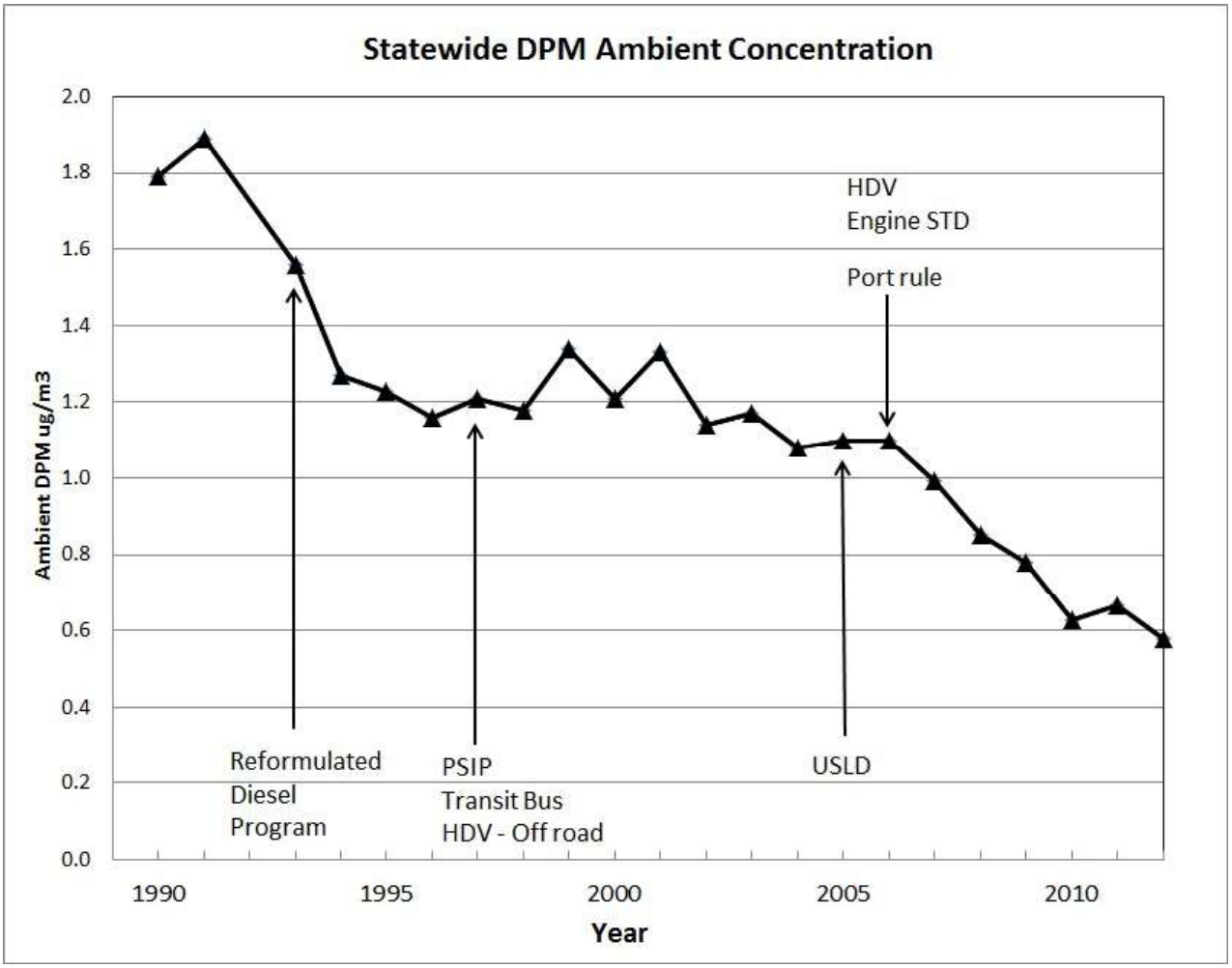
*Values in parenthesis indicate 95% confidence interval.

More Information

Trends in Outdoor Levels of DPM

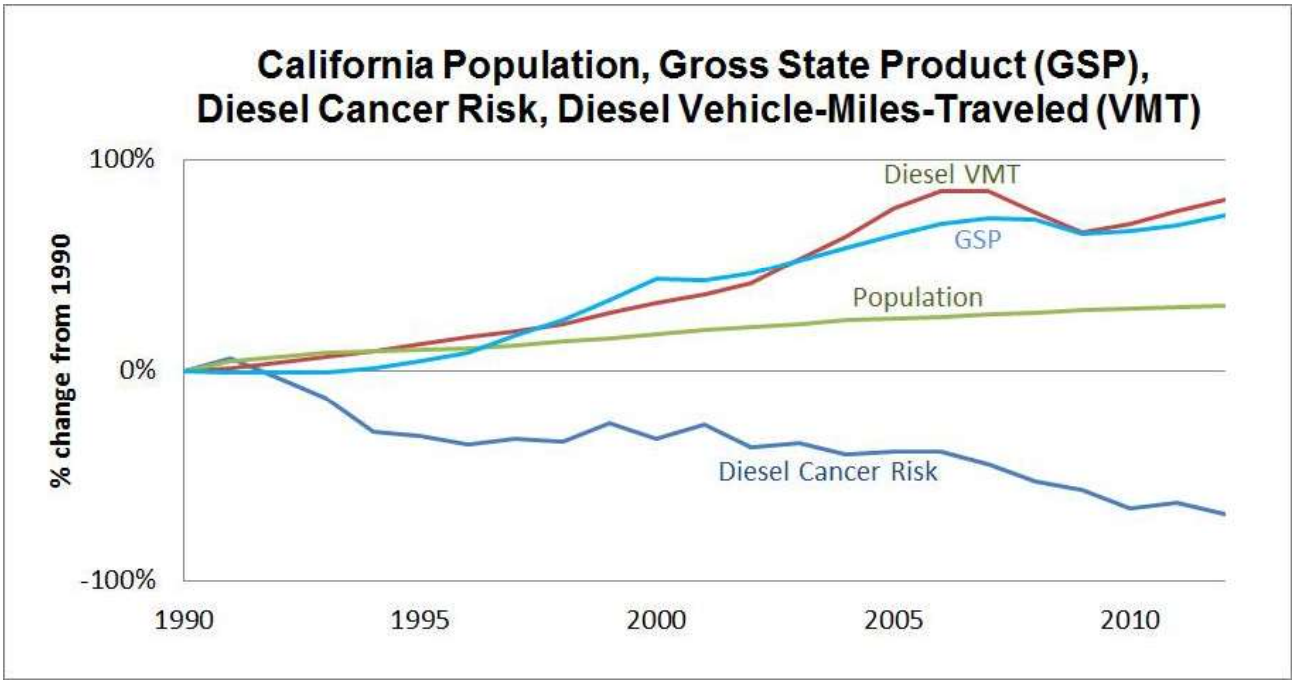
The figure below shows the trend in ambient DPM. CARB regulations** of diesel engines and fuels have had a dramatic effect on DPM concentrations. Since 1990, DPM levels have decreased by 68%. The figure also shows which regulations have had the greatest impact on DPM.

DPM levels are expected to continue declining as additional controls are adopted, and the number of new technology diesel vehicles increases.



**Abbreviations of CARB regulations used in table: HDV Engine STD = Heavy-duty diesel truck engine standard; HDV - Off road = Heavy-duty off-road diesel engines; Port rule = Port (drayage) trucks; PSIP = Periodic self-inspection program; Transit bus = Urban transit buses; ULSD = Clean diesel fuel

The figure below shows that despite the increased number of vehicle miles traveled by diesel vehicles (VMT, red line), and despite increases in statewide population (green line) and gross state product (GSP, a measure of growth in the state's economy, light blue line), CARB's regulatory programs still led to a decline in statewide cancer risk (dark blue line).



Additional Information

- CARB's diesel programs
- CARB's diesel mobile vehicles and equipment activities
- CARB's freight transport, ports and rail programs
- California's diesel fuel program
- Other diesel-related programs
- Selected references on diesel-related health effects

Environmental Effects of Diesel Exhaust

In addition to its health effects, diesel exhaust significantly contributes to haze that reduces visibility by obscuring outdoor views and decreasing the distance over which one can distinguish features across the landscape. Researchers have reported that in the San Joaquin Valley and in southern California, diesel engines contribute to a reduction in visibility. This decrease in visibility is caused by scattering and absorption of sunlight by particles and gases present in diesel emissions.

DPM also plays an important role in climate change. A large proportion of DPM is composed of BC. Recent studies cited in the Intergovernmental Panel on Climate Change report estimate that emissions of BC are the second largest contributor to global warming, after carbon dioxide emissions. Warming occurs when BC particles absorb sunlight, convert it into infrared (heat) radiation, and emit that radiation to the surrounding air. A recent California-specific study showed that the darkening of snow and ice by BC deposition is a major factor in the rapid disappearance of the Sierra Nevada snow packs. Melting of the snow pack of the Sierra Nevada earlier in the spring is one of the contributing factors to the serious decline in California's water supply. As additional DPM controls are adopted, and the number of new technology diesel vehicles increases, BC emissions will continue to decline.

Conclusions

Although progress has been made over the past decade in reducing exposure to diesel exhaust, diesel exhaust still poses substantial risks to public health and the environment. Efforts to reduce DPM exposure through use of cleaner-burning diesel fuel, retrofitting engines with particle-trapping filters, introduction of new, advanced technologies that reduce particle emissions, and use of alternative fuels are approaches that are being explored and implemented. CARB anticipates that newly adopted diesel exhaust control measures will reduce population exposure even further, and that as the sustainable freight program expands, population exposure to diesel exhaust pollution will decrease even further. It is estimated that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects.

RELATED RESOURCES

South Los Angeles Annual Progress Reports

Heavy-Duty Vocational Vehicles Greenhouse Gas

Technology and Fuels Assessments

(800) 242-4450 | helpline@arb.ca.gov
1001 I Street, Sacramento, CA 95814
P.O. Box 2815, Sacramento, CA 95812

ATTACHMENT 9 – U.S. EPA / AIR EMISSIONS INVENTORIES – PARTICULATE MATTER

What are the parts of particulate matter, and how do they relate?

Primary PM2.5 estimates are ***speciated*** into the five PM species in the NEI: elemental (black) carbon (EC), organic carbon (OC), nitrate (NO3), sulfate (SO4), and the remainder of PM25-PRI (PMFINE). Diesel engine PM25-PRI and PM10 emissions are also labeled as DIESEL-PM25 and DIESEL-PM10 for mobile source diesel engines. For all diesel engine sources, PM25-PRI = DIESEL-PM25 and PM10-PRI = DIESEL-PM10. For PM2.5 species, PM25-PRI = EC + OC + SO4 + NO3 + PMFINE.

PM ***components*** such as filterable PM25-FIL and PM10-FIL and condensable PM (PM-CON) are different components of PM25-PRI and should not be confused with PM speciation. For combustion-related sources, PM25-PRI = PM25-FIL + PM-CON and PM10-PRI = PM10-FIL + PM-CON. For non-combustion sources of PM, PM-CON is zero, and therefore primary PM will be equal to the filterable components (e.g., PM25-PRI = PM25-FIL). Note that there is no size differentiation when considering PM-CON, since nearly all PM-CON is under 2.5 microns in diameter.

Air Emissions Inventory Home <https://epa.gov/air-emissions-inventories>

Data and Documentation <https://epa.gov/air-emissions-inventories/national-emissions-inventory-nei>

Reports and Summaries <https://epa.gov/air-emissions-inventories/reports-and-summaries>

Air Pollutants Emissions Trends Data <https://epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data>

Air Emissions Reporting Requirement (AERR) <https://epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr>

Emissions Inventory System (EIS) Gateway <https://epa.gov/air-emissions-inventories/emissions-inventory-system-eis-gateway>

EIS User's Manual and How To's <https://epa.gov/air-emissions-inventories/emissions-inventory-system-eis-users-manual-and-how-tos>

Emissions Inventory System (EIS) Bridge Tools <https://epa.gov/air-emissions-inventories/eis-bridge-tools>

Training <https://epa.gov/air-emissions-inventories/air-emissions-inventory-training>

Conference <https://epa.gov/air-emissions-inventories/international-emissions-inventory-conference>

Emissions Development Tools <https://epa.gov/air-emissions-inventories/emissions-development-tools>

Emissions Inventory Guidance <https://epa.gov/air-emissions-inventories/air-emissions-inventory-guidance-documents>

Emissions Inventory Listservs <https://epa.gov/air-emissions-inventories/air-emissions-inventory-listservs>

Points of Contact <https://epa.gov/air-emissions-inventories/air-emissions-points-contact>

Frequent Questions <https://epa.gov/air-emissions-inventories/frequent-questions>

Contact Us <https://epa.gov/air-emissions-inventories/forms/contact-us-about-air-emissions-inventories> to ask a question, provide feedback, or report a problem.

LAST UPDATED ON FEBRUARY 25, 2022

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Accessibility Statement <https://epa.gov/accessibility/epa-accessibility-statement>

Budget & Performance <https://epa.gov/planandbudget>

Contracting <https://epa.gov/contracts>

EPA www Web Snapshot <https://epa.gov/utilities/wwwepagov-snapshots>

Grants <https://epa.gov/grants>

No FEAR Act Data <https://epa.gov/ocr/whistleblower-protections-epa-and-how-they-relate-non-disclosure-agreements-signed-epa>

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Follow.

ATTACHMENT 10 - REVISED YORKE SCREENING TOOL RESULTS - EXISTING AND REVISED MND

EMISSIONS ARE ENTERED ON THE EMISSIONS WORKSHEET OR ON ONE OF EQUIPMENT WORKSHEETS

INPUT PARAMETERS ENTERED ON THE EMISSIONS SHEET ARE USED FOR TIERS 1 AND TIER 2 ANALYSES

TIER 2 SCREENING RISK ASSESSMENT REPORT

(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.105

A/N: N/A **Fac:** Warren - Original **Application deemed complete date:** 12/1/2022

1. Stack Data

Equipment Type	Diesel ICE	Engine Horse Power: 33 BHP
		Engine Year Built: 2015
		Generator Engine? NO
Combustion Eff	0.0	Engine Emission Factor: 0.02 g/bhp-hr
	No T-BACT	
Operation Schedule	8 hrs/day	
	6 days/week	
	52 weeks/year	
Stack Height	14 ft	
Distance to Residential	25 m	
Distance to Commercial	25 m	
Meteorological Station	Long Beach Airport	

2. Tier 2 Data

Dispersion Factors tables	Point Source
For Chronic X/Q	Table 10
For Acute X/Q max	Table 10.6

Dilution Factors

Receptor	X/Q (µg/m³)/(tons/yr)	X/Qmax (µg/m³)/(lbs/hr)
Residential	23.01	361.32
Commercial - Worker	23.01	528.24

Intake and Adjustment Factors

	Residential	Worker
Year of Exposure	2	
Combined Exposure Factor (CEF) - Table 4	311.35	4.47
Worker Adjustment Factor (WAF) - Table 5	1	3.50

3. Rule 1401 Compound Data

Compound	R1 - Uncontrolled (lbs/hr)	R2 - Controlled (lbs/hr)	CP $(mg/kg\text{-}day)^{-1}$	MP MICR Resident	MP MICR Worker	MP Chronic Resident	MP Chronic Worker	REL Chronic (µg/m³)	REL 8-hr Chronic (µg/m³)	REL Acute (µg/m³)	MWAF
Particulate Emissions from Diesel-Fueled En	1.45E-03	1.31E-03	1.10E+00	1.00	1.00	1.00	1.00	5.00E+00			1

4. Emission Calculations

Compound	R1 (lbs/hr)	R2 (lbs/hr)	R1 (lbs/day)	R2 (lbs/day)	R2 (lbs/yr)	R2 (tons/yr)
Particulate Emissions from Diesel-Fueled En	1.45E-03	1.31E-03	1.16E-02	1.05E-02	3.27E+00	1.63E-03
Total	**1.45E-03**	**1.31E-03**	**1.16E-02**	**1.05E-02**	**3.27E+00**	**1.63E-03**

TIER 2 RESULTS A/N: N/A Application deemed complete date: 12/01/22

5a. MICR

MICR Resident = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Resident * CEF Resident * MP Resident * 1e-6 * MWAF

MICR Worker = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Worker * CEF Worker* MP Worker* WAF Worker* 1e-6 * MWAF

Compound	Residential	Commercial
Particulate Emissions from Diesel-Fueled En	1.29E-05	6.46E-07
Total	**1.29E-05**	**6.46E-07**
	FAIL	**PASS**

5b. Is Cancer Burden Calculation Needed (MICR >1E-6)?	**YES**
New X/Q at which $MICR_{70yr}$ is one-in-a-million [(µg/m³)/(tons/yr)]:	7.26E-01
New Distance, interpolated from X/Q table using New X/Q (meter):	189.89
Zone Impact Area (km²):	1.13E-01
Zone of Impact Population (7000 person/km²):	7.93E+02
Cancer Burden:	**2.51E-02**
Cancer Burden is less than or equal to 0.5	**PASS**

6. Hazard Index Summary **A/N:** N/A **Application deemed complete date:** 12/01/22

HIA = [Q(lb/hr) * (X/Q)max * MWAF]/ Acute REL
HIC = [Q(ton/yr) * (X/Q) * MP * MWAF] / Chronic REL
HIC 8-hr= [Q(ton/yr) * (X/Q) * WAF * MWAF] / 8-hr Chronic REL

Target Organs	Acute	Chronic	8-hr Chronic	Acute Pass/Fail	Chronic Pass/Fail	8-hr Chronic Pass/Fail
Alimentary system (liver) - AL				Pass	Pass	Pass
Bones and teeth - BN				Pass	Pass	Pass
Cardiovascular system - CV				Pass	Pass	Pass
Developmental - DEV				Pass	Pass	Pass
Endocrine system - END				Pass	Pass	Pass
Eye				Pass	Pass	Pass
Hematopoietic system - HEM				Pass	Pass	Pass
Immune system - IMM				Pass	Pass	Pass
Kidney - KID				Pass	Pass	Pass
Nervous system - NS				Pass	Pass	Pass
Reproductive system - REP				Pass	Pass	Pass
Respiratory system - RESP		7.51E-03		Pass	Pass	Pass
Skin				Pass	Pass	Pass

A/N: N/A Application deemed complete date: 12/01/22

6a. Hazard Index Acute - Resident

HIA = [Q(lb/hr) * (X/Q)max resident * MWAF] / Acute REL

	HIA - Residential									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En										
Total										

6a. Hazard Index Acute - Worker **A/N:** N/A **Application deemed complete date:** 12/01/22

HIA = [Q(lb/hr) * (X/Q)max Worker * MWAF] / Acute REL

	HIA - Commercial									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En										
Total										

A/N: N/A **Application deemed complete date:** 12/01/22

6b. Hazard Index Chronic - Resident

HIC = [Q(ton/yr) * (X/Q) Resident * MP Chronic Resident * MWAF] / Chronic REL

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												7.51E-03	
Total												7.51E-03	

A/N: N/A Application deemed complete date: 12/01/22

6b. Hazard Index Chronic - Worker

HIC = [Q(ton/yr) * (X/Q) * MP Chronic Worker * MWAF] / Chronic REL

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												7.51E-03	
Total												7.51E-03	

6c. 8-hour Hazard Index Chronic - Resident **A/N:** N/A **Application deemed complete date:** 12/01/22

HIC 8-hr = [Q(ton/yr) * (X/Q) Resident * WAF Resident * MWAF] / 8-hr Chronic REL

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

A/N: N/A Application deemed complete date: 12/01/22

6c. 8-hour Hazard Index Chronic - Worker

HIC 8-hr = [Q(ton/yr) * (X/Q) Worker * WAF Worker * MWAF] / 8-hr Chronic REL

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

EMISSIONS ARE ENTERED ON THE EMISSIONS WORKSHEET OR ON ONE OF EQUIPMENT WORKSHEETS

INPUT PARAMETERS ENTERED ON THE EMISSIONS SHEET ARE USED FOR TIERS 1 AND TIER 2 ANALYSES

TIER 2 SCREENING RISK ASSESSMENT REPORT

(Procedure Version 8.1 & Package N, September 1, 2017) - Risk Tool V1.105

A/N: N/A **Fac:** Warren - Revised **Application deemed complete date:** 12/1/2022

1. Stack Data

Equipment Type	Diesel ICE	Engine Horse Power: 540 BHP
		Engine Year Built: 2015
		Generator Engine? NO
Combustion Eff	0.0	Engine Emission Factor: 0.01 g/bhp-hr
	No T-BACT	
Operation Schedule	8 hrs/day	
	6 days/week	
	52 weeks/year	
Stack Height	14 ft	
Distance to Residential	25 m	
Distance to Commercial	25 m	
Meteorological Station	Long Beach Airport	

2. Tier 2 Data

Dispersion Factors tables	Point Source
For Chronic X/Q	Table 10
For Acute X/Q max	Table 10.6

Dilution Factors

Receptor	X/Q (µg/m³)/(tons/yr)	X/Qmax (µg/m³)/(lbs/hr)
Residential	10.06	198.38
Commercial - Worker	10.06	191.90

Intake and Adjustment Factors

	Residential	Worker
Year of Exposure	2	
Combined Exposure Factor (CEF) - Table 4	311.35	4.47
Worker Adjustment Factor (WAF) - Table 5	1	3.50

A/N: N/A Application deemed complete date: 12/01/22

3. Rule 1401 Compound Data

Compound	R1 - Uncontrolled (lbs/hr)	R2 - Controlled (lbs/hr)	CP $(mg/kg\text{-}day)^{-1}$	MP MICR Resident	MP MICR Worker	MP Chronic Resident	MP Chronic Worker	REL Chronic ($\mu g/m^3$)	REL 8-hr Chronic ($\mu g/m^3$)	REL Acute ($\mu g/m^3$)	MWAF
Particulate Emissions from Diesel-Fueled En	1.19E-02	1.07E-02	1.10E+00	1.00	1.00	1.00	1.00	5.00E+00			1

A/N: N/A

Application deemed complete date: 12/01/22

4. Emission Calculations

Compound	R1 (lbs/hr)	R2 (lbs/hr)	R1 (lbs/day)	R2 (lbs/day)	R2 (lbs/yr)	R2 (tons/yr)
Particulate Emissions from Diesel-Fueled En	1.19E-02	1.07E-02	9.52E-02	8.56E-02	2.67E+01	1.34E-02
Total	**1.19E-02**	**1.07E-02**	**9.52E-02**	**8.56E-02**	**2.67E+01**	**1.34E-02**

TIER 2 RESULTS

A/N: N/A

Application deemed complete date: 12/01/22

5a. MICR

MICR Resident = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Resident * CEF Resident * MP Resident * 1e-6 * MWAF

MICR Worker = CP (mg/(kg-day))^-1 * Q (ton/yr) * (X/Q) Worker * CEF Worker* MP Worker* WAF Worker* 1e-6 * MWAF

Compound	Residential	Commercial
Particulate Emissions from Diesel-Fueled En	4.60E-05	2.31E-06
Total	**4.60E-05**	**2.31E-06**
	FAIL	**FAIL**

5b. Is Cancer Burden Calculation Needed (MICR >1E-6)?	**YES**
New X/Q at which $MICR_{70yr}$ is one-in-a-million [(µg/m³)/(tons/yr)]:	8.87E-02
New Distance, interpolated from X/Q table using New X/Q (meter):	447.74
Zone Impact Area (km²):	6.30E-01
Zone of Impact Population (7000 person/km²):	4.41E+03
Cancer Burden:	**5.00E-01**
Cancer Burden is less than or equal to 0.5	**PASS**

6. Hazard Index Summary **A/N:** N/A **Application deemed complete date:** 12/01/22

HIA = [Q(lb/hr) * (X/Q)max * MWAF]/ Acute REL
HIC = [Q(ton/yr) * (X/Q) * MP * MWAF] / Chronic REL
HIC 8-hr= [Q(ton/yr) * (X/Q) * WAF * MWAF] / 8-hr Chronic REL

Target Organs	Acute	Chronic	8-hr Chronic	Acute Pass/Fail	Chronic Pass/Fail	8-hr Chronic Pass/Fail
Alimentary system (liver) - AL				Pass	Pass	Pass
Bones and teeth - BN				Pass	Pass	Pass
Cardiovascular system - CV				Pass	Pass	Pass
Developmental - DEV				Pass	Pass	Pass
Endocrine system - END				Pass	Pass	Pass
Eye				Pass	Pass	Pass
Hematopoietic system - HEM				Pass	Pass	Pass
Immune system - IMM				Pass	Pass	Pass
Kidney - KID				Pass	Pass	Pass
Nervous system - NS				Pass	Pass	Pass
Reproductive system - REP				Pass	Pass	Pass
Respiratory system - RESP		2.69E-02		Pass	Pass	Pass
Skin				Pass	Pass	Pass

A/N: N/A **Application deemed complete date:** 12/01/22

6a. Hazard Index Acute - Resident

HIA = [Q(lb/hr) * (X/Q)max resident * MWAF] / Acute REL

	HIA - Residential									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En										
Total										

6a. Hazard Index Acute - Worker **A/N:** N/A **Application deemed complete date:** 12/01/22

HIA = [Q(lb/hr) * (X/Q)max Worker * MWAF] / Acute REL

	HIA - Commercial									
Compound	AL	CV	DEV	EYE	HEM	IMM	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En										
Total										

A/N: N/A **Application deemed complete date:** 12/01/22

6b. Hazard Index Chronic - Resident

HIC = [Q(ton/yr) * (X/Q) Resident * MP Chronic Resident * MWAF] / Chronic REL

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												2.69E-02	
Total												2.69E-02	

A/N: N/A **Application deemed complete date:** 12/01/22

6b. Hazard Index Chronic - Worker

HIC = [Q(ton/yr) * (X/Q) * MP Chronic Worker * MWAF] / Chronic REL

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En												2.69E-02	
Total												2.69E-02	

6c. 8-hour Hazard Index Chronic - Resident **A/N:** N/A **Application deemed complete date:** 12/01/22

HIC 8-hr = [Q(ton/yr) * (X/Q) Resident * WAF Resident * MWAF] / 8-hr Chronic REL

	HIC - Residential												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

A/N: N/A Application deemed complete date: 12/01/22

6c. 8-hour Hazard Index Chronic - Worker

HIC 8-hr = [Q(ton/yr) * (X/Q) Worker * WAF Worker * MWAF] / 8-hr Chronic REL

	HIC - Commercial												
Compound	AL	BN	CV	DEV	END	EYE	HEM	IMM	KID	NS	REP	RESP	SKIN
Particulate Emissions from Diesel-Fueled En													
Total													

ATTACHMENT 11 – CV FOR GREG WOLFFE

GREGORY S. WOLFFE, C.P.P.

Principal Scientist

Yorke ENGINEERING, LLC
www.YorkeEngr.com

AREAS OF EXPERTISE

- NEPA/CEQA Compliance
- Air Quality Permitting
- Ambient Air Monitoring
- Emissions Inventory
- Air Dispersion Modeling
- Public Notification
- Health Risk Assessments
- Information Management Systems
- Air Quality Compliance Audits

EXPERIENCE

- Yorke Engineering, LLC
- AECOM (ENSR)
- Science Applications International Corporation (SAIC)
- McLaren/Hart Engineering
- USDA Forest Service

PROFESSIONAL CERTIFICATIONS

- Certified Permitting Professional, South Coast Air Quality Management District
- ISO 14001 Lead Auditor
- Environmental Data Management Systems

EDUCATION

- B.A., Environmental Science, University of California, Santa Barbara, 1987
- B.A., Physical Anthropology, University of California, Santa Barbara, 1987
- A.A., Zoology, Fullerton College, 1985

OVERVIEW

Mr. Wolffe has over 25 years in environmental research and professional consulting services. Mr. Wolffe has expertise in preparing and coordinating project planning support related to the California Environmental Quality Act (CEQA) for a wide range of proposed environmental impact documentation, from the level of an Initial Study (IS) to an Environmental Impact Report (EIR) requiring public meetings and EIR Addendums.

Mr. Wolffe has strong technical skills in the area of air dispersion modeling, health risk assessment (HRA), localized significance threshold (LST) determinations, ambient air quality impact assessment (AQIA), and mobile source emissions modeling. He is proficient in the use of screening and refined air modeling, including AERSCREEN and AERMOD, and has performed complex deposition modeling for ecological human health risk assessment, as well as long-range transport modeling using CALPUFF. Mr. Wolffe has supported government and commercial organizations in assessing air quality impacts for large multi-year new facility construction projects, source facility modifications, evaluating short-term construction toxic air contaminant (TAC) emissions for health risks, proposed project mitigation in support of environmental review pursuant to CEQA and the National Environmental Policy Act (NEPA), and permitting and/or feasibility planning of capital projects.

He has performed air quality and mobile source emissions evaluations in California for projects located in the South Coast Air Quality Management District (SCAQMD), San Joaquin Valley Air Pollution Control District (SJVAPCD), Mojave Desert Air Quality Management District (MDAQMD), Bay Area Air Quality Management District (BAAQMD), and San Diego County Air Pollution Control District (SDAPCD).

Mr. Wolffe has specific recent experience managing the consistency of air quality and greenhouse gas (GHG)/climate change analyses prepared pursuant to CEQA with the permitting of large-scale power projects. He has worked with a range of California plants performing Title V air permitting, Emergency Planning and Community Right-to-Know Act (EPCRA) compliance auditing, regulatory applicability analysis (federal and local), and semi-annual Maximum Achievable Control Technology (MACT) reporting. Mr. Wolffe is a Certified Permitting Professional with the SCAQMD, a certified ISO 14001 lead auditor, and a recognized individual in the air quality field in Southern California.

REPRESENTATIVE PROJECT EXPERIENCE

Natural Gas Pipeline CEQA/NEPA Technical Report and Air Permitting, Southern CA

Mr. Wolffe provided project management oversight to SoCalGas in the preparation of the Air Quality and GHG Analysis Technical Report to be included in the Proponent's Environmental Assessment (PEA) evaluating potential environmental impacts from the project pursuant to CEQA and submitted to the California Public Utilities Commission (CPUC). The air quality and GHG analysis evaluated approximately 65 miles of proposed new natural gas pipeline and modifications to a compressor station and pressure limiting stations. Emissions would be occurring within the MDAQMD and the SCAQMD jurisdiction of San Bernardino and Riverside Counties. Emissions related to the operation of the upgraded Adelanto Compressor Station comprise criteria pollutants (CO, NO_x, VOCs, SO_x, PM_{10}, and $PM_{2.5}$), GHGs (CO_2, CH_4, and N_2O) expressed as CO_2e, and several species of TACs were compared to the CEQA significance thresholds for mass daily emissions thresholds, air concentrations, and HRA using CalEEMod, AERSCREEN, and Hotspots Analysis and Reporting Program, version 2 (HARP2) air modeling systems. Emissions for the Adelanto Compressor Station were estimated using representative design criteria reflective of the highest potential emissions.

Modification of Permits for Gas Compression and Transmission Station, Blythe, CA

Mr. Wolffe is working closely with a major utility company's staff to prepare an application for modification of the gas compressor station's air permit. The modification involves installation of new turbine compressors and internal combustion engines, installation of emissions control equipment on the new and some existing equipment, and shutdown of existing equipment. The application for an authority to construct (ATC) permit includes detailed emissions netting calculations, a Best Available Control Technology (BACT) review, an HRA, and a regulatory assessment. A Dust Control Plan is being prepared for plant and pipeline construction.

Los Angeles Department of Water and Power (LADWP), CEQA Air Quality Impact Analysis

Mr. Wolffe worked closely with LADWP staff to prepare an air quality and GHG emissions analysis pursuant to CEQA for construction and operational activities associated with a large-scale re-powering project. Completion of the project was complicated by the implementation of new ambient air quality standards for short-term nitrogen dioxide during the public review period. Mr. Wolffe completed subsequent air dispersion modeling requests from the SCAQMD that avoided agency objection during certification of the EIR by the Governing Board. He managed subsequent changes to the project that were prepared and filed as an EIR Addendum, which allowed the project to proceed without recirculation.

SCAQMD Permit Support for Cogeneration System at Los Angeles World Airports (LAWA)

Mr. Wolffe managed the completion and submittal of a time-critical air permit application to the SCAQMD for operation of an on-site concrete batch plant needed to support the LAX re-development program. Mr. Wolffe coordinated SCAQMD and Environmental Protection Agency (EPA) agency communications throughout the Title V major source modification permitting process, working closely with LAWA team members on a highly accelerated permitting schedule. As a result, LAWA successfully secured the required permit within 10 weeks of submittal, including public notice and EPA 45-day review. Mr. Wolffe also assisted LAWA in permitting their Central Utility Plant replacement project.

Repowering of the Aliso Canyon Gas Storage Field with Electrical Compressors (SoCalGas/SCE), CA

Mr. Wolffe provided project management to SoCalGas in the preparation of the PEA evaluating potential environmental impacts from the project pursuant to CEQA and submitted to the CPUC, which proposed that the Aliso Canyon Gas Storage Field be repowered using electric motor compressors powered by a new subtransmission service supported by Southern California Edison (SCE). Primary project

components included replacing approximately 7 miles of subtransmission line, new telecommunications, upgrades to three existing substations, and construction of a new substation to provide dedicated service to the proposed compressors.

California Energy Commission (CEC), Applications for Certification (AFCs), Public Health Sections

Mr. Wolffe served as the technical lead for the preparation of the Public Health sections of the AFCs and the subsequent CEC review process for the Beacon Solar Energy Project (BSEP) proposed in Kern County, CA, the two Palmdale and Victorville 550-megawatt (MW) hybrid power plants proposed in Palmdale and Victorville, CA, and three Solar Millennium sites in California. The hybrid projects and the solar projects were proposed to generate power through the use of parabolic trough solar thermal technology coupled with a steam turbine generator. HRAs for these projects addressed impacts from both construction and operational emissions.

California Energy Commission (CEC) Reporting for NRG Energy, El Segundo, CA

Mr. Wolffe was responsible for ongoing reporting to the CEC during the construction of a 560-MW rapid-response combined-cycle facility in El Segundo. As the CEC-designated Air Quality Construction Mitigation Manager (AQCMM), Mr. Wolffe prepared and submitted monthly reports to the CEC's Compliance Project Manager (CPM) detailing monthly compliance activities associated with fugitive dust and diesel mitigation plan requirements. The monthly compliance report to the CPM included mitigation monitoring data, fueling information, and on-site equipment operating records. Within 90 days of startup of the combined-cycle gas turbines, the facility is required to submit to the CEC Quarterly Operational Reports that include the fuel use and continuous emissions monitoring system (CEMS) recorded data for each gas turbine exhaust stack on an hourly basis to verify emissions limits for CO, NO_x, volatile organic compounds, and ammonia.

Diamond Generating Corporation, Indigo Generating Station, Larkspur Generating Station, Mariposa Energy Project, Riverside, San Diego, and Alameda Counties, CA

Mr. Wolffe has provided permitting and compliance assistance for several power facilities for this client. For instance, he performed commissioning and Title V permitting for a peaker power generation project located in Byron, CA, permitted through the CEC and BAAQMD, and he continued to perform air quality and environmental compliance reporting services for this power plant after it started operation. For the Indigo generating station, he obtained permits from the SCAQMD, as well as helped prepare GHG, annual emissions inventory, and Title V reporting for the facility. He also provided similar reporting assistance for a peaker plant permitted by the SDAPCD.

Kaiser Permanente Murrieta Valley Medical Center, CEQA Air Quality Impact Analysis

Mr. Wolffe managed the preparation of the Kaiser Permanente Murrieta Valley Medical Center Air Modeling Analysis Report, an air quality and GHG technical report prepared in support of the project EIR for the City of Murrieta. Since the daily construction activities at the proposed project site exceeded 5 acres, air dispersion modeling was performed using the AERMOD modeling system to assess LST and HRA impacts of project emissions. Modeling release parameters were developed for the total land parcel area of 37.13 acres using an area source representation based on the size of each of the five phases of the proposed project. Initial lateral source dimensions and release heights were developed in accordance with the LST methodology developed by the SCAQMD for 1-, 2-, and 5-acre project lookup tables. The project will include the construction of a 254-bed hospital, hospital support building, outpatient medical office buildings, and central utility plant.

Tejon Ranch Grapevine Development, CEQA Air Quality Impact Analysis

Mr. Wolffe managed the preparation of the Tejon Ranch Corp. Grapevine Project Air Quality and Health Risk Assessment Modeling Analysis, an air quality and GHG technical report for the Grapevine Project for use in an EIR to Kern County. The project encompassed approximately 8,010 acres within the 15,644-acre Grapevine planning area in southwestern Kern County, and proposed 4,780 acres of residential community and employment center development and approximately 3,230 acres (about 40% of the planning area) of agriculture with grazing and open space as the predominant land uses. The project site is located within the jurisdiction of the SJVAPCD. The project used AERMOD modeling to demonstrate compliance with maximum 24-hour average concentration of primary PM_{10} and $PM_{2.5}$ at the project boundary for comparison to California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). A construction and operations HRA was also performed using AERMOD and HARP2 analyzing the acute, chronic, and carcinogenic health risks of TACs that would be emitted by the project.

Oil Field, CEQA Air Quality Impact Analysis

Mr. Wolffe managed the preparation of an oil field's Specific Plan Air Quality and GHG Technical Report, which was intended for use in an EIR for the City for the entitlement action associated with the adoption of the oil field's Specific Plan. The project involved the development of a set of oil drilling regulations designed to help protect the health and safety of the residences of the City. The technical report evaluated health and safety impacts on residents and contains guidance on an extensive list of provisions to help reduce air quality, public health, and climate change impacts. These include emission offsets; development of an odor minimization plan; air monitoring for hydrogen sulfide and total hydrocarbon vapors; a portable flare for drilling; oil tank pressure monitoring and venting; odor suppressants for drilling and re-drilling operations; closed systems for produced oil and water; requirements for off-road diesel construction equipment engines; requirements for drill rig engines; drilling and re-drilling setbacks that require drilling to be at least 400 feet from developed areas and at least 75 feet from any public roadway; slant drilling requirements for deep-zone and mid-zone wells; Fugitive Dust Control Plan; and inspection and maintenance program information requirements.

Las Gallinas Wastewater Treatment Facility Expansion, CEQA Air Quality Impact Analysis

Mr. Wolffe managed the preparation of an air quality technical analysis pursuant to CEQA for the Las Gallinas Valley Sanitary District (LGVSD) proposed expansion of its secondary treatment system at the LGVSD wastewater treatment plant (WWTP) in Northern California. The expansion was proposed to handle peak wet weather daily flows of 18 million gallons per day (MGD), doubling the plant's wet weather treatment capacity. Criteria pollutant and GHG emissions associated with the project were estimated using CalEEMod (California Emissions Estimation Model), including mobile source emission factors used in the model (EMFAC2014) that incorporated statewide fleet averages and low carbon fuel standards into the mobile source emission factors. Operational emissions from wastewater treatment processes were quantified using emission estimation techniques (EETs) approved by the BAAQMD and other California air districts.

Ventura Regional Sanitation District (VRSD), CEQA Air Quality Impact Analysis and HRA, Toland Landfill Expansion, Ventura, CA

Mr. Wolffe conducted air dispersion modeling and an HRA in support of an EIR required under CEQA for the Toland Road Landfill Biosolids System and Electric Generation Project. The proposed project includes the construction and operation of a biosolids drying system and landfill gas-fired electrical microturbine generators. The modeling was performed using the Hotspots Analysis and Reporting Program (HARP) model. The HARP model incorporated Industrial Source Complex Short-Term Release 3 (ISCST3) air dispersion modeling.

ATTACHMENT 12 – CV FOR DON BARKLEY

DONALD G. BARKLEY

Senior Engineer

Yorke ENGINEERING, LLC
www.YorkeEngr.com

AREAS OF EXPERTISE

- Air Permitting
- Title V/RECLAIM Compliance and Reporting
- Emissions Inventories
- EH&S Compliance Auditing
- SPCC Compliance
- Occupational Safety Programs
- Industrial Wastewater Permitting and Reporting
- Hazardous Materials Planning
- Storm Water Permit Compliance

EXPERIENCE

- Yorke Engineering, LLC
  Senior Engineer
  2021-present
- Maverick Natural Resources, LLC/Breitburn Operating LP
  Senior HSE Advisor
  2014-2021
- Barkley Environmental Engineering Services, Inc.
  President/CEO/Senior Engineer
  2004-2014
- Omnibus Environmental Services, Inc.
  Senior Engineer
  1993-2004

PROFESSIONAL CERTIFICATIONS

- Professional Engineer, Mechanical Engineering, License #29698, 1995

EDUCATION

- M.S., Environmental Studies, California State University, Fullerton, 1995
- B.S., Mechanical Engineering, University of Kentucky, 1985

OVERVIEW

Mr. Barkley has over 30 years working in environmental compliance and consulting services, including operating his own firm as an independent consultant. Mr. Barkley has supported industrial clients with ongoing site compliance across a wide range of regulatory programs, including air quality management, water and wastewater management, hazardous waste and hazardous materials management, spill response and spill prevention, and oil field compliance systems. With his extensive and broad knowledge of the many environmental laws and regulations, Mr. Barkley has overseen and conducted projects to process data for environmental reporting, prepare permit applications and regulatory reports for submittal to federal, state, and local regulatory agencies, and conducted compliance audits to ensure facility compliance with all applicable regulations and requirements.

FIELDS OF EXPERIENCE

Air Permitting

Mr. Barkley has prepared New Source Review air permit applications to the South Coast Air Quality Management District (SCAQMD) for a wide variety of oil and gas facilities, including leading a large facility expansion project.

Title V/RECLAIM Compliance and Reporting

Mr. Barkley has managed air quality programs for Title V and Regional Clean Air Incentives Market (RECLAIM) facilities in the SCAQMD. As part of these management activities, Mr. Barkley prepared emission calculations, regulatory analyses, recordkeeping, monitoring, and reporting.

Emissions Inventories

Mr. Barkley has prepared and submitted multiple criteria and toxic pollutant air emissions inventories and annual reports.

Mr. Barkley also has experience preparing greenhouse gas (GHG) emissions inventories for California Air Resources Board (CARB) reporting, and has assisted in the CARB verification process.

EH&S Compliance Auditing

Mr. Barkley has worked directly with federal, state, and local agencies to ensure regulatory compliance at his clients' facilities. In addition to developing environmental, health, and safety

(EH&S) compliance procedures, Mr. Barkley has assisted clients to prepare for agency inspections, ensuring that all required documentation is complete and accounted for. Mr. Barkley has also conducted on-site field audits of facilities to ensure compliance with all applicable regulatory requirements.

SPCC Compliance

As a registered Professional Engineer (P.E.), Mr. Barkley has prepared, written, and certified initial Spill Prevention, Control, and Countermeasure (SPCC) Plans and 5-year renewals for over 100 separate facilities (small, large, and multi-facility).

In addition, Mr. Barkley has experience investigating spills and releases to maintain compliance with the SPCC regulation by recommending solutions to prevent recurrence.

Occupational Safety Programs

Mr. Barkley assisted with developing a plan for company Incident Command Systems, which included planning and conducting required annual drill exercises, characterizing site hazards to identify chemical and physical hazards, determining the appropriate level of personal protective equipment (PPE) for the workplace, and locating emergency services.

Mr. Barkley has also prepared programs and provided employee training for life critical program areas, such as Hot Work, Confined Space, Hydrogen Sulfide (H_2S) Awareness, Excavation, Electrical Safety, and Lockout/Tagout (LOTO).

Industrial Wastewater Permitting and Reporting

Mr. Barkley has worked closely with the Los Angeles County Sanitation Districts (LACSD) to modify existing industrial wastewater discharge permits for the purpose of increasing the previously approved flow rates.

In addition, Mr. Barkley has experience analyzing and calculating wastewater discharges as part of the reporting programs for conventional and toxic wastewater pollutants discharged to the sanitation districts.

Hazardous Materials Planning

Mr. Barkley has prepared hazardous material inventories and emergency response and training plans for submittal in the California Environmental Reporting System (CERS) to meet state and local reporting requirements.

Storm Water Permit Compliance

Mr. Barkley has managed storm water Industrial General Permit (IGP) coverage for facilities under the jurisdiction of the State Water Resources Control Board (SWRCB), including obtaining coverage, conducting storm water sampling and reporting data in the Storm Water Multiple Application and Report Tracking System (SMARTS), and determining appropriate Best Management Practices (BMPs).

ATTACHMENT 13 – CV FOR SEAN GILDEA

SEAN GILDEA, P.E., C.P.P.

Senior Engineer

Yorke ENGINEERING, LLC
www.YorkeEngr.com

AREAS OF EXPERTISE

- Air and Water Dispersion Modeling
- Air Permitting
- VOC Material Review and Recordkeeping
- SPCC Plans
- RECLAIM Reporting
- Greenhouse Gas Analysis and Reporting
- SolidWorks Three-Dimensional Drawings

EXPERIENCE

- Yorke Engineering, LLC Senior Engineer, 2014-Present
- Colorado School of Mines Research Student, 2013
- Dynotek Fluid Data Management, Engineer, 2012-2014

PROFESSIONAL CERTIFICATIONS

- Mechanical Engineering, CA, #38308, 2016
- Certified Permitting Professional, South Coast Air Quality Management District, #E1709, 2017

EDUCATION

- M.S., Environmental Engineering Science, Colorado School of Mines, 2014
- B.S., Engineering, Environmental Focus, with Concentration in Mechanical, Colorado School of Mines, 2013

OVERVIEW

Mr. Gildea is a Senior Engineer at Yorke Engineering, LLC. He has experience in air emissions estimations and emissions inventories and other air permitting projects. Mr. Gildea has air quality permitting and compliance experience at electrical power generation, petroleum refining, aerospace, pharmaceutical, aluminum smelting, wastewater treatment, textile dying, and various other manufacturing facilities in the South Coast Air Quality Management District (SCAQMD). This experience has included permitting, compliance assessment, recordkeeping and reporting, health risk assessments (HRAs), California Environmental Quality Act (CEQA) analyses, and air dispersion modeling. He is familiar with a variety of air emissions estimation techniques, including mass balances, TANKS, AP-42, AERMOD, Hotspots Analysis and Reporting Program, version 2 (HARP2), and SCREEN3. Mr. Gildea is a Certified Permitting Professional (CPP) in the SCAQMD.

Outside of air quality, Mr. Gildea has experience with multi-media analysis permitting and reporting. As a certified Professional Mechanical Engineer (P.E.), his experience includes Spill Prevention, Control, and Countermeasure (SPCC) Plans, industrial wastewater permitting and sampling, Notice of Non-Applicability (NONA) applicability analyses, and Toxics Release Inventory (TRI) reporting.

FIELDS OF EXPERIENCE

Air and Water Dispersion Modeling

Mr. Gildea has performed air dispersion modeling using various agency-approved computer programs, such as AERSCREEN and AERMOD for Gaussian plume air dispersion, Areal Locations of Hazardous Atmospheres (ALOHA) for neutrally buoyant and heavy gas dispersion, and HARP2 for CEQA air quality analyses, Assembly Bill (AB) 2588 inventory and risk reduction evaluations, permitting, Air Quality Impact Analysis (AQIA) studies, Offsite Consequence Analyses (OCAs), and Proposition 65 exposure analyses. This includes using facility and equipment data to model criteria pollutants and toxic air contaminants, perform health risk analyses, and determine areas of high concern. For example, he prepared the reporting year (RY) 2015 Voluntary Risk Reduction Plan (VRRP) for Orange County Sanitation District (OC San) Plant 1, including updating the air toxics inventory where applicable and performing the HRA modeling to confirm risk reductions were below the applicable Rule 1401 thresholds.

Mr. Gildea also has experience in water dispersion modeling by using the groundwater flow equation for groundwater dispersion models, energy balance for surface water models, and Geographic Information System (GIS) software.

Air Permitting

Mr. Gildea has submitted air permit applications and rule analyses for a variety of operations, including wastewater treatment, chemical manufacturing, petroleum refining, metals forging, textiles, and others in the SCAQMD. Mr. Gildea is very familiar with permitting combustion equipment including flares and internal combustion engines, but also has experience with permitting chemical processes, control systems, and volatile organic compound (VOC) soil extraction. Mr. Gildea prepared the flare replacement permit applications for OC San Plants 1 and 2, which were submitted to the SCAQMD in 2020. The application included a detailed project description, emission calculations for the flare replacement, an in-depth rule analysis, and proposed language for the draft permit.

VOC Recordkeeping Review and Reporting

Mr. Gildea has worked with clients to maintain compliance with various VOC recordkeeping and reporting regulations, including SCAQMD Rules 314, 1113, and 1168. This project work has included on-site review of chemical inventories, Safety Data Sheet (SDS) review for emission calculations, permit condition compliance review, implementation of a material tracking system for VOC-containing materials, and SCAQMD annual reporting.

SPCC Plans

Mr. Gildea has prepared and certified several SPCC Plans for a variety of facilities, including oil & gas processing, wastewater treatment, and metals forging companies, among others. This experience includes initial SPCC Plans, 5-year updates, and site visit walkthroughs to verify equipment and containment statuses at Tier I, Tier II, and P.E.-certified facilities.

Excel Data Analysis

Mr. Gildea has input and analyzed large quantities of data in MS Excel, including creating proficient equations for large-quantity analysis, custom graphic displays, and data organization. This data has been used extensively for SCAQMD Regional Clean Air Incentives Market (RECLAIM) reporting, compliance, databases, and recordkeeping. Mr. Gildea has also reviewed and analyzed Continuous Emissions Monitoring System (CEMS) data for compliance with RECLAIM and Title V program requirements.

RECLAIM Reporting

Mr. Gildea has prepared inventories and RECLAIM reports for various industries, including metal refining, textile dying, asphalt manufacturing, and various other manufacturing facilities. Calculations of emissions were performed using manufacturers' data, local agency emission factors, and federal Environmental Protection Agency (EPA) emission factors. Mr. Gildea works with RECLAIM facilities to make sure all recordkeeping and reporting requirements are met, including development of compliance calendars and performing internal on-site audits.

Greenhouse Gas Emissions and Reporting

Mr. Gildea is involved with greenhouse gas (GHG) reporting of annual emissions to the EPA and the California Air Resources Board (CARB) for several industries, including power generation, geothermal power plants, metalworking facilities, and treatment plants, among others. For CARB reporting, he assists facilities in the third-party verification process by organizing data and simplifying data requests. In 2018, he reviewed OC San's RY 2017 GHG report and assisted with data review and calculation updates during the verification process. Mr. Gildea also assists in preparing and updating GHG Monitoring Plans as needed based on process or recordkeeping changes.

SolidWorks Three-Dimensional Drawings

Mr. Gildea created three-dimensional drawings in SolidWorks based off of field drawings as a consultant for Dynotek. These drawings were essential in the construction of Automated Flume Gates, as exact dimensions were needed for the gates to fit properly.