

Mr. Jeff Adams
Community Development Dept.
City of Whittier
13230 Penn Street
Whittier, CA 90602

December 3, 2010

Dear Mr. Adams,

Thank you for the opportunity to respond to the Draft EIR on the Whittier Main Oil Field Project currently under consideration by the city.

Enclosed please find our official responses to the DEIR. We have commented on seven sections: Air Quality; Safety, Risk of Upset, and Hazardous Materials; Aesthetic and Visual Resources; Hydrology and Water Resources; Land Use and Policy Consistency Analysis; Recreation; and Environmental Justice.

We want to bring to your attention the DEIR's section on *Alternatives to the Proposed Project*. We feel that not enough detail was presented to quantify and substantiate the impacts that would occur if any of these alternatives were to become reality. In particular, the idea that the Landfill Route (including the Penn Street egress) might now be the route of choice has not been adequately addressed in this DEIR. Much more documentation---including new and relevant sets of impacts--- needs to be compiled, and studied for these alternate plans. This might entail the recirculation of a revised DEIR.

We look forward to the responses to our concerns and to participation at the public hearings in the spring.

Sincerely,

Mary Gorman-Sullens
President

Enclosures: 13 pages of DEIR comments
Whittier Conservancy brochure with Mission Statement

4.1---Air Quality

Since the Whittier Conservancy is concerned with quality of life issues, environmental concerns such as air pollution and climate change have been stressed through our recent focus on Sustainability. For this reason, the Draft EIR's conclusion that green house gases will exceed both federal and state standards is of great concern to our membership.

This year, California businesses are *required by law* to reduce greenhouse gas emissions to 2010 levels. By 2020, this requirement goes to the 1990 levels; and by 2050, such emissions are to go to 80% *below* 1990 levels. These laws were put in place as an acknowledgement of the criticality of the carbon footprint that is threatening the viability of the planet. The Conservancy has been steadfast in trying to educate the public about this imminent threat and about what we, as individuals, can do to ease the situation and prepare for a less oil-dependent future as a result.

The Project Impacts and Mitigation Measures section (EIR Draft p. 4.1-27) states that the proposed Project would generate air emissions due to the following activities:

- *construction equipment and fugitive dust
- *drilling emissions during test drilling
- *operational combustion equipment
- *operational fugitive emissions
- *drilling emissions during initial drilling (five years)
- *emissions from re-drilling

As a result of these ongoing actions, "Construction activities would generate emissions that EXCEED South Coast Air Quality Management District thresholds." (EIR Draft p. 4.1-28) We find these significant and unavoidable impacts---especially with the potential life of the Project being 45 years---to be unacceptable on a number of levels. First, the residents (and workers) in the immediate vicinity would be exposed to years of particulate matter that would not be generated in the absence of this Project. This does not even include the construction activity that would produce NOx emissions well above both regional and local thresholds. **Since there is no way of adequately protecting those in the immediate vicinity, we would like to know how this project can go forth despite a demonstrated lack of mitigation to offset the liabilities.**

While measures are suggested that would require the operator to submit and implement a Fugitive Dust Control Plan to limit exposure to both humans and animals, (EIR Draft p. 4.1-30), what would be the operator's incentive for doing so? There would have to be

on-site inspectors for the life of the project to assure such compliance within a controlled environment, the purpose of which is to continue drilling? **We feel that at a minimum, there should be on-site inspectors for the life of the project to insure compliance.**

Impact #AQ.2 notes that, “Operational activities would generate emissions that exceed South Coast Air Quality Management District thresholds,” but that these impacts can be reduced to “less than significant with mitigation.” (EIR Draft p. 4.1-33). We disagree with this assumption based on the duration of the construction phase of the proposed Project. **Suggesting “offsets” for NOx emissions may be beneficial to the company, but how does that help the people in close proximity to those emissions? Since impacts are local, shouldn’t the mitigation be local as well?**

Impact #AQ.4 warns that, “Potential operations and drilling at the Whittier Mail (typo in the EIR) Oild Field would increase greenhouse gas emissions.” (EIR Draft p. 4.1-38) In keeping with our current mission of Sustainability, we find this “significant and unavoidable impact” to be unacceptable given the current recognition of greenhouse gases as being the #1 man-generated environmental problem facing mankind. In the Cumulative Impacts and Mitigation Measures section (EIR Draft p. 4.1-42), it is stated that the proposed Project could produce significant impacts. The report concludes that “emissions of Greenhouse Gases would contribute to global GHG emissions,” both individually and cumulatively. **The Whittier Conservancy is asking why we in Whittier should be contributing to further environmental degradation at a time when other communities are acknowledging their role in doing just the opposite?**

As a point of omission, we wonder why the emphasis on toxic emissions is limited to the activities on-site, and not coupled with the additional impacts of incoming truck traffic and with their accompanying emissions? **We would like this addressed in the responses.**

Finally, in the Mitigation Monitoring Plan, (EIR Draft pp. 4.1-44 through 47), the City of Whittier is listed as the responsible party for compliance oversight. We would like to know if this presents some conflict of interest, since it would be the city’s job to oversee, and therefore, restrict an enterprise that would become a significant economic factor in the decision-making process. **Would the political and economic implications be in conflict with the health and safety considerations of the general public?**

4.11---Land Use and Policy Consistency Analysis

The proposed Project site is listed in the City of Whittier General Plan Land Use Plan Map as “Open Space,” a designation that confines the uses of the land as “committed to long-term open space use, ...as well as uses compatible with open space objectives.” The Draft EIR states that “activities involved in extracting mineral resources *may be appropriate* on land designated ‘Open Space.’” (EIR Draft p. 4.11-4). Since this would have to be a qualitative decision made by the local governing body, the Whittier Conservancy is asking how drilling activities might be folded into the definition of land uses compatible with “Open Space” designation?

Within the goals of the City of Whittier General Plan, the following policies are established:

Land Use Element:

Policy 1.2---“Encourage development in the city that is compatible with surrounding uses.”

Policy 6.4---“Promote the preservation of important ecological resources within the planning area.”

Policy 6.5---“...promote the preservation of as much of the Puente Hills as possible for both passive and active recreation.”

Housing Element:

Policy 1.3---“...minimize...the intrusion of incompatible uses into the neighborhoods.”

Policy 1.7---“Maintain amenities (landscaping, trees, parks, etc.)”

Policy 1.9---“Discourage increases in the acceptable ambient sound levels within residential areas of the community.”

Policy 2.1---“...discourage through traffic in residential neighborhoods...”

Policy 2.6---“Develop alternatives to the widening of roads and the construction of new roads that would bring more traffic through residential neighborhoods or open space areas.”

Policy 6.1---“Any future extension of roadways should be sensitive to existing wildlife and their habitats.”

Environmental Resource Management Element:

Policy 1.3---“Preserve adequate open space areas for major habitat types so as to maintain ecosystems in a natural balance for recreation, scientific, economic, educational, and scenic purposes.”

Policy 1.4---“...rehabilitate the [old] oil fields...for open space, recreation, or other beneficial resource conservation uses after site reclamation.”

Policy 3.1---“Protect existing wildlife habitats through the preservation of open space.”

Policy 4.2---“Retain existing open space in public ownership, wherever possible.”

Policy 4.6---“Pursue the use of open space land used for public and semipublic rights-of-way for possible multiple use which would complement the continuity of other designated open space areas.”

Policy 5.10---“Coordinate the use of parkland with other community concerns, such as air quality, traffic circulation, and safety.”

Policy 6.2---“Protect scenic corridors that have aesthetic, recreational, cultural, or historic values.”

Policy 7.1---“...promote land use plans that are sensitive to the environment and give maximum consideration to the preservation of natural habitats.”

Policy 7.4---“Promote the preservation of the Puente Hills ...as permanent open space, to the greatest extent possible.”

Air Quality Element:

Goal 2: “Reduce truck emissions.”

Goal 4: “Reduce vehicle emissions.”

Goal 6: “Reduce emissions associated with energy consumption.”

Goal 7: “Reduce fugitive dust.”

Goal 8: “Reduce potential air pollution emissions...”

Public Safety Element:

Policy 4.1---“Support the enforcement of state and federal environmental and pollution control laws.”

Policy 4.3---“Designate routes for trucks carrying hazardous materials...”

Noise Element:

Goal 2: “Discourage noises which are detrimental to the public health and welfare...”

While the City of Whittier’s Open Space zoning allows for drilling and oil production, the current General Plan, adopted in 1993, appears to be in conflict with such zoning.

Please address the specific policies and goals above for their consistency with current General Plan objectives. The Draft EIR repeatedly uses the words “may be found to be consistent” when matching the General Plan to the current zoning map. **We feel that the above-referenced goals and policies may be in conflict with current zoning codes.**

The Resource Management Plan for the Habitat Preserve has as its purpose the “sustained overall ecological health of the wildlife corridor. The proposed Project “may exacerbate the potential for habitat fragmentation and erosion in the Preserve, as well as contribute to the Urban Edge Effect.” (EIR Draft p. 4.11-15). In particular, the protection of coastal sage scrub breeding ground; the protection and maintenance of populations of sensitive or endangered plant species; the protection of nesting and foraging habitat; and the maintenance of native vegetation would all be compromised under the proposed plan. Together, these impacts may contradict the RMP’s goals of “enhancing public stewardship of the Preserve” and “protecting and enhancing views and distinctive landscape features that contribute to the setting, character, and visitor experience of the Preserve.” (Resource Management Plan Goal INTERP-1 and VISUAL-1). **We would like further study and mitigation proposed to offset these impacts.**

Policy 1.1 of the City’s Land Use Element Goals “encourages land uses... that contribute to making Whittier a desirable community in which to live.” The General Plan/Land Use Consistency Analysis in this document states that the proposed Project “*may be* consistent with [this] policy if the City can make the “finding” that “long-term proceeds ...would enhance the city as a desirable community.” (DEIR p. 4.11-24). Policy 1.2 “encourages development in the City that is compatible with surrounding uses, provides for civic improvements, increases the potential for future investment, and fulfills the need for high-quality residential areas and shopping and employment centers.” (DEIR p. 4.11-24) **The Whittier Conservancy would like to know how such a subjective conclusion can be made at this time and what correlation exists between the policies and these projected conclusions?**

In the DEIR’s analysis of consistency with land use policies relevant to Safety, Risk of Upset, and Hazardous Materials; Biological Resources; Noise and Vibration; and Recreation, **“the oil spill risk and potential impacts to the resources may still be inconsistent with this policy.” (DEIR p. 4.11-25)** What further mitigation, if any, could be proposed to offset these inconsistencies?

Significant and Unavoidable Impacts:

LU.2: “Concurrent operational activities at the Central Processing Site and drilling activities at the Central Well Site during periods of the Project, or drilling at the East Well Site, would increase noise levels that could be incompatible with adjacent land uses.”

LU.3: “Views of drilling rigs, constructions, and potential *future* operations could be incompatible with adjacent land uses.”

Please address how these significant impacts could be further mitigated and clarify what is meant by “future operations.”

Would these plans call for a General Plan amendment?

Section 4.14-----RECREATION

According to Section 4.14.1, the proposed project “falls within the larger area known as the Puente Hills Landfill Native Habitat Preserve,” and that its purpose is to “maintain open space in the ‘Preserve’ as permanent protection for the native habitat.” We feel that the key word here is *Preserve* and that the project would actively defy the definition of “preserve.” Since hiking is the most prevalent activity throughout the entire Preserve, the project’s East Well Site (adjacent to the San Miguel Trail and amphitheater) and the truck loading area (adjacent to the Deer Loop Trail) seems inconsistent with the intended purpose of the Preserve.

In the City of Whittier’s Resource Management Element of the General Plan, Policy 5.3 states that the city should “integrate recreation-planning efforts to consider conservation, open space, and scenic highway areas and programs designed to conserve these resources.” (EIR Draft p. 4.14-6). Policy 5.5 “encourages the use and enjoyment of public open space in the City and surrounding area.” (EIR Draft p. 4.14-6). Policy 5.10 suggests the “coordinated use of parkland with other community concerns, such as air quality, traffic circulation, and safety.” We are concerned that these policies conflict with the proposed project in ways that may not be sufficiently mitigated.

In the Noise Element of the City’s General Plan, Goal #2 “discourages noises which are detrimental to the public health and welfare and contrary to the public interest.” Specifically, Policy 2.5 states that the city will “follow acceptable noise level standards for ... parks ...in future planning.” (EIR Draft p. 4.14-6).

The Public Use Element’s goal of providing “a trail system that protects natural resources of the Preserve” could adversely impact native habitat, both flora and fauna. Objective Use 1.2 of this Element requires new trails to be located “away from sensitive habitat areas,” while Use 2 requires the “protection of the varied resources and promotes an enjoyable and safe environment for visitors.” (EIR Draft p. 4.14-7) Goal Use #3 “prohibits the use of motorized vehicles in open space, with authorized exceptions.” (EIR Draft p. 4.14-7) Again, these General Plan Goals appear to be in conflict with the goals of the proposed project.

The Visual Resources and Aesthetics Element requires the City to “protect and enhance views and distinctive landscape features that contribute to the setting, character, and visitor experience of the Preserve.” (EIR Draft p. 4.14-8). Permanent rigs would have long-term significant impacts on view-sheds. The [new] drilling and operations would adversely affect public viewsheds, posing a **significant and unavoidable impact** is of great concern to us. (EIR Draft p. 4.14-11)

In the Project Impacts and Mitigation Measures section of the Recreation portion of the Draft EIR, it is stated that the “Newly generated traffic from the proposed Project could reduce planning efforts to protect recreational resources.” While we agree with this

assessment, we *disagree* with the residual impact being “less than significant with mitigation.” (EIR Draft p 4.14-9) We think the long-term impacts are highly significant and need to be more fully addressed. The generation of both construction and operational traffic within the most biologically-sensitive area of the Preserve is of great concern. Since drilling would occur for *three months* during the testing phase and for *five years* thereafter, both the noise and the construction activity itself, the idea that “noise... is considered to be temporary” is not an acceptable response. “Noise from drilling at the East Well Site during the operational phase of the Project would last approximately 20 months and would create noise levels that exceed the significance criteria for noise at the Arroyo Pescadero Trail immediately in front of the East Well Site.”(EIR Draft p 4.14-10) These **Significant and Unavoidable Impacts** are of great concern.

Both the immediate and residual impacts to Recreation will be unavoidable and long-lasting if this Project is implemented. We **strongly disagree with the Cumulative Impacts and Mitigation Measures conclusion** (4.14.5) that “cumulative recreational impacts are expected to be less than significant,” (EIR Draft p. 4.14-12) and ask for further review.

4.16---Environmental Justice

EJ.1 says that “Future development could disproportionately impact minority and low-income populations,” but that the impacts of drilling, construction, and long-term operations would be “less than significant.” (EIR Draft p.4.16-8) We would like to point out that the *alternative* route that exits the landfill and follows Penn Street to Painter Ave. travels through a high-density, highly-diverse, already heavily impacted area of about three-quarters of a mile. The residents of this west end of Penn Street are already the recipients of the particulate matter generated by daily trash trucks that must chug up the hill and back down. There doesn't appear to be any reference in the EIR as to the cumulative risks to a minority population that would bear the brunt of this alternative route.

4.3---Safety, Risk of Upset, and Hazardous Materials

This section states that, “The principal immediate hazards to public health at an oil field include:

- releases of flammable gas causing vapor cloud explosions or thermal impacts from fire and flame jets;
- releases of propane or butane causing vapor cloud explosions, thermal impacts from fire and flame jets, or thermal and overpressure impacts from explosions and boiling liquid expanding vapor explosions;
- releases of odorant causing toxic impacts; and
- releases of crude oil with subsequent fire causing impacts from thermal exposure to crude oil fires.” (EIR Draft p. 4.3-9)

The Draft EIR, in this section, goes on to replicate state, national, and local requirements for addressing hazardous materials and for contingency plans during potential emergencies. These are “boiler-plate” paragraphs that satisfy EIR documentation, but do little to address the local concerns that are real and palpable. For example, the City of Whittier’s codified references to oil and gas development are from 1970 and 1975. These are outdated and were put in place long before CEQA requirements were mandated. The 2006 agreement with Matrix Oil, specific to the Honolulu Terrace operation, was a direct response to an explosion and fire that caused a fatality in a residential area.

In responding to the potential for the four above-referenced “immediate hazards,” the draft EIR states that “The proposed Project could introduce risk to the public associated with accidental releases from drilling and processing operations.” (EIR Draft p.4.3-64). It further states that these impacts are **significant and unavoidable**, but that they could be “reduced” by “preventing vandalism.” The mitigation measures proposed include:

*Security policies for employees and contractors, including access control, pre-employment screening, information security, and post-employment issues:

*Appropriate signage preventing access;

*Fencing systems;

*Visitor sign-in and sign-out;

*Surveillance of hazardous material areas;

*Employee and contractor identification methods;

*Night lighting;

- *Partnerships with local response agencies;
- *System to report and collect security incidents;
- *Communications equipment; or
- *Employee vehicles and access keys, codes, and card security. (EIR Draft p. 4.3-9)

OUR QUESTION IS: HOW DO THESE SECURITY POLICIES HAVE ANYTHING TO DO WITH TOXIC RELEASES OR POTENTIAL BLOW-OUTS RESULTING FROM OPERATIONAL PROCEDURES/POLICIES/PRACTICES? THERE IS NO CORRELATION BETWEEN INTERNAL ACCIDENTS VS. POTENTIAL INCOMING VANDALISM. Negligence, poor oversight, aging systems, quality and training-level of personnel, and economic incentives are all factors in any enterprise operation. The recent BP blowout is an example. Locally, Matrix has had previous problems that are not referenced in this EIR. *These proposed mitigation measures suggest very inadequate solutions to a very real problem.* We would like to have a more thorough and relevant responses to this “unavoidable significant impact.”

In discussing potential hazards to the community, we feel it would be appropriate to include a report on Matrix Oil’s history with regard to public safety. How long have they been drilling, where, with what success, and with how many violations/incidents. This should be part of the public record and the environmental assessment of the Project.

In the Mitigation Monitoring Plan (EIR Draft p. 4.3-68), the “Responsible Party” for compliance verification is the City of Whittier. **We would like to see a chart of the City’s history with regard to mitigation monitoring compliance. This applies to CUP compliance as well. Where is the assurance to the public that adequate oversight and compliance with complex environmental issues will be well-served by city staff, given the potential for a conflict of interest in the city’s dual role as both overseer and beneficiary?**

Finally, we feel that there is a very important part missing in this section of the Draft EIR. **While there is reference to potential hazards coming *FROM* the drilling site, there is no reference whatsoever to potential hazards traveling *TO* and being used within the site. For example, what kinds of toxic materials will be used at the operation site to facilitate the drilling activities and what toxic materials will be transported to the facility through adjoining neighborhoods? Will there be chemicals used in the extraction process? If so, what? Will this be a steam-only drilling process, or will “fracking” with supplemental chemical compounds be used to loosen the earth in order to accomplish and maximize production? We feel that the public has a right to know what toxic materials are being used, stored, and/or transported to the drilling site. These are areas where we feel the Draft EIR has been inadequate and answers should be forthcoming in the upcoming responses.**

4.6---Aesthetic and Visual Resources

The proposed Project, especially the 144-foot drilling rig tower, will result in significant impacts to aesthetic resources by having an adverse effect on scenic vistas. The creation of new sources of light, especially at night, will also affect the setting. The close proximity of these vistas to existing homes is a significant effect that cannot be mitigated. Also, the presence of these activities within the Preserve and adjacent to existing trails and habitat is of great concern to the Conservancy

In the late 1970's, the City of Whittier electorate passed a Hillside Ordinance banning ridge-line development from compromising the hills surrounding the city. The proposed drilling rig will disturb the view-shed from most points that currently provide rare scenic vistas within an urban area. The DEIR states that, "Due to the proximity of recreational facilities to the proposed oil field operations, installation of the drilling rig could create significant visual resource impacts that would be perceived as incompatible with adjacent uses." (DEIR p. 4.6-27). While the original drilling will take only five years, the on-going processing equipment can be expected to mar the landscape for perhaps 50 years. **This long-term impact needs to be more fully addressed in order to shield hikers, residents, and animals from these intrusions.**

Since the Whittier Conservancy's mission includes awareness and promotion of quality-of-life concepts, we are concerned about the significant and unavoidable impacts of the installation of an access road that could also degrade public view-sheds. Proposed mitigation that includes the installation of large walls could further alter the serenity of the hillside and become an obstacle to the migratory patterns of animals that inhabit this sensitive portion of the wildlife corridor.

Finally, some of the project components could actually protrude *above* the ridgelines, creating yet another long-term significant impact with little or no relief. According to the report, "The installation of drilling rigs, particularly at the East Well Site viewed from Colima Road and east of Colima Road, would be significant. (DEIR p. 4.6-31).

The Whittier Conservancy was at the forefront of the mission to Save the Hills in the 1990's and was instrumental in the passage of Proposition A, which funded the acquisition of those hills. They are not just biological and recreational assets, but the visual backdrop of the entire community. **For this reason, we are asking for some mitigation for the potential impacts on the scenic vistas that are considered to be "unavoidable."**

4.8---Hydrology and Water Resources

Our comments will focus on two of the ten criteria that rise to the level of significance with regard to water quality: (DEIR p. 4.8-5)

1---violation of any water quality standards or waste discharge requirements;

6---substantial degradation of water quality.

The Whittier Conservancy emphasizes quality of life within the City of Whittier. Water quality and scarcity, two great concerns currently facing California, are issues that are relevant to our mission statement. For that reason, we are concerned with the following:

All of the comments in this section of the DEIR refer to ground water runoff and surface level problems associated with a damaging “event” at the drilling site. Nowhere in the document is there any reference to what chemicals or agents will be pumped *INTO* the ground to facilitate drilling operations. **We feel this is an omission within the scope of the DEIR. We would like to have a detailed list of any and all potential hazardous chemicals or other agents that may be pumped *into* the ground to help facilitate the oil drilling process. Then, we would like this list to be quantified against a potential event, including an earthquake, and its impacts addressed. What effects would these chemicals have on underground water supplies and aquifers?**

Our next concern deals with the possibility of a “blow-out.” The DEIR considers the water and hydrology issues to be minimal *unless* there is a catastrophic event, such as the complete blow-out of a well. According to the report, “because of the severity of impacts associated with the increased potential for an accidental oil spill or blow out, no matter how low, [there] would be a potentially significant adverse contribution to cumulative water quality impacts.” (DEIR p. 4.8-12). The “residual impact to water quality would be significant and unavoidable.” (DEIR p. 4.8-12). **Given the recent disaster in the Gulf of Mexico, in which BP had a written emergency plan as well as a “fool-proof” blow-out prevention valve, what can the public rely on as an assurance that Matrix has an even better plan?**

Finally, since Matrix Oil will be the operator of the drilling machinery in place, we would like to know Matrix’s history with regard to violations, accidents, explosions, etc. We would like a detailed chronology of their track record on safety and water quality as part of this analysis.