

Communication from Public

Name: Pico Robertson Health and Safety Coalition

Date Submitted: 04/09/2023 11:10 AM

Council File No: 21-1025

Comments for Public Posting: Please see the appended memo introducing a copy of SCAQMD's March 10, 2023 Notice to Comply issued to PCEC for violations of SCAQMD Rule 1148.2 regarding "maintenance acidization" projects at the West Pico Drill Site. The memo explains the SCAQMD violations and also the violation of City Code and CEQA by conducting these projects without the ZA reviews, approvals, and CEQA clearances that the Chief ZA has recently said were necessary. * The ongoing epidemic of illegal unapproved projects at West Pico and neighboring Drill Sites in CD5 precludes use of a Categorical Exemption in and of itself, and adds compounding "cumulative impacts" and "unusual circumstances" that the CEQA statute classifies as exceptions further precluding the use of a Categorical Exemption. *

SCAQMD Notice to Comply Issued to PCEC for “Maintenance Acidization” Projects Executed at the West Pico Drill Site Over the Past Ten (10) Years.

The South Coast Air Quality Management District (SCAQMD) issued a Notice to Comply to PCEC on March 10, 2023 for violations of SCAQMD Rule 1148.2 governing Notification and Chemical Reporting of "maintenance acidization" projects executed on oil wells at West Pico over the past 10 years.

A snapshot of the Notice to Comply is appended at the bottom of this update.

The Notice to Comply concerns:

- 1) PCEC's failure to provide required information to SCAQMD about the location of "sensitive receptors" (i.e., homes, schools, etc) within 1,500 feet of the oil wells on which PCEC was performing "maintenance acidization" projects and
- 2) PCEC's failure to submit required reports to SCAQMD about the chemicals used in those "maintenance acidization" projects (the Chemical Reports list chemicals used, volumes used, and their purpose).

SCAQMD first implemented Rule 1148.2 in 2013, so SCAQMD records of “maintenance acidization” projects on oil wells begin in 2013.

Since 2013, ten (10) "maintenance acidization" projects have been executed on oil wells at the West Pico Drill Site, all without required reviews and approvals by the City's Zoning Administrator. Documentation is here:

https://clkrep.lacity.org/online/docs/2021/21-1025_PC_M_03-13-2023.pdf

On January 17, 2023, the Chief Zoning Administrator issued [ZA-2022-8897-ZAI](#), a Zoning Administrator Interpretation of both the pre-2023 City Code requirement for ZA approval of oil well maintenance projects (effective from at least 1955 through 2022) and the new City ordinance that became effective on January 18, 2023.

On page two of [ZA-2022-8997-ZAI](#), the Chief ZA noted that the Code did "not specify what activities might constitute a desire to 'maintain an oil well'" and she explained that, therefore: **"In the past several decades the Zoning Administrator has reviewed and determined when a proposed scope of work at a drill site qualifies as a well maintenance project on a case by case basis."**

The West Pico Drill Site has never had a ZA Review to determine whether “maintenance acidization” projects constitute the kind of well maintenance that required ZA approval under City Code sections 13.01.H and 13.01.I, in effect from at least 1955 through 2022, and “maintenance acidization” projects have never been approved by the ZA at West Pico.

None of the ten (10) “maintenance acidization” projects executed at West Pico from 2013-2021 were approved by the ZA. All were unapproved and hence illegal.

Likewise, another twelve (12) “maintenance acidization” projects conducted from 2013 through 2022 on wells at the closely neighboring Hillcrest, Rancho Park, and San Vicente Drill Sites in CD5 were never reviewed and approved by the ZA. Documentation is here: https://clkrep.lacity.org/online/docs/2021/21-1025_PC_PM_03-15-2023.pdf

The Chief ZA in [ZA-2022-8997-ZA](#) makes it clear on pages 4-5 that “maintenance acidization” projects have required environmental review and mitigation measures to protect public health, safety, and the environment, and that this has been known since at least 2017.

The epidemic of illegal unapproved “maintenance acidization” projects at West Pico and the three neighboring Drill Sites in CD5 joins the epidemic of other major illegal unapproved oil well projects.

Each such project on its own required ZA approval and CEQA clearance that they never received. That alone must preclude the use of a Categorical Exemption in the West Pico Drill Site ZA case under consideration now.

Collectively, the large number of illegal unapproved projects at West Pico and the neighboring Drill Sites in CD5 also constitute extraordinary “cumulative impacts” and an extraordinary set of “unusual circumstances,” both of which also preclude use of a Categorical Exemption according to the CEQA statute.

The "maintenance acidization" projects at West Pico are the most shockingly contemptuous illegal projects we have documented so far.

- One of these "maintenance acidization" projects was executed on July 28, 2020, in between the two ZA public hearings in the ZA review of the West Pico Drill Site. The oil company, PCEC, told the ZA it was proposing no new projects. The ZA reiterated that, even as PCEC was executing a new project that required ZA review and approval.
- Two of these "maintenance acidization" projects were executed in October 2021, while NASE's appeal was open on City Council's desk.

What could be more contemptuous of the City Code, the ZA, City Council, and the public? Hold that question, because there is more.

- The records proving these projects were executed come from the South Coast Air Quality Monitoring District (SCAQMD), which since 2013 has required advance notification of these kinds oil well projects and then the filing of reports on the chemicals used.
- On the most recent seven (7) "maintenance acidization" projects, from 2016-2021, PCEC left blank the section of the Notification

form that requires identification of the "Nearest Sensitive Receptor Located within 1,500 feet of the Well." The Drill Site is surrounded by "Sensitive Receptors" (i.e., homes, schools, etc). The nearest home is less than 100 feet away and a school is less than 200 feet away from the Drill Site, and PCEC knows this because their long-time site foreman lives in company-owned housing next to the Drill Site. It seems they just don't care about neighbors, people, school children, or complying with regulations.

- PCEC submitted only 4 of the 10 required Chemical Reports for the 10 projects.

SCAQMD's response to violations of SCAQMD Rule 1148.2

We first brought the violations of Rule 1148.2 to SCAQMD's attention on Friday, March 3, 2023. The case was referred to appropriate offices with alacrity, reaching the Supervising Inspector on its third stop. The Supervising Inspector looked at the records before he called us on March 10, confirmed that we were reading the records and the requirements of Rule 1148.2 correctly, and then the SCAQMD Compliance office issued the Notice to Comply later that same day, March 10, 2023.

Not only did SCAQMD take swift corrective action against PCEC, but SCAQMD staff also immediately recognized that SCAQMD should have recognized the violations in PCEC's deficient Notifications and Chemical Reporting at the times that the violations were committed over the past decade. Rather than trying to pretend nothing was wrong or responding defensively, SCAQMD staff engaged in an open and constructive conversation about the need to review Notifications and Chemical Reporting more carefully when they are initially submitted or overdue.

No person, no business, and no government agency is ever perfect. The meaningful test is how well one tries to fulfill duties and how one responds when a shortfall is brought to your attention. SCAQMD stepped up to correct things.

The Notice to Comply gave PCEC until March 21 to submit the missing "Sensitive receptors" information and the missing Chemical Reports.

On March 21, PCEC uploaded the "Sensitive Receptor" information that was missing on its Notifications. That was a simple task because it required only submitting the street address of the nearest residence to the involved oil well in each project and the distance to the well. These amended Notifications are viewable on [SCAQMD's Rule 1148.2 Oil and Gas Wells Activity Notification database](#), under the "Event Notification Search" tab. The Notifications for "maintenance acidization" projects at West Pico can be found by searching for Facility ID # 98158

On March 23, 2023, PCEC uploaded missing Chemical Reports for "maintenance acidization" projects. These reports are viewable on [SCAQMD's Rule 1148.2 Oil and Gas Wells Activity Notification database](#), under the "Chemical Report Search" tab. The reports for West Pico can be found by searching for Facility ID # 98158. The reports list volumes of specific acids and other chemical used in the "maintenance acidization" projects, except for certain trade-secret protected products.

PCEC had all of this information, they just ignored the SCAQMD requirements to submit it for most of the past decade. PCEC and its predecessor have pattern of ignoring regulatory requirements (City, SCAQMD, CEQA, etc) that is deep, wide, and at least 23 years long.

SCAQMD responded quickly when it was informed of PCEC's violations of SCAQMD's regulations.

In the ZA case whose CEQA clearance NASE has appealed, we have been trying to get the City to respond to PCEC's violations of City Code and ZA assigned conditions of use since 2019.

Neighborhood residents and a synagogue across the street from the Drill Site were trying to complain about odor problems and pollution concerns for several years before that.

Neighbors for A Safe Environment (NASE) has a history of trying to secure City enforcement of City Code and ZA conditions of use that goes back to the years before 2000.

The ZA case files for the Drill Site show that community complaints about the Drill Site have continued from its opening in 1965 and were especially pronounced at several junctures, including in the 1980s and early 1990s when then City Council Member Zev Yaroslavsky made the most strenuous effort of any CD5 Council Member up to the present to demand enforcement of compliance with the City Code and to create new and better conditions to protect the community.

The upcoming City Council Committee hearing on NASE's appeal to overturn the improper Categorical Exemption from environmental review is the time for the City to finally enforce compliance.

We are optimistic and hopeful that the new City Council will act in favor of the appeal and require proper environmental review and a fresh examination of the West Pico Drill Site case by the ZA.

NOV/NC DETAILS: E55889**Notice Information**

Violation Date

03/10/2023

Issue Date

Notice Type

NC

Facility Information

Business Name

PACIFIC COAST ENERGY COMPANY LP

Facility ID

98158

Address

9151 W PICO LOS ANGELES, CA 90035

Violation Information

Violation Description

The operator of an onshore oil or gas well shall notify the executive officer of the following information _ include nearest sensitive receptor w/in 1,500 feet of the subject well(s). The operator of an onshore oil or gas well shall report any trade name

Equipment Description

product or chemical ingredient contained in the drilling fluid, well rework fluid, & well completion fluid to the executive officer no later than sixty (60) calendar days after the last activity.

Status

Pending

Re-Inspection Date

03/21/2023

Rule

1148.2

Notification and Reporting Requirements for oil & Gas Wells & Chemical Suppliers