Final

Southern California Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey (A.99-05-029)

Environmental Impact Report

SCH# 2003091003

February 11, 2005

Prepared for

California Public Utilities Commission
Energy Division
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

February 2005

To: All Interested Parties

The California Public Utilities Commission (CPUC) has prepared a Final Environmental Impact Report (Final EIR) for consideration of Southern California Gas Company's Application (A.99-05-029) to Value and Sell Surplus Property at Playa del Rey and Marina del Rey. The Final EIR has been prepared in compliance with the California Environmental Quality Act (CEQA), and incorporates changes resulting from comments submitted during the Draft EIR comment period (June 4, 2004 through July 19, 2004).

Description of Proposed Project. This proposed project consists of the proposed sale of 36 lots located within Marina del Rey and Playa del Rey and the reasonably foreseeable future development of these lots that would result from the proposed sale. For this project, the reasonably foreseeable future development that would result from the proposed sale includes the construction and occupancy of residential housing units, as well as commercial uses.

Contents of the Final EIR. The June 2004 Draft EIR, together with the Environmental Impact Report: Response to Comments, constitutes the Final EIR for the proposed sale. The Environmental Impact Report: Response to Comments consists of five chapters. Chapter 1 is an Introduction, describing the purpose of the Final EIR and the decision making process. Chapter 2 summarizes the public involvement milestones related to the Draft and Final EIR. Chapter 3 presents copies of all comments on the Draft EIR and responses to each comment. Chapter 4 presents the text changes made to the Draft EIR. Inserted text is underlined and deleted text is shown in ~~strikeout~~. Chapter 5 listed the agencies, organization, and person that received the Draft EIR.

CPUC Actions After Final EIR Publication. There is no comment period following issuance of the Final EIR. The CPUC will determine the adequacy of this Final EIR, and, if adequate, will certify the document as compliant with CEQA. The CPUC will issue a Decision on the SCG's application, which will be announced and published concurrent with a scheduled CPUC Meeting. After the Commission makes the decision on the Application, a Notice of Determination will be mailed to the State Clearing House within 5 days of the Decision. Within 30 days after the Decision is issued by the CPUC, parties can apply for rehearing. For further information on the CPUC's decision-making process, call the CPUC Public Advisor at (415) 703-2074.

Availability of Final EIR. CD copies of the Final EIR have also been mailed to agencies, organizations, and individuals on the service list. The document is available on the CPUC's project website at:

http://www.playadivest.com

The FEIR is also available at the repository locations below:

Lloyd Taber- Marina del Rey Library 4533 Admiralty Way Marina Del Rey, CA 90292	Westchester - Loyola Village Branch Library 7114 W. Manchester Ave. Los Angeles, CA 90045	California Public Utilities Commission 320 West 4th Street, Ste. 500 Los Angeles, CA 90013	California Public Utilities Commission 505 Van Ness Avenue San Francisco, CA 94102

Copies of the Final EIR on CD may be requested by phone at (415) 703-5284 or by email at playadivest@esassoc.com. Further information about this document is available from Dorris Lam, CPUC Project Manager, at (415) 703-5284.

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202639

SOUTHERN CALIFORNIA GAS COMPANY'S APPLICATION TO VALUE AND SELL SURPLUS PROPERTY AT PLAYA DEL REY AND MARINA DEL REY

ENVIRONMENTAL IMPACT REPORT: RESPONSE TO COMMENTS

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CHAPTER I

INTRODUCTION

A. PURPOSE

This document is the finalizing addendum to the Draft Environmental Impact Report (Draft EIR or DEIR) prepared by the California Public Utilities Commission (CPUC) for consideration of Southern California Gas Company's (SCG) application to value and sell surplus property at Playa del Rey and Marina del Rey (proposed sale).

SCG submitted an application to value and sell surplus property at Playa del Rey and Marina del Rey (A.99-05-029) on May 12, 1999 and a Proponent's Environmental Assessment (PEA) to the CPUC in June 20000. On June 2, 2004, the CPUC released the Draft EIR for public comment. This Final EIR has been prepared pursuant to the California Environmental Quality Act (CEQA) (Section 21000 et seq., California Public Resources Code) and in accordance with the Guidelines for the Implementation of the California Environmental Quality Act (Section 15000 et seq., California Code of Regulations, Tit. 14). The Guidelines stipulate that an EIR must be prepared for any project that may have a significant impact on the environment. Upon preliminary review, the CPUC determined that the proposed sale may have a significant adverse impact on the environment.

This document, together with the June 2004 Draft EIR, constitutes the Final EIR for the proposed sale. The CPUC, as the Lead Agency for this process, is required by CEQA Guidelines Section 15089 to prepare a Final EIR. The Final EIR will be used by the CPUC as part of its application approval process, which includes selecting project alternatives, adopting mitigation measures, and reviewing project costs.

B. ORGANIZATION OF FINAL EIR

As required by Section 15132 of the CEQA Guidelines, the Final EIR consists of the following elements:

(a) The Draft EIR or a revision of the draft.

(b) Comments and recommendations received on the Draft EIR either verbatim or in summary. (See Chapter III.A and Chapter III.F)

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR. (See Chapters III.B, III.C, and III.D)

(d) The responses of the Lead Agency to significant environmental points raised in review and consultation process. (See Chapter III)

(e) Any other information added by the lead agency.

This EIR for the proposed sale contains information in response to concerns raised during the public comment period (June 4, 2004 through July 19, 2004).

Chapter II contains a summary of the public review process for the proposed sale.

Chapter III contains master responses that address the CPUC and CEQA Process and the Project Description and also contains comment letters received during the comment period and the responses to each comment. Each comment is labeled with a letter and number in the margin and the response to each comment is presented immediately after the comment letter. A summary of comments heard at the June 28, 2004 public meeting is also provided along with responses to those comments.

Chapter IV contains revisions to the DEIR, reflecting necessary additions, corrections, and clarifications to the DEIR.

Chapter V contains a list of agencies, organizations, and persons that received the DEIR.

C. DECISION-MAKING PROCESS

Pursuant to Article XII of the Constitution of the State of California, the CPUC oversees the regulation of investor-owned public utilities, including SCG. The CPUC is also the lead State agency ensuring compliance of the SCG's proposed sale with CEQA. This Final EIR will ultimately be used by the CPUC, in conjunction with other information developed in the CPUC's formal record, to act on SCG's application for to value and sell its surplus property in Playa del Rey and Marina del Rey. Administrative Law Judge (ALJ) Carol Brown will consider this Final EIR and additional declarations from SCG on project costs as part of the formal record when preparing the Decision on the project. If necessary, the ALJ may require Evidentiary Hearings for the proceeding; however, as of the publication of this document, no such need has been established. Under CEQA requirements, the CPUC will determine the adequacy of this Final EIR and, if adequate, will certify the document as complying with CEQA.

D. LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

The following agencies submitted written comments on the EIR during the public review period (the date of the letter is also presented):

Southern California Association of Governments	July 7, 2004
South Coast Air Quality Management District	July 16, 2004
Department of Toxic Substances Control	July 14, 2004
Native American Heritage Commission	June 15, 2004
County of Los Angeles Fire Department	August 15, 2004

E. LIST OF ORGANIZATIONS COMMENTING ON THE DRAFT EIR

The following organizations submitted written comments on the EIR during the public review period (the date of the letter is also presented):

Grassroots Coalition	June 26, 2004 / July 19, 2004
Ballona Ecosystem Education Project & Spirit of the Sage Council	July 19, 2004
Davis Wright Tremaine LLP for Paragon Communities	July 19, 2004
Gabrielino/Tongva Indians of California Tribal Council	July 21, 2004
Grassroots Coalition	June 15, 2002

F. LIST OF INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following individuals submitted written comments on the EIR during the public review period (the date of the letter is also presented):

Bernard Endres	June 4, 2004
Leslie Purcell	July 19, 2004

G. APPLICANT'S COMMENTS ON THE DRAFT EIR

Southern California Gas Company	July 19, 2004

H. MITIGATION MONITORING AND REPORTING PROGRAM

When a lead agency makes findings on significant effects identified in an EIR, an agency must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of approval (CEQA Guidelines Section 15091(d), 15097). Because the CPUC is acting as the lead agency for the approval or denial of the proposed sale, and because future development on the 36 lots would undergo future environmental review by the City of Los Angeles, recommended mitigation measures identified in the EIR that could and should be applied by other responsible agencies during subsequent environmental review and approval processes for future development projects are not enforceable by the CPUC. Therefore, a mitigation monitoring and reporting program for this project has not be included with this EIR because the CPUC does not have authority to enforce any of the recommended mitigation measures identified in the EIR.

CHAPTER II

SUMMARY OF PUBLIC REVIEW PROCESS

A. PUBLIC INVOLVEMENT MILESTONES

The CEQA EIR process for SCG's application to value and sell surplus property at Playa del Rey and Marina del Rey began with publication of a Notice of Preparation (NOP) of an EIR in September 2003 and has lead up to the finalization of an EIR in February 2005. The public involvement milestones included the following:

- The CPUC issued the NOP on September 2, 2003, and distributed it to the State Clearinghouse (SCH No. 2003091003) and federal, State, and local trustees and agencies. Copies of the NOP were mailed out to agencies, organizations, and individuals on the service list.

- The Notice of Preparation was noticed in the LA Times on September 2, 2003 and September 11, 2003, in the Daily Breeze on September 4, 2003 and September 9, 2003, and in the Argonaut on September 4, 2003 and September 11, 2003.

- Six letters were received from public agencies and local residents during the NOP scoping period.

- The Notice of Availability (NOA) of the Draft EIR along with a CD copy of the Draft EIR was mailed to agencies, organizations, and individuals on the service list in June 2004. The NOA included information on how to gain access to the Draft EIR, information on alternatives, and the date, time, and location for the CPUC's public meeting.

- The CPUC issued the Draft EIR on June 4, 2004, including a detailed analysis of impacts in ten environmental disciplines, and an evaluation of alternatives to the proposed sale, including the No Project Alternative. CD copies of Draft EIR were sent to agencies, organizations, and individuals on the service list and to 2 libraries used as document repositories. Additional copies of the Executive Summary and of the CDs with the text of the Draft EIR were available at the public meeting held on June 28, 2004. The public comment period for the Draft EIR ended July 19, 2004.

- Newspaper notices, including information on the Draft EIR, the project website address, and the dates and times of the public meeting, were printed in the Argonaut on June 17, 2004 and June 24, 2004 and in the Daily Breeze and the LA Times on June 15, 2004 and June 24, 2004.

- A public meeting was held on June 28, 2004, at the Westchester Municipal Building Community Room, located at 7166 W. Manchester Street in Los Angeles, California.

A list of persons, organizations, and public agencies commenting on the Draft EIR, the comments received on the Draft EIR, and responses to the comments are provided in Section 3 of this Final EIR.

B. EIR INFORMATION AND REPOSITORY SITES

Two repository sites were established for citizens to view the EIR documents and make copies of them. In addition, copies of documents have been made available at the CPUC offices in San Francisco and Los Angeles. Copies of the Draft EIR are available to the public on the Internet and at the locations listed below. Information and copies of the Draft EIR could also be requested via the project voicemail/fax hotline or via the project email address.

Internet Website: The following website included all public documents prepared for the proposed sale. In addition, the website included all announcements of public meetings:

http://www.playadivest.com

Lloyd Taber- Marina del Rey Library 4533 Admiralty Way Marina Del Rey, CA 90292	Westchester - Loyola Village Branch Library 7114 W. Manchester Ave. Los Angeles, CA 90045	California Public Utilities Commission 320 West 4th Street, Ste. 500 Los Angeles, CA 90013	California Public Utilities Commission 505 Van Ness Avenue San Francisco, CA 94102

C. PUBLIC REVIEW PERIOD

In compliance with CEQA Guidelines, the CPUC provided a public review period of 45 days for the Draft EIR. The CPUC allowed written comments on the Draft EIR to be submitted by mail, email, and/or facsimile. The comments received by the CPUC during the public review period are reproduced in this Final EIR along with responses to comments.

D. PUBLIC MEETING

On June 28, 2004, the CPUC hosted a public meeting to hear comments on the Draft EIR for the proposed sale. Approximately 40 people attended the meeting. Groups represented at the meeting included Grassroots Coalition, Wetlands Action Network, Sierra Club, Spirit of the Sage Council, and Southern California Gas Company. (See Chapter III.F for public meeting comments and responses to those comments)

CHAPTER III

RESPONSES TO COMMENTS

This chapter includes copies of the comment letters received during the public review period on the DEIR and responses to those comments. Both the comments and responses are part of the FEIR. Each comment is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter. A summary of comments heard at the June 28, 2004 public meeting is also provided along with responses to those comments.

Where responses have resulted in changes to the text of the DEIR, these changes are shown within quoted portions of the DEIR text using the following conventions:

1) Text added to the wording in the Draft EIR is shown in underline,
2) Text deleted from the wording in the Draft EIR is shown in ~~strikeout~~, and
3) Text changes are shown in indented paragraphs.

These text changes also appear in Chapter IV, *Revisions to the Draft EIR*, of this Response to Comments document.

A. MASTER RESPONSES

Thirteen individuals, organizations, and agencies submitted comments on the DEIR. Many of the comments that were received had common topics. In response to these comments with common topics, the following master responses are presented in this chapter:

- CPUC and California Environmental Quality Act (CEQA) Process
- Project Description

MASTER RESPONSE: CPUC AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROCESS

At the public meeting held on June 28, 2004, many attendees requested clarification on the CPUC and CEQA process for the proposed sale (A.99-05-029). The following master response is intended to provide a more clear understanding of both the CEQA and CPUC process as it relates to the proposed sale. A summary of the CPUC environmental review process is provided in **Figure III-1**.

The CEQA Initial Study Process

According to CEQA Guidelines 15063, once it determines that an activity is subject to CEQA and no statutory or categorical exemptions apply, a lead agency should generally prepare an Initial Study. An Initial Study is a preliminary analysis prepared by a lead agency to determine whether an Environmental Impact Report (EIR) or a Negative Declaration is needed. If an EIR is to be prepared, the Initial Study is used to focus the EIR on the potential significant effects and allows the lead agency to avoid unnecessary analysis with respect to those effects that are not potentially significant.

The CPUC determined that SCG's application was subject to CEQA, and therefore prepared an Initial Study and released it for public review in September 2003. Based on the Initial Study, the CPUC decided to prepare an EIR. Relying on the Initial Study, the CPUC determined that the proposed project would have a less than significant impact or no impact to aesthetics, agricultural resources, energy, land use, mineral resources, population and housing, public services, and recreation. The Initial Study concluded that the project may have significant environmental impacts to air quality, biological resources, cultural resources, geology and soils, hazards (public health and public safety), hydrology and water quality, noise, transportation and traffic, and utilities and service systems. Thus, the CPUC determined that the EIR should focus on these resource categories.

EIR Process

Notice of Preparation

CEQA Guidelines Section 15082(a) requires that the lead agency send a Notice of Preparation (NOP) soliciting participation in determining the scope of the EIR to Responsible and Trustee

Agencies. Formal scoping meetings are not required by CEQA when a lead agency has decided to prepare an EIR. However, at the lead agency's discretion, scoping meetings with Responsible and Trustee Agencies and other interested agencies or the public can be used to obtain information about the scope and content of the EIR.

The CPUC prepared a NOP and sent it, along with the Initial Study that was released for public review in September 2003, to the required agencies as well as the parties that requested such notice. See Chapter V, *List of Contacts*, for a list of those who received a copy of the NOP. The NOP indicated that the CPUC would be preparing an EIR for the proposed sale. The CPUC has maintained an on-going dialogue with Grassroots Coalition, a concerned organization, from 2000 to the present. While a public scoping meeting was not held in response to the NOP, the CPUC did meet with Grassroots Coalition on March 14, 2003 to hear their concerns regarding the proposed sale.

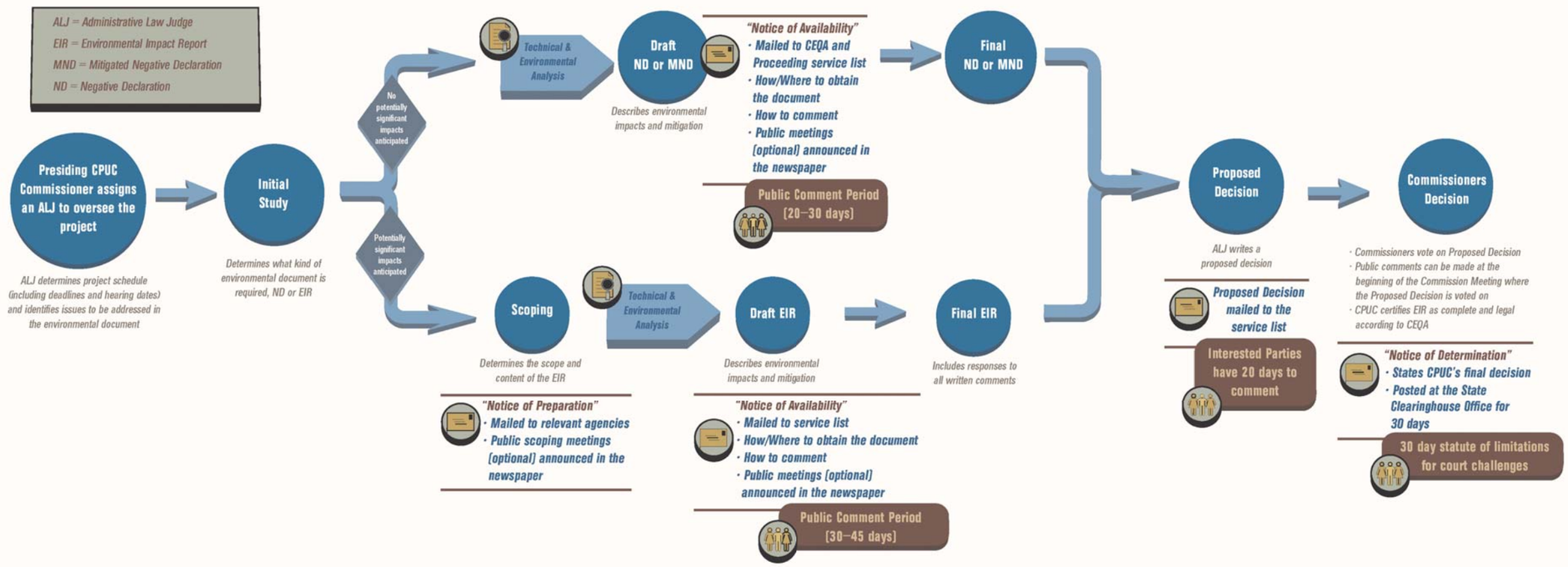
Draft EIR, Notice of Availability, Public Meetings

Draft EIR. CEQA requires that an EIR contain the following general contents: table of contents; summary of discussion contained in the EIR; project description; environmental setting; significant environmental effects of the project (including direct, indirect, short-term, long-term, cumulative, and unavoidable impacts); areas of known controversy; project alternatives; mitigation measures for significant environmental impacts; growth-inducing impacts; and significant irreversible changes due to the proposed project. The CPUC completed and released for public review an EIR for the proposed sale on June 4, 2004.

Notice of Availability. Once a Draft EIR is prepared, the lead agency must issue notices of availability and completion and distribute the document for review and comment from other agencies along with all interested parties. The lead agency must ensure that the public has been adequately notified of the availability of the EIR. The Notice of Availability (NOA) provides notice to the public that the EIR is available for public review and comment. At the same time that the lead agency provides public notice of the availability of the EIR, the lead agency must file a Notice of Completion (NOC) with the State Clearinghouse. The CPUC filed a NOC for the DEIR with the State Clearinghouse on June 4, 2004.

The CPUC released for public review an EIR on June 4, 2004. In accordance with CEQA, a NOA was mailed, along with a compact disc containing the electronic contents of the Draft EIR, to all agencies, organizations, and individuals on the mailing list (see Chapter V of this FEIR). CEQA Guidelines Section 15087(a) requires notice to also be given by at least one of three mechanisms: [1] publication in a newspaper of general circulation in the area affected by the proposed project; [2] posting the notice on and off the site in the area where the project is to be located; or [3] direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. The CPUC mailed notice to surrounding property owners on June 4, 2004 and, in addition, ran notices in the Argonaut, Daily Breeze, and Los Angeles Times on June 14, 2004 and June 21, 2004. The 45-day review / comment period for the EIR was June 4, 2004 through July 19, 2004.

CALIFORNIA PUBLIC UTILITIES COMMISSION ENVIRONMENTAL REVIEW PROCESS & PUBLIC INVOLVEMENT OPPORTUNITIES



How to Get Project Information:

Get the project proceeding number. Information on all meetings and hearings held for the project, as well as other relevant information and documents, can be obtained using the proceeding number. This number can be obtained by contacting the CPUC Docket Office using the applicant's name and the approximate filing date:

- Visit www.cpuc.ca.gov
- Write to the CPUC Docket Office
  505 Van Ness Ave., Room 2001, San Francisco, CA 94102
  (415) 703-2121

Get on the project's Information Only Service List. Members of this list will receive notices of hearings, rulings, and Commission decisions. To get on this list, mail a request (including the proceeding number) to:

CPUC Process Office
505 Van Ness Ave., Room 2000, San Francisco, CA 94102
(415) 703-2021

How to Become an Interested Party:

An Interested Party is legally entitled to participate in all hearings related to the project. As an Interested Party, your name is placed on the Appearance Service List and you are entitled to make data requests, file testimony, present witnesses and exhibits, cross-examine other witnesses, file briefs and comments to a proposed decision, and apply for the rehearing of a decision. You will also receive the same notices of hearings, rulings, and Commission decisions as those on the Information Only Service List.

In order to participate with legal standing in a case you need to file an appearance at a hearing or prehearing conference. An ALJ will attend all hearings related to the project and you can obtain an appearance form from him or her. Once you have filed an appearance you are known as an Interested Party and are entitled to participate in the hearings.

Other Ways to Participate:

The CPUC provides several different ways to provide questions and comments on projects that are being considered:

Written Comments

Written comments are accepted from anybody at all times during the project process. However, if you would like a response to your comments on a specific document you must submit them within the time limits of the comment period. You can find the dates of the comment period as well as where to send your comments on the Notice of Availability (Draft EIR) or Notice of Intent (Draft ND/MND).

Public Meetings

A project team can decide to hold a public meeting to provide interested members of the public with information on the project and its status. The meetings are also an opportunity for members of the public to ask questions and comment on the project as it progresses. Because they are not official CPUC hearings, the ALJ will not preside over a public meeting. You can find information about these meetings on the Notice of Availability or Notice of Intent for a particular project.

Public Participation Hearings

Public Participation Hearings are official CPUC hearings held for projects with widespread public interest. They are intended to provide a way for members of the public to voice their views and concerns, with the presiding ALJ attending. During these hearings you may also ask questions of the Interested Parties and ALJ. These hearings are not a forum for Interested Parties to address their concerns as they have the opportunity to do so through formal filings and other hearings.

SOURCES: Public Affairs Management (2004) and Environmental Science Associates (2004)

Figure III-1
California Public Utilities Commission Environmental Review Process

Public Meeting. CEQA Guidelines Section 15087 provides that "[p]ublic hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required as an element of the CEQA process." While CEQA does not require a public hearing on Draft EIRs, in practice, most agencies conduct such hearings. This type of "hearing" is typically held for the lead agency to receive comments on the EIR and is not a formal evidentiary hearing. For instance, participants do not have the right to call witnesses or cross-examine the preparers of the EIR.

On June 28, 2004, the CPUC held a public meeting (noticed on June 4, 2004) at the Westchester Municipal Building Community Room in Los Angeles to solicit comments from interested parties and members of the public on the EIR. All comments received at the public meeting have been summarized and responses to these comments are provided in this document (see responses PM-1 though PM-47).

Final EIR

Final EIR Contents. The lead agency must prepare a Final EIR responding to all environmental comments received on the Draft EIR and certify the Final EIR before approving the project. The responses to comments must include good faith, well-reasoned responses to all comments received on the Draft EIR. In responding to comments, CEQA does not require a lead agency to conduct every test or perform all research, study, or experimentation recommended or demanded by commenters. Rather, a lead agency need only respond to significant environmental issues and need not to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Sections 15088 and 15204).

Public Review. While a lead agency may provide an opportunity for review of the Final EIR by the public or by commenting agencies, it is not obligated to do so. Public Resources Code Section 21092.5 does require a lead agency to provide a written response to a public agency on comments made by that agency at least 10 days prior to certifying an EIR. For this project, the CPUC will provide responses to all commenters in accordance with the above-referenced statutory timeframe.

Final EIR Consideration and Certification. A decision-making body is required to read and consider the information in an EIR before making a decision. Before approving the project, the lead agency must certify that the Final EIR was prepared in compliance with CEQA and was presented to the lead agency's decision-making body, which reviewed and considered the Final EIR before approving the project (CEQA Guidelines Section 15090). In addition, the lead agency must certify that the EIR reflects the independent judgment of the lead agency.

Project Approval after Final EIR Certification. CEQA gives a lead agency a broad range of authority to deal with a project after the lead agency certifies an EIR. In response to an EIR, a lead agency may:

- Disapprove a project because it has significant environmental effects;

- Require changes in a project to reduce or avoid a significant environmental effect;
- Determine that changes in a project necessary to lessen or avoid an environmental impact are within the responsibility and jurisdiction of another public agency and can and should be adopted by such agency; and/or
- Approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.

An agency does not have unlimited authority to impose mitigation measures or alternatives discussed in an EIR that would reduce the environmental effects of the proposed project to a less than significant level. A public agency is subject to both general and specific limitations on its authority. In mitigating or avoiding a project's significant environmental effects, an agency may exercise only those express or implied powers provided by law, aside from those provided by CEQA (CEQA Guidelines Section 15040). In addition, the U.S. Constitution limits an agency's authority to impose certain conditions to those situations where there is an essential "nexus" between the impact and the mitigation measure; otherwise, the exercise of government authority may be considered a "taking" of private property without just compensation (*Nollan v California Coastal Commission* (1987) 483 U.S. 825). In addition, for such conditions, the measure must be "roughly proportional" to the impact that it is designed to address (*Dolan v City of Tigard*, (1994) 512 U.S. 374).

Within five days of project approval, the lead agency must file a Notice of Determination (NOD) with the County Clerk and/or the State Clearinghouse. The NOD is to be made available for public inspection but it is not required to be mailed to persons requesting such notice. The NOD must be posted for 30 days and retained in the agency files for nine months (CEQA Guidelines Section 15094). Posting the NOD starts a 30-day statute of limitations period for parties wanting to challenge the lead agency's decision under CEQA (CEQA Guidelines Section 15094(f)).

After project approval, the lead agency must:

- file the Final EIR with the planning agency of any city or county where significant effects may occur;
- include the Final EIR in any regular project report used for project review or budgeting;
- retain the Final EIR as a public record for a reasonable time; and
- require the project applicant to provide copies of the Final EIR to Responsible Agencies (CEQA Guidelines Section 15095).

The CPUC Process

In addition to following all CEQA regulations, the CPUC has its own review process for proposed projects.

Initial CPUC Steps

The CPUC process begins once a project application is filed. The application includes a project description, proposed schedule, issues to be considered, and need for a hearing. An Administrative Law Judge (ALJ) is then assigned to the project by the Chief Administrative Law Judge. The ALJ then determines whether a prehearing conference (PHC) is necessary to further define information in the application. A PHC is called to schedule hearing dates, establish a service list, and to give participants a chance to outline the issues on which they intend to focus. After the prehearing conference, or as soon is reasonable if no prehearing conference is held, the ALJ produces a scoping memo. The Assigned Commissioner/ALJ will consider the application, protests, responses, and the prehearing statements and will rule on the category, need for hearing, issues, and schedule in a scoping memo.

Becoming an Interested Party

In order to participate with legal standing in a case, a person must file an appearance in the proceeding. An appearance can only be filed at a hearing and prehearing conference. The ALJ or the Court Reporter will have the appearance form which should be filled out and returned to the ALJ or the Court Reporter. Once an appearance has been filed with the Commission, the person has legal standing in the proceeding and is known as an Interested Party, and is legally entitled to participate in the hearings. An interested party's name is placed on the service list (described below). The Interested Party is also entitled to make data requests, file testimony, present witnesses and exhibits, cross-examine other witnesses, file briefs and comments to a proposed decision, and apply for the rehearing of a decision.

How to Get on the Service List

The first step that must be taken is to learn the CPUC proceeding number for the project. Information on all meetings and hearings held for the project can be obtained using the proceeding number. All relevant information, documents, and other materials can also be located using a CPUC proceeding number. This number can be obtained by visiting www.cpuc.ca.gov or contacting the Docket Office with the applicant's name and the approximate date of filing. The Docket office is located at 505 Van Ness Avenue, Room 2001, San Francisco, CA 94102, (415) 703-2121.

The service list is established by the ALJ to distribute project and hearing information. There are two ways for members of the public to get on the service list. Interested Parties (described above) are included on the service list and will receive exhibits, testimony, all formally filed documents (pleadings, motions, rulings, proposed decisions) and Commission decisions. If you do not wish to become an Interested Party, he or she may request to be added to the "information only" category. Those in this category will receive all Commission generated notices of hearings, rulings, proposed decisions and Commission decisions, but will not be able to participate legally in CPUC hearings. To be added to an information only service list, mail a request, including the proceeding number, to the Commission's Process Office at 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, (415) 703-2021 or email a request to the Process Office.

Other ways to provide comment

The CPUC provides several different ways to provide questions and comments on projects that are being considered.

Written Comments. Written comments are accepted from anybody at all times during the project process. However, if a member of the public wishes to comment on a specific document, it must be done within the time limits of the comment period. When providing comments on a specific environmental document, the dates of the comment period, as well as where to send your comments, can be found on the Notice of Availability of the EIR.

Public Meetings. A project team can decide to hold a public meeting to provide interested members of the public with information on the project and its status. The meetings are also an opportunity for members of the public to ask questions and comment on the project as it progresses. Since they are not official CPUC hearings, the ALJ will not preside over a public meeting.

Public Participation Hearings. Public Participation Hearings are official CPUC hearings held for projects with widespread public interest. They are intended to provide a way for members of the public to voice their views and concerns, with the presiding ALJ attending. During these hearings, members of the public may also ask questions of the Interested Parties and ALJ. These hearings are not a forum for Interested Parties to address their concerns because they have the opportunity to do so by filing oral arguments or during Evidentiary Hearings (explained below).

Gathering More Information – Evidentiary Hearings

An evidentiary hearing (an official CPUC hearing) may be called so that Interested Parties may present their evidence through testimony and exhibits. Interested members of the community must be registered as an Interested Parties in order to participate in this part of the CPUC process. Participants do not have to be represented by attorneys; the ALJ will explain procedures to Interested Parties who are not familiar with the process. Interested Parties may also submit written briefs and oral arguments to emphasize the main points and rebut arguments raised by other Interested Parties. The Commission's decision could also be supported by evidence at the Commission hearing.

Final CPUC Steps

At the conclusion of any hearing and other information gathering process, the evidentiary record is closed and the ALJ writes a proposed decision. Interested Parties may submit written comments within the established comment period. The proposed decision is placed on the agenda for discussion at the next Commission Meeting, a minimum of 30 days after its publication. The Commissioners may agree with the proposed decision or they may submit proposed alternative(s) for the other Commissioners to consider at least 14 days before the meeting at which the proposed decision will be considered. When the Commission meets in a public session, the Commissioners vote to approve or reject the proposed decision or any alternate which has been proposed.

Public Comment at Commission Meetings

A final opportunity for public comment (which does not include Interested Parties) is at the Commission Meeting when the Commissioners are expected to vote on the project. The Commission establishes a public comment period at the beginning of each Commission meeting to give members of the public an opportunity to comment on items on the Commission agenda. Members of the public who want to speak must arrive at the meeting early to fill out a speaker card. Each speaker is then given a time period in which to speak. Each speaker is allowed up to three minutes for his or her comments. Information about upcoming Commission Meetings can be found at http://www.cpuc.ca.gov/static/aboutcpuc under the Meeting Schedule link or by calling 415-703-2782. Commission Meetings are generally scheduled for the 2nd and 4th Thursdays of each month. The schedule should be reviewed before the meeting in case of any necessary date adjustments.

MASTER RESPONSE: PROJECT DESCRIPTION

The CPUC received many comments that addressed the Project Description contained in DEIR Chapter 3, *Project Description*. The following master response provides clarification to the project description that was provided in the DEIR.

Number of Lots Included in Environmental Analysis

Comments received on the DEIR point to a difference between the number of lots SCG asks Public Utilities Code Section 851 approval for versus the number of lots for which environmental analysis was conducted in the DEIR. While SCG's application (A.99-05-029) requests CPUC approval under Public Utilities Code Section 851 for the sale of 84 lots, 48 of those 84 lots were already sold between 1994 and 1998 (Healy, 2004). In its application, SCG requests that the CPUC grant (retroactively) Public Utilities Code Section 851 approval with respect to the sale of the 48 previously-sold lots and of the remaining 36 unsold lots. The decision of whether or not to grant retroactive approval to SCG for the already-sold 48 lots is an issue that the assigned Administrative Law Judge (ALJ) and the Commission will address in the general proceeding for the application, and that is not relevant to or subject to this CEQA process.

According to CEQA Guidelines Section 15002, the purpose of CEQA is to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities; identify ways that environmental damage can be avoided or significantly reduced; prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and to disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. Essentially, the purpose of CEQA is to evaluate environmental impacts and mitigate for those impacts prior to the time an activity (and/or project) that may have a significant effect on the environment occurs.

In a recent decision approved by the Commission concerning a PG&E application (A.03-05-012) for the retroactive approval of 256 transactions, the Commission addressed the concept of conducting CEQA analysis on prior transactions where the utility had sold land without first seeking Commission authority under Public Utilities Code Section 851. The Commission decided that the sales agreements were several years old and any activity that would have required the CPUC's environmental review (had it been conducted in a timely manner before the activities occurred) had already taken place. Consequently, meaningful CEQA review would have no effect because the CPUC would not be able to conduct the review prior to any project or construction activity.

CEQA is clear that the environmental setting – a description of the physical conditions in the vicinity of the project as they exist at the time the notice of preparation is published – normally constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant (CEQA Guidelines Section 15125(a)). This is true even if the existing environmental setting has already been altered by past activities that were not formally approved, or that were even legally carried out. The sale of the 48 lots for which SCG seeks retroactive approval for in its application have already been sold and developed, and therefore, pursuant to CEQA and consistent with the CPUC's decision on A.03-05-012, only the 36 unsold lots constitute the project for purposes of this CEQA review.

Surplus Property

Comments received on the DEIR point to a difference in the term used to describe the 36 lots proposed by SCG for sale. The application title reads "In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY for Authority Pursuant to Public Utilities Code Section 851 to Sell Certain Real Property in Playa del Rey, California." Public Utilities Code Section 851 applies to a public utility's proposed sale of "property necessary or useful in the performance of its duties to the public." In its application, SCG submits that the lots are not and will not be "necessary or useful" to its PDR storage operations and therefore, CPUC authorization would not be required prior to the sale of the properties. Nonetheless, SCG is seeking Public Utilities Code Section 851 approval for the lots "in order to reduce any controversy in connection with this Application, and to implement the rate reduction proposed herein at the earliest possible date."

While the DEIR describes the 36 lots as "surplus property," SCG's application does not expressly refer to them as such (see above explanation). In SCG's application, SCG states that "the wells originally located on the subject parcels of property became unnecessary and no longer useful to the PDR storage operations and therefore were abandoned without adversely affecting SoCalGas' PDR storage operations." The application further states that none of the lots are or will be "necessary or useful" to the Playa del Rey storage operations. For CEQA purposes, the characterization of the lots as surplus property is not relevant. Whether or not the 36 lots are actually "necessary or useful" or are "surplus property" will be addressed by the ALJ and decided by the Commission during the general proceedings for the application; rather than through the CEQA process.

The DEIR considers the impacts of the proposed sale and future development of the 36 lots against the environmental setting backdrop of existing conditions. Whether or not the lots are ultimately deemed "surplus property" would not affect the analysis or conclusions of the DEIR regarding the physical environmental effects of the proposed sale and reasonably foreseeable future development.

Scope of Analysis

The property that SCG seeks approval to sell consists of 34 lots in Playa del Rey and two lots in Marina del Rey, California. CEQA defines a project as "the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines Section 15378(a)). The "action" in the case of SCG's application (A.99-05-029) which the DEIR analyzed consists only of the sale of the identified 36 lots (as well as retroactive approval of 48 already-sold lots [see above]). As part of the CEQA review, the whole of the action, including reasonably foreseeable future development of the project lots subsequent to their sale, was analyzed. Some comments received on the DEIR seek environmental analysis of SCG's gas storage facility operations. However, SCG's application does not request approval for any change to its Playa del Rey gas storage facility operations, and therefore, analysis of the storage facility operations are not addressed in the DEIR. The DEIR for this application cannot address environmental impacts for Playa Vista or SCG's Playa del Rey Gas Storage Facility because both are outside of the scope of the proceeding and this DEIR.

B. AGENCIES COMMENTING ON THE DRAFT EIR

B1	Southern California Association of Governments	July 7, 2004
B2	South Coast Air Quality Management District	July 16, 2004
B3	Department of Toxic Substances Control	July 14, 2004
B4	Native American Heritage Commission	June 15, 2004
B5	County of Los Angeles Fire Department	August 5, 2004

SOUTHERN CALIFORNIA

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Imperial County: Hank Kuiper, Imperial County • Jo Shields, Brawley

Los Angeles County: Yvonne Brathwaite Burke, Los Angeles County • Zev Yaroslavsky, Los Angeles County • Jim Aldinger, Manhattan Beach • Harry Baldwin, San Gabriel • Paul Bowlen, Cerritos • Tony Cardenas, Los Angeles • Margaret Clark, Rosemead • Gene Daniels, Paramount • Mike Dispenza, Palmdale • Judy Dunlap, Inglewood • Eric Garcetti, Los Angeles • Wendy Greuel, Los Angeles • Frank Gurulé, Cudahy • James Hahn, Los Angeles • Janice Hahn, Los Angeles • Isadore Hall, Compton • Tom LaBonge, Los Angeles • Bonnie Lowenthal, Long Beach • Martin Ludlow, Los Angeles • Keith McCarthy, Downey • Llewellyn Miller, Claremont • Cindy Miscikowski, Los Angeles • Paul Nowatka, Torrance • Pam O'Connor, Santa Monica • Alex Padilla, Los Angeles • Bernard Parks, Los Angeles Jan Perry, Los Angeles • Beatrice Proo, Pico Rivera Ed Reyes, Los Angeles • Greig Smith, Los Angeles Dick Stanford, Azusa • Tom Sykes, Walnut • Paul Talbot, Alhambra • Sidney Tyler, Pasadena • Tonia Reyes Uranga, Long Beach • Antonio Villaraigosa, Los Angeles • Dennis Washburn, Calabasas • Jack Weiss, Los Angeles • Bob Yousefian, Glendale • Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County • Ronald Bates, Los Alamitos • Lou Bone, Tustin • Art Brown, Buena Park • Richard Chavez, Anaheim Debbie Cook, Huntington Beach • Cathryn DeYoung, Laguna Niguel • Richard Dixon, Lake Forest • Alta Duke, La Palma • Bev Perry, Brea • Tod Ridgeway, Newport Beach

Riverside County: Marion Ashley, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Paul Biane, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Burgnon, Town of Apple Valley • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Gary Ovitt, Ontario • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Charles Smith, Orange County

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

Printed on Recycled Paper 559-5/20/04

July 7, 2004

Mr. Michael Rosauer, CPUC
C/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

RE: SCAG Clearinghouse No. I 20040375 Draft Environmental Report for Southern California Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey

Dear Mr. Rosauer:

Thank you for submitting the **Southern California Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies. *B1-1*

We have reviewed the **Southern California Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time. *B1-2*

A description of the proposed Project was published in SCAG's **June 16-30, 2004** Intergovernmental Review Clearinghouse Report for public review and comment. *B1-3*

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you. *B1-4*

Sincerely,

Lavonne Jones for

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review

LETTER B1 – SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

B1-1 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment notes that the commenter is a regional planning organization charged with reviewing the consistency of regionally-significant projects with regional plans.

B1-2 This comment is a general statement that states that the proposed sale has been determined not to be a regionally significant project per Southern California Association of Governments (SCAG)'s Intergovernmental Criteria and CEQA Guidelines and that the proposed project does not warrant comments at this time.

B1-3 The comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment states that the proposed project's project description was published in SCAG's June 16-30, 2004 Intergovernmental Review Clearinghouse Report for public comment.

B1-4 This comment is a general and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment states that the project title and SCAG Clearinghouse number should be used in all future correspondence.

Letter B2

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

FAXED: JULY 16, 2004

July 16, 2004

Mr. Michael Rosauer, CPUC
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Dear Mr. Rosauer:

Draft Environmental Impact Report for Southern California Gas Company's Application to Value and Sell Surplus Property

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Environmental Impact Report. *B2-1*

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report. The SCAQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments. *B2-2*

Sincerely

Steve Smith

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS: CB

LAC040610-01
Control Number

Draft Environmental Impact Report (DEIR) for Southern California Gas Company's Application to Value and Sell Surplus Property

1. **SCAQMD Screening Tables**: Reference is made on pages 4.B-20 and 4.B-21 of the DEIR to the use of the screening tables in the 1993 SCAQMD Air Quality CEQA Handbook (Handbook). Based on these screening tables, the lead agency concludes that neither the construction nor operation associated with the future development of the 36 lots would result in significant air quality impacts. Please note that although the screening tables in the Handbook were developed by the SCAQMD, the SCAQMD no longer supports the use of these tables. This is because the mobile source emission factors used in the tables are from an old version of the California Air Resources Board (CARB) EMFAC model. Furthermore, the trip generation rates used in the screening tables are from an older version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The current version is the seventh. For the Final Environmental Impact Report, the SCAQMD recommends that the lead agency use emission calculation methodologies from the Handbook as recommended above or use the CARB-approved computer model URBEMIS 2002 in calculating both construction as well as operational emissions. The URBEMIS 2002 model can be accessed on the SCAQMD website:www.aqmd.gov/ceqa/modeling/html. *B2-3*

2. **Health Risk Assessment**: Page 2 of the HRA in Appendix E, states that hydrogen sulfide (H_2S) and methane are not analyzed in the HRA, because they are addressed in another report. There does not appear to be a reference to this other report in the DEIR. Figure 4.B-2 in the Air Quality Section of the draft EIR presents concentrations of H_2S from air monitoring. The highest concentration reported is 0.14 ppm.

   Based on this screening evaluation below, it appears that this concentration may generate hazard indices greater than 1.0. The Final EIR should present an evaluation of the chronic and acute noncancer risk from H_2S.

   B2-4

   H_2S concentration (mg/m^3) = H_2S concentration (ppm) x $1x10^{-6}$ x MW x (1/molar volume) x 1,000 L/m^3 x 1,000 mg/g
   H_2S concentration (mg/m^3) = 0.14 ppm x $1x10^{-6}$ x 18 g/mol x (mol/25 L) x 1,000 L/m^3 x 1,000 mg/g
   H_2S concentration (mg/m^3) = 0.103 mg/m^3

   HIchronic = H_2S concentration (mg/m^3)/RELchronic (mg/m^3)
   HIchronic = (0.103 mg/m^3)/(0.01 mg/m^3)
   HIchronic = 10.3

   HIacute = H_2S concentration (mg/m^3)/RELacute (mg/m^3)
   HIacute = (0.103 mg/m^3)/(0.042 mg/m^3)
   HIacute = 2.4

LETTER B2 – SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

B2-1 The comment states that the South Coast Air Quality Management District's comments are meant as guidance for the lead agency and should be incorporated into the Final EIR. The Final EIR will contain this response to comments document which contains written responses to all comments received on the DEIR.

B2-2 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The commenter requests that, pursuant to Public Resource Code Section 21092.5, the CPUC provide written responses to all comments contained within their comment letter. At the time of publication of the Final EIR (at least 10 days prior to the certification of the Final EIR pursuant to Public Resources Code Section 21092.5), the commenter, along with all other commenters, will be provided with written copies of this Final EIR, which contains responses to all comments received on the DEIR.

B2-3 The commenter indicates that the estimation of future air quality impacts as presented in the DEIR makes use of screening tables that are no longer supported by the South Coast Air Quality Management District (SCAQMD) and that the SCAQMD recommends use of an updated emission calculation methodology. The updated SCAQMD method requires a detailed level of knowledge about the future development projects that would occur at the Playa del Rey and Marina del Rey lots that is beyond what was considered foreseeable or available in the analysis presented in this EIR. Information that would be required to employ the recommended SCAQMD method includes the actual number of housing units, the year(s) and duration of construction, specifics about the housing units (i.e., whether the future development would include fireplaces) and in the case of the commercial property (Cluster 5), the specific type of commercial development and associated traffic information. This information is not known at this time and cannot be known until the transfer of the properties has occurred. Thus, the SCAQMD recommended methods cannot be performed for this analysis. As discussed in DEIR Chapter 4.A, *Approach to Analysis*, it is reasonably foreseeable that future development of the project lots would occur; that the future development would be subject to subsequent environmental review by the City of Los Angeles; and that the future development would comply with all applicable environmental laws and permits. Therefore, the finding of a less than significant impact for Impact B.1 with the recommended mitigation measure to address construction emissions and the finding of a less than significant impact for Impact B.2 are reasonable.

The accompanying discussion of Impacts B.1 and B.2 presented in DEIR Chapter 4.B, *Air Quality*, relied on the most recent version of SCAQMD CEQA Guidelines. However, Tables 6-2 and 6-3 from the Guidelines has been recently declared obsolete by SCAQMD. The comment states that SCAQMD no longer relies on this assessment methodology. The air quality impact screening methodology as described in

SCAQMD Tables 6.2 and 6.3, which rely on older and dirtier emission source assumptions, provide a conservative way to evaluate potential future impacts that could result from construction and operation of future development on the 36 lots. The commenter notes that "[b]ased on these screening tables, the lead agency concludes that neither the construction nor operation associated with the future development of the 36 lots would result in significant air quality impacts." Thus, the use of these obsolete SCAQMD tables still provides relevant information for the purposes of this assessment. Finally future development of the 36 lots would be subject to subsequent environmental review by the City of Los Angeles and as appropriate, by the SCAQMD.

B2-4 DEIR Figure 4.B-2 presents hydrogen sulfide concentrations that were detected at two air monitoring locations at the SCG Playa del Rey upper gas-storage facility (facility). Screening level, fenceline air monitoring was completed to evaluate whether the facility routinely released hydrogen sulfide as part of normal operations. If releases occur, the monitoring instruments located upwind and downwind of the facility, should detect relatively high and sustained hydrogen sulfide concentration increases compared to times when no releases occurred. Following releases (should they occur), the hydrogen sulfide concentrations are expected to decrease as the hydrogen sulfide disperses.

More than 4,600 measurements were taken between March 2, 2004 and 11, 2004[1]. Measurements were taken every five minutes at both monitoring locations (upwind and downwind). If facility releases occurred, high concentrations for a prolonged time would be detected at the downwind monitoring location. A comparison of the data from both monitoring locations revealed that the hydrogen sulfide concentrations at the upwind and downwind locations were similar during the monitoring period. In addition, no anomalous and relatively sustained concentration increases occurred during this time period which would have indicated releases from the facility.

As the commenter noted, the highest hydrogen sulfide concentration recorded was 0.14 ppm (parts per million). This result was a one-time occurrence within a five-minute monitoring period and the measurements immediately preceding and following this occurrence were typical of background concentrations measured between March 2, 2004 and 11, 2004 (approximately 0.008 ppm). The Ballona Wetlands, which are approximately one mile from the facility and are known to produce hydrogen sulfide, may be contributing hydrogen sulfide to ambient air and influencing background air quality within and near the facility. Because this hydrogen sulfide concentration measurement was a one-time event and was not sustained for greater than five minutes, this occurrence most likely represents background air quality and is not representative of a release from the facility. Furthermore, evaluation of SCG Playa del Rey Gas Storage facility operational logs for the total monitoring period (January 30, 2004 to

[1] The duration of the full hydrogen sulfide monitoring program was between January 30, 2004 and March 11, 2004. Between January 30th and March 2nd samples were collected every 5 to 15 minutes.

March 11, 2004) showed only four potential venting activities from the SCG PDR facility on 2/9/04, 2/20/04, 3/1/04 and 3/9/04 (SCG, 2004). None of these four venting activities could be correlated with any significantly elevated (above typical daily average variations) readings of hydrogen sulfide at either of the two monitoring stations during the same time period.

As described above, air monitoring at the SCG Playa del Rey facility was primarily completed to evaluate if hydrogen sulfide releases routinely occur at the facility as part of normal facility operations. Thus, data associated with SCG facility monitoring was not collected to evaluate hydrogen sulfide concentrations associated with the 36 project lots; and therefore, should not be used to evaluate human health risk associated with the 36 project lots.

To better describe additional hydrogen sulfide monitoring that was completed at the 36 lots to evaluate if any of the lots produce or release hydrogen sulfide and are hydrogen sulfide sources, the text of DEIR Appendix E is changed in two places, as shown below.

The last paragraph on page 2 of DEIR Appendix E is changed to read:

> **Methane** and **hydrogen sulfide** are two gases that are included in investigations conducted by other members of the ESA team that are not included in the human health risk assessment. ~~**Methane** and **hydrogen sulfide** are two gases that were sampled for in the investigations but not included in this human health risk assessment.~~ Both of these gases are evaluated in separate reports (Boettcher, 2004 and Methane Specialists, 2004). In the case of hydrogen sulfide, measurements taken of hydrogen sulfide in the air at each parcel did not find concentrations above levels of concern. The 315 measurements were taken at two different heights; 203 measurements immediately above ground surface and 112 measurements at 4 to 6 feet to represent a breathing zone. The concentrations of hydrogen sulfide measured in these samples were compared to California Reference Exposure Levels of 0.03 ppm for acute exposure (1 hour) and long term chronic exposure (6 hours/day, 5 days/week) of 0.007 ppm. None of the samples at ground level exceeded either standard. At breathing zone level, 2 samples exceeded the level of 0.007 and 0.03 ppm for acute effects. However, additional samples were taken immediately following these detections and concentrations dropped to at or below 0.003 ppm within a short time (less than 15 minutes). Also, because these concentrations were not detected at ground surface, it is likely that the source of the hydrogen sulfide is not emissions from the parcels. At this time, there is no evidence that hydrogen sulfide in outdoor air is elevated due to releases from the vapors at the property clusters. ~~And~~ Therefore, hydrogen sulfide was not included in the risk assessment. Methane is not included in this risk assessment because the primary effects are as an asphyxiant (replaces oxygen) and explosive at high concentrations. A separate evaluation was conducted to evaluate the risks

associated with high concentrations of methane. Methane was not included in this risk assessment for lifetime exposure because concentrations below the levels of concern as an asphyxiant or explosive are not known to have long term health effects.

The last paragraph on page 8 of DEIR Appendix E is changed to read:

In the case of hydrogen sulfide, measurements taken of hydrogen sulfide in the air at each parcel did not find concentrations above levels of concern. The 315 measurements were taken at two different heights, 203 measurements immediately above ground surface and 112 measurements at 4 to 6 feet to represent a breathing zone. The concentrations of hydrogen sulfide measured in these samples were compared to California Reference Exposure Levels of 0.03 ppm for acute exposure (1 hour) and long term chronic exposure (6 hours/day, 5 days/week) of 0.007 ppm. None of the samples at ground level exceeded either standard. At breathing zone level, 2 samples exceeded the level of 0.007 and 0.03 ppm for acute effects. However, additional samples were taken immediately following these detections and concentrations dropped to at or below 0.003 ppm within a short time (less than 15 minutes). Also, because these concentrations were not detected at ground surface, it is likely that the source of the hydrogen sulfide is not emissions from the parcels. Therefore, ~~H~~hydrogen sulfide was not included in the risk assessment because there is no evidence that hydrogen sulfide in outdoor air is elevated due to releases from the vapors at the lots. This evidence is documented in a report by Gary Boettcher (Methane Specialists and Sullivan Consulting, 2003~~4~~).

A screening-level evaluation of air monitoring data that was collected at the facility was completed to estimate if the background air quality at the facility could generate hazard indices greater than 1.0 for both chronic and acute non-cancer risk associated with hydrogen sulfide. This evaluation was completed as a response to this comment, and because the data are likely associated with background air quality and not the residential parcels, this evaluation will not be included as part of the HHRA, rather, it is presented to clarify and document potential risk associated with background air quality at the facility.

Summary Statistics of Data Set

Below are the summary statistics associated with the monitoring data collected from the upwind and downwind fenceline monitoring locations.

Number of Observations	Minimum	Maximum	Mean	Median	Standard Deviation	Coefficient of Variation	Skewness	Variance
4655	0.001	0.14	0.008214	0.008	0.003201	0.389768	15.68472	1.02E-05

Data Set Distribution

Environmental data generally follow either a Normal[2] or Lognormal distribution. Lognormal distributions result when raw data values are skewed away from a Normal population mean, and for the purpose of statistical inference, made Normal by converting raw data values to their log equivalent (i.e., log-transform) before performing statistical analyses. Raw and log-transformed data were evaluated to determine the best data distribution. The data are neither Normally nor Lognormally distributed at a 5 percent significance level[3]. However, for purposes of calculating Upper Confidence Levels (UCLs), both Normal and Lognormal data sets were considered.

Upper Confidence Level

UCLs are routinely used as concentration estimators for the purpose of evaluating risks associated with environmental constituents. The 95 percent UCL was calculated assuming both Normal and Lognormal distributions and are shown below.

95% UCL (Assuming Normal Distribution) (Student's-t UCL)	95% UCLs (Assuming Lognormal Distribution) (Chebyshev)
0.008291	0.008394

The calculated UCL values are almost identical and therefore, 0.008 ppm was assumed as an estimator of the background air quality at the facility during the monitoring period.

Hazard indices were calculated using the equations presented by the commenter (modified for an error by the commenter [H_2S molecular weight = 34 grams/mole])) and are shown on the following page.

[2] The normal distribution is the fundamental frequency distribution of statistical analysis. It is sometimes called the Gaussian distribution or the bell curve because of the shape of the curve as graphed on an x/y plot of the expected frequency of the population. The normal distribution is expressed as the amount of statistical population that occurs different from the mean. For example, normally distributed data will have about two thirds of all data within one standard deviation from the mean.

[3] This indicates that, from a statistical perspective, it can be assumed with a 95 percent level of confidence that the data are neither normal nor lognormally distributed.

H_2S concentration (mg/m3) = H_2S concentration (ppm) x $1x10^{-6}$ x MW x (1/molar volume) x 1,000 L/m^3 x 1,000 mg/g
H_2S concentration (mg/m^3) = 0.008 (ppm) x 1x10-6 x 34 g/mol x (mol/25L) x 1,000 L/m^3 x 1,000 mg/g
H_2S concentration (mg/m^3) = 0.01 mg/m^3
HIchronic = H_2S concentration (mg/m^3) / RELchronic (mg/m^3)
HIchronic = (0.01 mg/m^3) / (0.01 mg/m^3)
HIchronic = 1.0
HIacute = H_2S concentration (mg/m^3) / RELacute (mg/m^3)
HIacute = (0.01 mg/m^3) / 0.042 mg/m^3)
HIacute = 0.2

Based on this screening evaluation, the background air concentration at the facility would not result in a Hazard Index greater than 1.0.

Letter B3

Department of Toxic Substances Control

Terry Tamminen
Agency Secretary
Cal/EPA

1011 North Grandview Avenue
Glendale, California 91201-2205

Arnold Schwarzenegger
Governor

July 14, 2004

Mr. Michael Rosauer
Project Manager
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

NOTICE OF COMPLETION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR SOUTHERN CALIFORNIA GAS COMPANY'S APPLICATION TO VALUE AND SELL SURPLUS PROPERTY AT PLAYA DEL REY AND MARINA DEL REY (A.99-05-029), SCH NO. 2003091003

Dear Mr. Rosauer:

The Department of Toxic Substances Control (DTSC) has received your Notice of Completion of draft Environmental Impact Report (EIR) for the project mentioned above. *B3-1*

Based on the review of the document, DTSC comments are as follows:

1. The EIR states that field investigation of onsite conditions, and a human health risk assessment were conducted by consultants for the CPUC Energy Division between 2000 and 2003. The EIR should include the government regulatory agency providing the oversight for the field investigation, and the human health risk assessment. *B3-2*

2. If during construction of the project, soil contamination is suspected, construction in the area should stop, and appropriate health and safety procedures should be implemented. If it is determined that contaminated soils exists, the EIR should identify how any required investigation and/or remediation will be conducted, and which government agency will provide regulatory oversight. *B3-3*

DTSC provides guidance for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP please visit DTSC's web site at www.dtsc.ca.gov. *B3-4*

Printed on Recycled Paper

If you would like to meet and discuss this matter further, please contact Mr. Alberto Valmidiano, Project Manager, at (818) 551-2870 or me, at (818) 551-2857. *B3-5*

Sincerely,

Gabriel J. Farkas, Ph.D.

for Michel Iskarous
Acting Unit Chief
Southern California Cleanup Operations Branch – Glendale Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

LETTER B3 – DEPARTMENT OF TOXIC SUBSTANCES CONTROL

B3-1 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment states that the Department of Toxic Substances Control (DTSC) has received the Notice of Completion for the DEIR.

B3-2 The EIR, the field investigations and the human health risk assessment for this project were prepared under the regulatory oversight of the California Public Utilities Commission. The risk assessment was conducted in accordance with the guidelines published by the U.S. EPA in the Risk Assessment Guidance for Superfund and supporting documents and guidelines published by the California Environmental Protection Agency. Groundwater well permits were obtained from the County of Los Angeles Department of Health Services Public Health Programs - Environmental Health and standard environmental sampling practices (consistent with DTSC and RWQCB procedures) were followed in all assessment activities. Levels of detected concentrations of total petroleum hydrocarbons in soils were compared to clean-up levels suggested by the Los Angeles Regional Water Quality Control Board in its Interim Site Assessment and Cleanup Guidebook dated May 1996.

B3-3 As discussed in response B3-2, the 36 lots proposed for sale were already remediated by SCG to levels acceptable to the Los Angeles Regional Water Quality Control Board (LARWQCB) in the 1990's and thus, the likelihood that future developers would encounter significant contamination has been reduced. However, if contaminated soils are encountered during future site construction activities, the responsible party should seek regulatory oversight either from the Department of Toxic Substances Control or the LARWQCB, through their voluntary clean-up programs. The following recommended mitigation measure is added under Impact F.1 on DEIR page 4.F-10 to further ensure that the impact would be less than significant.

> **Recommended Mitigation Measure F.1: If contaminated soils are encountered during future site construction activities, the future developer shall seek regulatory oversight either from the Department of Toxic Substances Control or the LARWQCB through their voluntary clean-up programs.**

Even though the CPUC is acting as the lead agency for the approval or denial of the proposed sale, the CPUC does not have the jurisdiction to enforce the recommend mitigation measures as identified in the EIR. The future development on the 36 lots would undergo future environmental review by the City of Los Angeles.

B3-4 The comment states that the DTSC provides guidance for Preliminary Endangerment Assessment and cleanup oversight through the DTSC's Voluntary Cleanup Program.

This comment is noted. However, as explained in responses B3-2 and B3-3, the application of these programs to this project would be the responsibility of future owners.

B3-5 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment states the name and telephone number of a contact person at DTSC should the CPUC wish to discuss the contents of the DTSC comment letter.

Letter B4

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov

June 15, 2004

RECEIVED
JUN 18 2004
ENVIRONMENTAL SCIENCE ASSOC.

Mr. Michael Rosauer, CPUC
C/O Environmental Science Associates
225 Brush Street, Suite 1700
San Francisco, CA 94104

Re: Draft Environmental Impact Report: Southern California Gas Company's (SCGC) Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey (A.99-05-029).

Dear Mr. Rosauer:

Thank you for the opportunity to comment on the above referenced project. The Commission was able to perform a record search of its Sacred Lands File for the project area. The record search indicates the presence of Native American cultural resources that may be impacted by the above-referenced project. The locations of the Sacred Lands File sites are confidential. However, the following individual(s) may be able to provide you with information concerning sacred sites in the project area and assist in the development of mitigation measures and/or a treatment plan. *B4-1*

John Tommy Rosas (562) 761-6417	5450 Slauson Ave., Suite 151	Culver City, 90230-6000

In the Cumulative Impacts section of the SCGC DEIR, the "Village at Playa Vista" project is mentioned. This development has recently unearthed more than 275 burials from a Native American cemetery located in the Ballona Wetlands. Although the environmental review for the Playa Vista project accounted for the possibility of finding Native American burial sites, the document did not anticipate such a large scale burial ground, nor the expense and legal hurdles associated with dealing with that site. *B4-2*

In order to avoid such unanticipated discoveries, the Native American Heritage Commission recommends that early consultation be carried out with the region's Native American tribes. I have enclosed a list of Native American individuals/organizations that may have knowledge of additional cultural resources in the project area. The Commission makes no recommendation or preference of a single individual or group over another. These lists should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest that you contact all of those indicated; if they cannot supply you with specific information, they may be able to recommend others with personal knowledge of the area. A minimum of two weeks must be allowed for responses following notification. *B4-3*

Should you learn of any change of address or telephone number from any of these individuals or groups, please notify me. With your assistance we will be able to assure that our lists contain current information. *B4-4*

If you have any questions or need additional information, please contact me at (916) 653-6251.

Sincerely,

Carol Gaubatz
Program Analyst

NATIVE AMERICAN CONTACTS
Los Angeles County
June 15, 2004

Samuel H. Dunlap
P.O. Box 1391
Temecula , CA 92593
(909) 262-9351 (Cell)
(909) 693-9196 FAX

Gabrielino
Cahuilla
Luiseno

Gabrieleno/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
(626) 286-1632
(626) 286-1262 Fax
(626) 286-1758 (Home)

Gabrielino Tongva

Fernandeno/ Tataviam / San Fernando Mission Indians
Rudy J. Ortega, Sr., Chairperson
601 South Brand Boulevard, Suite 102
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info@tataviam.org
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(818) 837-0796 Fax

Gabrielino
Chumash
Tataviam
Yaqui

Craig Torres
713 E. Bishop
Santa Ana , CA 92701
(714) 542-6678

Gabrielino Tongva

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue
Reseda , CA 91335
(714) 504-2468 Cell

Gabrielino

Coastal Gabrieleno Diegueno
Jim Velasques
5776 42nd Street
Riverside , CA 92509
(909) 784-6660

Gabrielino
Kumeyaay

Gabrielino Tongva Indians of California Tribal Council
John Tomy Rosas, Vice Chair/Environmental
4712 Admiralty Way, Suite 172
Marina Del Rey , CA 90202
hhcc@mcn.org
310-570-0440

Gabrielino Tongva

Gabrielino/Tongva Counci / Gabrielino Tongva Nation
501 Santa Monica Blvd., Suite 500
Santa Monica , CA 90401-2415
(310) 587-2203
(310) 587-2281 Fax

Gabrielino Tongva

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed DEIR for Southern Califonrnia Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey (A.99-05-029), Los Angeles County.

NATIVE AMERICAN CONTACTS
Los Angeles County
June 15, 2004

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021 Gabrielino
Beaumont , CA 92223
(702) 647-0094: Phone/FAX

Fernandeno/ Tataviam / San Fernando Mission Indians
Lisa Ornelas, Senator of Cultural Affairs
601 South Brand Boulevard, Suite 102 Gabrielino
San Fernando , CA 91340 Chumash
lisa@tataviam.org Tataviam
(818) 837-0794 Yaqui
(818) 837-0796 Fax

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB Gabrielino Tongva
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gtongva@earthlink.net
562-761-6417 - voice
562-920-9449 - fax

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Pluto05@hotmail.com

Fernandeno/ Tataviam / San Fernando Mission Indians
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rudy@tataviam.org Tataviam
(818) 837-0794 Yaqui
(818) 837-0796 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed DEIR for Southern Califonrnia Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey (A.99-05-029), Los Angeles County.

LETTER B4 – NATIVE AMERICAN HERITAGE COMMISSION

B4-1 In an effort to determine if known sacred lands exist in the project area, a sacred lands database request was sent by Dean Martorana, ESA archaeologist, to the Native American Heritage Commission (NAHC). A response was received from the NAHC on October 27, 2003 that indicated that archaeological sites may be in the project vicinity. This information concurred with the site records that were obtained from the South Central Coastal Information Center (see DEIR page 4.D-5). As stated on DEIR page 4.D-6, a list of contacts was also received from the NAHC. Letters were sent on January 14, 2004 to each contact listed that requested further information regarding the known sites in the project area. At the time of publication of the DEIR (June 4, 2004), no responses were received. A telephone voicemail was received from Samuel Dunlap, a Native American representative listed by the NAHC on March 17, 2004; upon returning his phone call, no response was received. A follow-up phone call was placed to Mr. Dunlap on July 29, 2004. On July 30, 2004, Mr. Dunlap returned the call and indicated that he recommends the monitoring of ground disturbances by an archaeologist and a Native American representative. Other than concerns regarding known archaeological sites in the area, no sites that were not referred to in the DEIR were identified by Mr. Dunlap. Nevertheless, given the perceived cultural sensitivity of the area and the general proximity of the proposed lots to known sites, the recommendation for monitoring will be incorporated as Recommended Mitigation Measure D.1a in the DEIR as follows:

> **Recommended Mitigation Measure D.1a: Future developers of the lots shall retain a qualified archaeologist to conduct monitoring during ground-disturbing activity in the lots proposed for sale. The archaeologist shall meet the Secretary of the Interior's professional standards (36 CFR Part 61) for archaeology. In addition, in consultation with the Native American Heritage Commission, future developers shall appoint a Native American representative to monitor the ground disturbing activity. Both the on-site archaeologist and the Native American monitor shall determine, based on relevant information in the field (e.g. culturally sterile soils or fill material), whether full-time monitoring is required or necessary after initial ground disturbance is conducted. If cultural resources, *such as chipped or ground stone, large quantities of shell, historic debris, building foundations, or human bone*, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 50 feet of the find and an avoidance, evaluation, or mitigation plan shall be formulated by the on-site archaeologist and in consultation with the Native American monitor before construction can continue.**

The DEIR is modified to reflect the responses received by Native American representatives on DEIR page 4.D-6, as follows:

One response was received from Samuel Dunlap, a representative of the Gabrielino Indians Tribal Council, who recommended that monitoring be conducted during ground disturbance of the lots. Further, a comment was received from the Gabrielino/ Tongva Tribe requesting that the lots be donated for preservation and be kept in trust by the tribal council. Further consultation between the lead agency and the Gabrielino/ Tongva Tribe is recommended. ~~No responses have been received as of the writing of this document. If, as planning proceeds, further information or concerns relevant to the project are presented from a NAHC contact, further consultation between the lead agency and the contact is recommended.~~

B4-2 Indeed, the Playa Vista site did yield significant burial and related cultural material. To the extent that related projects, like Playa Vista, are required to comply with applicable laws, the potential deleterious effects to unique archaeological or historical resources can be mitigated—thereby reducing the cumulative impacts to cultural resources as a whole. The impacts identified in the Playa Vista project were mitigated to less than significant levels through data recovery (PCR Services Corporation, 2003). Just as other project development in the vicinity has adopted mitigation measures to lessen or avoid impacts on an individual basis, the proposed sale, with recommended mitigation incorporated into future development, would not cause significant impacts to cultural resources; therefore, viewed in connection with past projects, the proposed project would not contribute to a significant cumulative impact to cultural resources.

B4-3 As mentioned in response B4-1, letters that requested further information regarding known cultural resources within the project area were sent on January 14, 2004 to the individuals listed by the NAHC. No response had been received as of the publication date of the DEIR (June 4, 2004). However, as described in response B4-1, a response was received on July 30, 2004. Please see response B4-1 for additional details.

B4-4 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment is noted.

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

Letter B5

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVED
AUG 09 2004
ENVIRONMENTAL SCIENCE ASSOC.

August 5, 2004

Michael Rosauer, EIR Project Manager
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Dear Mr. Rosauer:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR SOUTHERN CALIFORNIA GAS COMPANY'S APPLICATION TO VALUE AND SELL SURPLUS PROPERTY AT PLAYA DEL REY AND MARINA DEL REY -- (EIR #2029/2004)

The Draft Environmental Impact Report for the Southern California Gas Company's Application to value and sell surplus property at Playa del Rey and Marina del Rey has been reviewed by the Planning Division, Land Development Unit, and Forestry Division of the County of Los Angeles Fire Department. The following are their comments: *B5-1*

PLANNING DIVISION:

The Draft Environmental Impact Report repeats the error made in the Notice of Preparation regarding the MDR property's jurisdictional location and fire protection service. For an explanation, please see our March 11, 2004 letter (see enclosed copy). *B5-2*

LAND DEVELOPMENT UNIT:

The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project. However, this project does not propose structures or any other improvements that appear to have a significant impact that requires a comment from the Land Development Unit. Should any questions arise regarding subdivision, water systems or access, please contact Inspector Marvin Dorsey at (323) 890-4243. *B5-3*

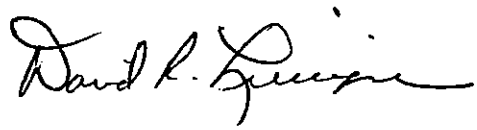
FORESTRY DIVISION:

The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed. *B5-4*

We understand that there are no physical impacts by merely selling the referenced properties. The Southern California Gas Company owns and anticipates a "Project Specific" Environmental Impact Report for any future development from new ownership. *B5-4 cont.*

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



DAVID R. LEININGER, CHIEF, FORESTRY DIVISION
PREVENTION BUREAU

DRL:sc

Enclosure

Enclosure

(323) 890-4330

March 11, 2004

Roosevelt Grant, Project Manager
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear Mr. Grant:

INITIAL STUDY/CPUC APPLICATION #99-05-029, SOUTHERN CALIFORNIA GAS COMPANY'S APPLICATION TO VALUE AND SELL SURPLUS PROPERTY, "MARINA DEL REY/PLAYA DEL REY AREA" – (EIR #1804/2003)

The Initial Study/CPUC Application #99-05-029 has been reviewed by the Planning Division, Land Development Unit, and Forestry Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

The Initial Study seems to indicate that the properties located at Union Jack/Speedway are in the unincorporated Marina del Rey area, but these properties are within the City of Los Angeles. While it is true that Marina del Rey is located within [unincorporated] Los Angeles County, the two properties referred to as the MDR properties are actually located within the City of Los Angeles (see Thomas Bros. Guide, Page 701-J1). The Public Services Impact Analysis - Fire Protection Section, on Page 54, states: "The nearest fire station to the MDR lots is County Fire Station Number 110." This statement implies that the County Fire Department is the jurisdictional fire protection agency for the MDR property. However, since the properties referred to as the MDR lots are actually located in the City of Los Angeles, the City is the jurisdictional fire agency for the MDR as well as the PDR properties.

That being clarified, under an existing automatic aid agreement with the City, the County Fire Department would dispatch one engine company to a first-alarm structure fire in the MDR site when requested by the City of Los Angeles. Normally, this is expected to be Engine 110. The Initial Study estimates its response distance to the MDR site as "approximately 2 miles." The actual road distance is about 2⅓ miles. The Initial Study's estimated response time of "approximately 4-6 minutes" is attributed to personal communication with a staff member of the City Fire Department. This is very optimistic, especially when considering the additional response time inherent with dispatching automatic aid responses. In addition, under the existing agreement, the County Fire Department does not dispatch any units to a medical emergency or a non-structure fire incident at the MDR site.

LAND DEVELOPMENT UNIT:
The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project. However, this project does not propose structures or any other improvements that appear to have a significant impact that requires a comment from the Land Development Unit.

Should any questions arise regarding subdivision, water systems, or access please contact Inspector Marvin Dorsey at (323) 890-4243.

FORESTRY DIVISION:
The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

DAVID R. LEININGER, CHIEF, FORESTRY DIVISION
PREVENTION BUREAU

DRL:lc

LETTER B5 – COUNTY OF LOS ANGELES FIRE DEPARTMENT

B5-1 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. The comment states that the commenter has reviewed the DEIR and has comments, as discussed below.

B5-2 The comment states that the two lots referred to as the MDR properties are located in the City of Los Angeles and not the County as implied by the Initial Study. While Public Services were addressed in the Initial Study for the proposed sale, which was included as Appendix A in the DEIR, Public Services were not addressed further in the text of the DEIR. The comment does not implicate a potential significant environmental effect. In response to this comment and to provide further clarification regarding the jurisdiction of the 36 lots proposed for sale, the following text is added to DEIR page 3-1 after the second sentence of third paragraph:

> <u>All of the 36 lots proposed for sale in Playa del Rey and Marina del Rey are located within the City of Los Angeles.</u>

B5-3 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

B5-4 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C. ORGANIZATIONS COMMENTING ON THE DRAFT EIR

C1	Grassroots Coalition	June 26, 2004
C2	Ballona Ecosystem Education Project & Spirit of the Sage Council	July 19, 2004
C3	Davis Wright Tremaine LLP for Paragon Communities	July 19, 2004
C4	Gabrielino/Tongva Indians of California Tribal Council	July 21, 2004
C5	Grassroots Coalition	June 15, 2002

June 26, 2004

TO: CALIFORNIA PUBLIC UTILITIES COMMISSION
Commissioner Loretta Lynch, ALJ Carol Brown,
Energy Division, Safety Division
Michael Rosauer - Energy Div. 415 703 2579 fax

FROM: GRASSROOTS COALITION
Patricia McPherson
3749 Greenwood Ave. LA, CA. 90066

RE: PUBLIC MEETING ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SOCALGAS PLAYA DEL REY/MARINA DEL REY (VENICE)

We request that the DEIR be redone and recirculated for public comment.

1. Grassroots Coalition had requested, in its response to the Initial Study for the scope of the DEIR, a response to conflict of interest and lack of oilfield expertise issues raised and documented to the CPUC. As there was no mention of these issues in the DEIR, Grassroots again requests that the conflict of interest and lack of oilfield expertise issues raised and documented to the CPUC, be incorporated into the EIR process for a response. (If the CPUC has lost or otherwise has no current access to the documents provided to the CPUC by Grassroots, then we will reproved the documents.) *C1-1*

2. CEQA CONSIDERATIONS:

Failure to use CPUC available information
- The DEIR appears to have left out available CPUC-Energy Division data that is explicitly focused upon the lot sale properties. CEQA requires the inculcation and evaluation of all available data.
MHA was employed by the Energy Division of the CPUC to undertake similar and same studies done by ESA yet **the MHA studies and data are not included in the DEIR and DEIR evaluations. The MHA studies included historical SOCALGAS data including but, not limited to ENV America work done for SOCALGAS. The historical data is not included in the DEIR. Please include all historical consultant data relating to the CEQA lots.**
The failure to incorporate historical SOCALGAS data may skew the assessments done by ESA. For example, soil gas studies performed by ESA may be artificially skewed due to prior excavation activities at the site ESA studied. ESA does not account for prior work activities in its assessment. *C1-2*

A presentation/ briefing was given to ALJ Carol Brown by MHA. Present during this presentation of the MHA studies and conclusions, persons in attendance included, but were not limited to, Pam Nataloni, Mat Epuna(via phone), Roosevelt Grant, Commissioner Wood's technical aid and technical aides of L. Lynch. It is disconcerting that the complete MHA, EIR data is not included or discussed in the DEIR. We request that the full and complete MHA (including MHA subcontracted consultant work) data, studies, information be made a part of the EIR process. We request that the MHA work, in its entirety, be incorporated and evaluated by ESA. Please respond to these requests and please respond as to why the intact MHA work has been left out of the DEIR. *C1-3*

3. In the Sepich, methane report, Sepich cites DOGGR for well information. It is Grassroots' understanding that ALJ Carol Brown ruled that the CPUC consultants would have full access to SOCALGAS's oil well records, including correspondence files. Why has Mr. Sepich relied upon the DOGGR well records of SOCALGAS? Especially, when it has been established by the CPUC that the *C1-4*

DOGGR records are not complete thus, differ greatly from SOCALGAS's own records. *C1-4 cont*

4. The DEIR describes SOCALGAS as maintaining the mineral rights below the lot sale areas. Please define who will be responsible for gas leakage that occurs from the mineral right area of the abandoned well bores that migrates upward or laterally into the freshwater zone and/or surface? Please define how the leaks will be monitored and repaired. *C1-5*

5. ALLEGED OVERSIGHT

The ESA team lists numerous entities that supposedly protect the public's safety regarding migrating oilfield gases. This listing and its characterization of protection to the public and the environment is false and misleading.

It is the experience of Grassroots Coalition, that there is no entity providing independent oversight for the public's and the environment's protection. The listing simply provides the 'shell game' of lack of oversight, pointing fingers to alleged oversight without anything to back up the claim with merit. Please provide any and all data, not conclusory statements, to back up the claim of oversight. (We have documented each entity listed as NOT having or performing oversight of the migrating oilfield/reservoir gas issue and will provide that documentation.) *C1-6*

It is because there is no entity providing independent state or federal oversight that we have yet to have a prudent oilfield study and a prudent SOCALGAS oilfield/reservoir leakage study. As ALJ Brown stated at hearings, without the money to do the study , the safety branch of the CPUC will also not have oversight of a SOCALGAS-Playa del Rey oilfield/reservoir gas leakage study. The ongoing CEQA lot sale study has too narrow a scope of review to determine the extent of the oilfield/reservoir leakage. *C1-7*

6. **INVENTORY ANALYSIS-** Grassroots Coalition has already provided the CPUC with video discussion from the country's leading expert on reservoir inventory and management. Mr. R. Tek discusses why the methodology used by SOCALGAS cannot provide a true inventory analysis of the Playa del Rey/Venice field of operations. The CPUC, SOCALGAS and DOGGR have not refuted Mr. Tek. The CPUC, because it has not engaged in a prudent oilfield study that would include an expert inventory analysis, has failed thus far to protect the public. *C1-8*

7. CUMULATIVE IMPACTS SUMMARY:

- Why doesn't the DEIR include the 1st Phase of Playa Vista? The 1st Phase has not been completed and the impacts of the 1st Phase of Playa Vista have not been evaluated. The City of Los Angeles and Playa Capital have not cooperated with either federal EPA or state EPA, The Department of Toxic Substances Control in providing gas studies to the satisfaction of DTSC and have not provided any proof of efficacy of gas mitigation systems as requested by federal EPA and DTSC. (DTSC response to DEIR Village at Playa Vista, the DTSC response incorporates the federal EPA request for proof of efficacy for the gas mitigation systems) *C1-9*

The Village at Playa Vista DEIR response by Walt Merschat, (Mr. Merschat conducted the soil gas studies at Playa Vista for ETI) is contained in the Ballona Landtrust DEIR response. In this response, Mr. Merschat refers to problems associated with the oilfield gas studies at Playa Vista and gas studies that need to be performed which have not been performed. As his comments directly reflect upon the same surfacing gases in the lot sales, please incorporate the comments and respond why the lot sale DEIR should or should not respond to the Merschat comments. The DEIR utilizes ESA (Sepich) comments regarding Playa Vista *C1-10*

as though there is validity to those comments yet the DEIR does not reflect the comments regarding Playa Vista that are made by Mr. Merschat, DTSC or federal EPA SUPERFUND, please address and respond to this inconsistency. *C1-10 cont.*

8. HEALTH RISK ASSESSMENT- Appendix E

a. Judge Carol Brown ordered a Health Risk Assessment (HRA). The HRA of ESA is not a HRA of the area. As it attempts to focus only on the lots, it fails to provide what Grassroots thought would be an area wide health risk assessment. *C1-11*

1. In doing a HRA for the lots for sale, shouldn't there be, under CEQA, an inclusion of what effect the wells of the lots could have on offsite areas? Ie well failures that would send oilfield gases into adjoining properties and soils. *C1-12*

2. And, shouldn't there be a study to determine potential lateral gas migration effects from other old corroding wells in the lot sale vicinities to the wells (conduits) of the lot sales?
Does the Energy Division have MHA response to these types of scenarios and if so, why hasn't the Energy Division included this information from MHA? Please include any and all MHA/consultant data and information and presentation as pertinent information into the EIR for the SOCALGAS lots for sale.
Please respond. *C1-13*

b. The DEIR should include the actual ESA site investigation reports and not just piecemealed portions of the report. Please provide the complete body of information/studies/data that ESA used to provide the DEIR. *C1-14*

c. The benzene and toluene ESA data that is listed in the back appendix pages of the HRA, is not included as part of the analysis of these chemicals. Why not? Please explain. *C1-15*

d. Exposure pathways are not fully discussed and ESA does not address in explanation form, why exposure pathways may or may not be incomplete. Please explain and provide data to explain all potential exposure pathways. *C1-16*

e. Why are isotopic evaluations not done on gas samples?
The DEIR describes Troxel as leaking 'marsh gas' but provides no data, including no isotopic data, to verify such a claim.
Please provide the data that confirms the conclusory statements made in the DEIR section Public Safety. *C1-17*

1. What data was used to render or support the conclusion that the Troxel gas is marsh gas? *C1-18*

2. Were there potential problems with the method of collection of the Troxel sample(s)? Could the method of collection alter or otherwise potentially affect the sample(s) ie. Who collected the sample(s)? What was the method of collection and when did the collection occur? *C1-19*

3. Did ESA collect its own sample and if not, please provide an ESA evaluation of the collection methods, sample(s) and conclusions. *C1-20*

f. The DEIR, Appendix E summary describes the difference between BIOGENIC and THERMOGENIC gas. **Please provide the scientific literature that ESA uses to support these descriptions.** In particular, ESA describes BIOGENIC gas as containing BTEX chemicals and propane, butane and ethane… and then describes THERMOGENIC as being , "**Similar to BIOGENIC gas**, THERMOGENIC gas contains a broad range of gas components including methane, ethane, propane and butane as well as trace amounts of toxic gases, including H2S." *C1-21*

This description appears to be deliberately confusing and misleading. It appears that because the ESA team cannot explain away their repeated encountering of thermogenic gases in the lots, ESA is attempting to downplay and even conclude that the thermogenic gases being found are instead simply swamp/marsh gas (BIOGENIC gas). *C1-22*

The ESA Appendix E states that, in the 'permanent' vapor wells, all chemicals were detected in 1 or more samples. Ranges from 9% samples detected benzene to 80% detecting toluene. (4.F-6) *C1-23*
Please provide the entire field studies of ESA.

We believe that the DEIR description of BIOGENIC AND THERMOGENIC gas to be scientifically flawed. Biogenic gas, as stated by ETI 2000 Report, explicitly states that BIOGENIC gas, which is typically referred to as 'marsh/ swamp gas', does not contain the elements of thermogenic gas. Thus the ESA description of both these gas types being 'similar' is false and/or misleading. *C1-24*

ETI 2000 Report and ETI letters to the City of Los Angeles , specifically state that oilfield gases are migrating via SOCALGAS well bores and other pathways . There has yet to be a definitive gas 'mixing' study to determine how and where the SOCALGAS reservoir/ Playa del Rey/Venice oilfield is leaking gas to the surface. SOCALGAS IS RESPONSIBLE FOR ANY AND ALL OILFIELD GAS THAT MIGRATES UP ITS WELLBORES, ABANDONED OR OTHERWISE. (Spretcher v Adamson) *C1-25*

-Please provide an isotopic evaluation of all gas samples and provide an evaluation that recognizes and discusses the inevitable mixing of the oilfield gases. *C1-26*

g/ Please provide any data that would exclude SOCALGAS from its responsibility of preventing its mineral right area (Playa del Rey / Venice oilfield) gases from entering the near surface acquifers and the surface. Please discuss Spretcher v Adamson, case law that establishes that both artificially and naturally occurring condition are the responsibility of the mineral right owner, ie in this case- oilfield gas leakage is the responsibility of the mineral right owner which is SOCALGAS. *C1-27*

h. ESA states that it placed a probe at 50-60 feet to determine if the 50' Gravel layer existed under the lots in the Venice (Marina del Rey) area. ESA, according to the DEIR, did not find the 50' Gravel layer. Please explain why the zone referred to as the 50' Gravel Zone was not found? EIRs done throughout the Marina del Rey/Venice area reveal that the 50'Gravel Zone is within a few feet of the surface in this area. Please explain why the ESA consultants failed to find the 50' Gravel Zone. *C1-28*

i. Please explain why ESA uses drinking water standards for its health evaluations? ESA uses the theory that because the Venice area lots are influenced by tidal action which causes the underlying waters to be brackish, that there will be no health risks from the BTEX chemicals found because no one will drink the water. This is offpoint and appears to be an attempt to marginalize the findings of BTEX chemicals. 1. The waters in the area, we believe, are still considered to be potential drinking water sources therefore, it is illegal to contaminate the water and, 2. It is unlawful for SOCALGAS'S oilfield gases to contaminate the near-surface waters therefore, it is a moot point that salt water intrusion occurs and has nothing whatsoever to do with the fact that SOCALGAS's oilfield chemicals cannot contaminate the waters and soil. Why is the finding of BTEX chemicals not cause for further study to determine the pathways that are carrying these SOCALGAS chemicals to the surface? Why isn't the acknowledgement of tidal action acting upon the gas movement not a red flag and cause for further studies that would actually determine the quantities and pathways of the thermogenic gas that is being found? Provide any/all scientific evidence that backs up ESA determinations that any surfacing gas is BIOGENIC. Please release the MIIA data and compare this data openly with the findings of ESA. *C1-29*

9. Methane gas study- Mr. Sepich does not have oilfield gas expertise. Mr. Sepich has made a career of implementing the 'minimum' methane gas code of the City of Los Angeles. Mr. Sepich has already placed methane mitigation vents at SOCALGAS lots that were sold without CPUC approval, thus he has a conflict of interest in his evaluation of the remaining lots. *C1-30*

The SOCALGAS lots that have already been sold, without CPUC approval, are not a part of the CEQA review process. **The failure of the CPUC to perform the necessary EIR work on the illegally sold lots is an issue that we raise and must be addressed. Please address the failure to study the improperly sold lots and how this action precludes prudent study of all the SOCALGAS lots.** *C1-31*

a. Mr. Sepich used a FID to walk across lot sites to predetermine where to potentially place probes.(DEIR). Mr. Sepich states that a surface sweep is a good way to find advective flow. This type of sampling is scientifically unacceptable. (ETI) *C1-32*

Please provide scientific literature that recognizes, as industry standard, the use of the FID, used as Mr. Sepich has done. *C1-33*

The City of Los Angeles has recognized that even preliminary gas sampling needs to be done with actual soil gas sampling. Camp Dresser & McKee performed gas sampling at Playa Vista, which overlies SOCALGAS' Playa del Rey and Venice oilfields, that was determined by the City's methane gas reviewer,ETI, to have been done inappropriately for determining soil gas values. The City has since utilized the ETI protocol for preliminary shallow soil gas studies. Mr. Sepich was also in the employ of Playa Capital during the improperly performed CDM gas studies. Mr. Sepich also put out a report to the City regarding the CDM studies stating his conclusions. Mr. Sepich was not able to determine the CDM gas studies were improperly done. Mr. Sepich provided conclusions in the report that were beyond his expertise that have since been proven wrong. *C1-34*

Mr. Sepich states, "Based on field monitoring, no signs of advective gas flow are caused by releases from stored gas reserves." As the use of a FID cannot make this determination of accurately finding any/all advective gas flows and the use of a FID does not determine source of gas. please provide a response with data that provides an explanation for the conclusory Sepich statement. *C1-35*

b. Failure to review the SOCALGAS well records- without prudent review and incorporation of this information, proper assessment is critically compromised. Mr. Sepich states in the DEIR that he utilized DOGGR well records for SOCALGAS operations. It has been established that the DOGGR well records are incomplete thus the SOCALGAS well records should be utilized for any evaluations of wells. SOCALGAS correspondence files need to be included in prudent assessment in CEQA evaluation, this has not occurred. *C1-36*

Mr. Sepich also states in the DEIR that, "bottom hole locations were not made available". This statement proves that Mr. Sepich has not evaluated the well records. It is the integrity of the entire well that is at issue for safety. Corrosion leaks, for example, that were discovered are only symptomatic of continuing problems that will continue to occur on the old abandoned wells. The repairs made to the wells, if not the full extent of the well, as is recommended by DOGGR, then the rest of the shaft (s) can and will continue to act as sources of gas leakage. (Many of the old, abandoned wells had multiple old shafts to the reservoir depth. Once the older shaft has been discarded, no further repair work ever reaches the older shafts thus, there is no way to ensure the integrity of the well against continuing leakage. This has not been considered in the DEIR by Mr. Sepich or ESA. *C1-37*

In the DEIR -Public Safety 4G, Environmental Setting, Mr. Sepich describes some of the SOCALGAS well leakage in Playa del Rey. He also includes some basic principles of gas leakage, including abandoned wells that lose their integrity to seal off gas migration. While, on one hand, he describes acknowledged reasons for well failures, Mr. Sepich then fails to retrieve and incorporate into an evaluation the actual well files, including correspondence files. Please provide that analysis using SOCALGAS well records. *C1-38*

Also, Mr. Sepich, after stating multiple causes for well failure, he then fails to evaluate how the multiple ways of failure apply to the lot sale wells. He fails to evaluate how the multiple ways of failure apply to offsite wells and their potential leakage effect influencing the lot sale wells as well as vise versa. How does Mr. Sepich determine that the multiple ways of well failure are not occurring on the lot sale wells? And how does Mr. Sepich determine that the multiple ways of well failure are not occurring upon vicinity wells that may be utilizing the lot sale wells as conduits for gas migration now or in the future? *C1-39*

As Mr. Sepich has virtually stated, as do many oil well experts, that all wells fail over time due to many factors, please provide an evaluation as to what the degree of risk is there that the wells within the lot sale property and vicinity will not fail, including not fail within the immediate future. As the CPUC has been given information of up to 100% well failures of abandoned wells at Santa Fe Springs oilfield as well as other sites, please evaluate the factors of risk for the lot sale wells and vicinity wells for failure. And, if the lot sale wells fail, even in the near future, how will those failures be physically repaired? *C1-40*
Please respond to all of the above questions and issues.

c. The DEIR fails to provide the actual H2S studies and data . The DEIR provides only partial information from studies it cites. *C1-41*

d. Mr. Sepich cites the venting devices he placed upon the 'sold lot' thereby preventing unsafe buildup of gas. Please provide any data of the gases venting up the venting devices. How does Mr. Sepich know if the venting devices perform safely? Please provide actual soil gas testing that may determine the true levels of gas buildup under the improperly 'sold lots'. (Please reference ETI- Still Workin On It for the need to do actual substructure soil gas testing to determine if the gas venting mitigation works properly) Please provide any and all data to back up Mr. Sepich's conclusory statements that the venting devices he installed actually perform safely. *C1-42*

e. Mr. Sepich discusses helium as a fingerprint for natural gas imported from the central United States and previously stored in the deep storage zone. Please provide the actual studies done for helium detection. Please note that the gas studies done at Playa Vista encountered many hits for helium detection. Because the lot sale CEQA study is only focused on some of the lots that have been for sale, please explain why there is no attempt to utilize area data of helium detection and incorporate this data in the attempt to understand the oilfield gas migration throughout the area and the lots. Why hasn't all the SOCALGAS helium data been requested and incorporated into the analysis? For example, why hasn't the SOCALGAS information regarding Marina del Rey's- Mariner's Village helium detection been incorporated to understand the oilfield/reservoir gas migration? *C1-43*

f. Mr. Sepich describes the oilfield gases discovered surfacing at Playa Vista as, "discreet areas of methane found". Please explain what "discreet areas" means. Mr. Sepich has conflict of interest because of his extensive involvement in the employ of Playa Capital. Mr. Sepich is not an oilfield expert. Please compare his tidy evaluation of the gas areas of Playa Vista with the Playa Vista-Village DEIR statements made by Mr. Merschat, responsible for the ETI gas sampling. Please also review 'Still Workin On It' by Victor Jones of ETI. Both Mr. Merschat and Mr. Jones explicitly lay out the unpredictability of their gas sampling and directly contradict many statements made by Mr. Sepich. ETI's 2000 Report also contradicts many *C1-44*

statements made by Mr. Sepich. These contradictions and miscalculations and errors made by Mr. Sepich show that Mr. Sepich should not be relied upon for his CEQA role in the lot sales. Mr. Sepich still remains involved in a licensing board investigation regarding a Marina del Rey site. The CPUC has been given the documentation regarding the licensing board investigation , the CPUC has the ETI 2000 Report and has the Still Workin On It paper. We will again submit this documentation as part of the DEIR phase of the CEQA process. *C1-44 cont.*

10. BIOLOGICAL

- The DEIR fails to notify the Army Corps of Engineers and include current available documents, including federal/state studies regarding ongoing federal Army Corps of Engineers and state efforts to repair past damage and efforts to enhance healthy biodiversity for the watershed area of the Ballona Wetland region. This biological restoration effort includes the Venice area, wherein the SOCALGAS lots are located. *C1-45*

The DEIR fails to notify the Ballona Lagoon Marine Preserve Inc. of the DEIR and fails to incorporate available information of this biologically critical lagoon, its banks and the biological corridor aspects of the lagoon as it interfaces with the adjacent Venice Beach areas and remaining undeveloped sandy/dune areas that belong to SOCALGAS. The biological diversity of this unique area is unparalleled in southern California. The dune banks of the Ballona Lagoon is habitat to the Legless Lizard. The DEIR of the SOCALGAS lots does not discuss the Venice dune lots as habitat for the Legless Lizard. *C1-46*

The DEIR fails to address the newly acquired Ballona Wetland areas and the ongoing state and federal efforts to acquire the West Bluff of Playa del Rey. The newly acquired areas will now be able to act, in perpetuity, as wildlife corridor zones, thus the available open space of the lots becomes more critical as they have the propensity to become part of the overall state and federal and public vision for wildlife corridors to extend from the Baldwin Hills to the sea. And, the corridors will extend to the south via the LAX dunes and north into the Santa Monica mountains via the beaches and ocean. **When the DEIR states that there are no wildlife corridors adjacent to or near the lots in Playa del Rey or Venice/Marina del Rey, the DEIR is false and misleading. The Troxel site directly adjoins the Venice beach area, including the endangered Least Tern preserve, and is part of an existing beach corridor area. The Troxel site, though not directly adjacent, is adjacent to Ballona Lagoon Marine Preserve.** *C1-47*

The DEIR relies upon the old, 2000, Chambers Group biological survey and ESA consultant work that does not include or incorporate the Army Corps of Engineers work regarding the restoration and enhancement of the watershed area of the Ballona Wetlands and surrounding neighborhoods. *C1-48*

The Chambers Group study, done in 2000, is contradicted by current ESA work. One contradiction is the Chambers Group citation that no Glubose Dune Beetles exist on the SOCAL sale properties. Yet, the ESA study cites the finding of 15 Glubose Dune beetle adults were found at Cluster 12 on May 28th , 2003. *C1-49*

The DEIR contradicts known habitat areas of Ballona Wetlands and the West Bluff which are home to the Gnatcatcher, Burrowing Owl, Belding Savannah Sparrow and potentially others by using the outdated and flawed Chambers report. *C1-50*

This response for the meeting on Monday evening is part of what Grassroots Coalition will provide as a response to the DEIR. *C1-51*

Thank you,

Patricia McPherson, Grassroots Coalition

Grassroots Coalition

For Disclosure of Health and Safety Issues

Letter C1 continued

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July 19, 2004 DEIR comment attachment B

Review Comments for

Southern California Gas Company's Application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey (A.99-05-029) Draft Environmental Impact Report

Introduction

As documented below, the DEIR does not represent a "good faith effort at full disclosure." The DEIR is incomplete in many respects, and it fails for lack of adequacy. The DEIR omits key analyses that should have been performed, and thus violates both CEQA statures and established case law. It is skewed to avoid findings of potentially significant environmental impacts. The failure to include relevant information in this DEIR precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the CEQA process. As a result, the DEIR should not be certified as a Final Environmental Impact Report ("FEIR"). At a minimum, it should be recirculated after addressing all of the defects and deficiencies identified by various individuals and expressed during the public meeting. *C1-52*

In addition, the team preparing this DEIR and associated studies does not have the appropriate technical expertise to evaluate potential hazards documented in the project vicinity. This expertise, required by the California Public Utilities Commission (see RFP requirements), includes both petroleum geologists and petroleum engineers, with specific experience conducting reservoir studies and evaluating well completion and abandonment problems. As such, the current technical team should be replaced with one that is qualified to conduct the analyses required to adequately evaluate potential hazards and impacts associated with underground gas storage fields. *C1-53*

Specific deficiencies in the DEIR are summarized in the following paragraphs.

Draft Environmental Impact Report

Section 4.A. Approach to Analysis

Page 4.A-2 – Potential Environmental Risks

The text refers to Table 4.A-1. In section 4.A, this table is labeled Table 1-1. Since Tim Morgan referred to Table 1-1 in his statements during the Public Meeting on June 29th, comments below use Table 1-1. *C1-54*

Page 4.A-3 – Table 1-1

The first study listed in Table 1-1 was conducted by Giroux & Associates. It is incorrectly stated under the heading Findings, "No clear methane risks identified." This study identified methane levels at the site exceeding 50,000 ppm, which dissipated over time. This methane level is clearly a hazard and the conditions that allowed methane to accumulate to these levels must be evaluated in the DEIR. Misrepresenting data from previous studies is a blatant violation of CEQA and other statues. *C1-55*

During the public meeting on Monday, June 28th, Tim Morgan indicated that Table 1-1 was "a complete list of previous studies conducted by past consultants." This statement is incorrect and the table is incomplete. Tim also stated that a magnetic survey was conducted by the previous consultant and found an undocumented well. This study and report are not included in Table 1-1. Therefore, this section is deficient.

Section 4.E. Geology and Soils

Several deficiencies are noted in this section. Based on the incomplete and flawed analyses provided, it is apparent that the ESA team lacks appropriate technical expertise to conduct the necessary evaluation required under CEQA. *C1-56*

Page 4.E-1

> *"Numerous consultants have conducted geological, geotechnical, and geophysical assessments at the project sites to evaluate the potential for migration of petroleum gases associated with the underlying oil bearing formations and the PDR Gas Storage Facility. This EIR analysis included review of reports prepared by Camp Dresser and McKee (CDM), Exploration Technologies, Inc. (ETI), Earth Consultants International (ECI), R.L. Hester, Davis and Namson Consulting Geologists, the U.S. Department of the Interior Minerals Management Service (United States Oil and Gas Resources Assessment of the Pacific Outer Continental Shelf Region), and the California Department of Water Resources (DWR) Bulletin 118 and Bulletin 104. The complete references for these sources are provided at the end of this section."* *C1-57*

This list of previous studies is incomplete. During the public meeting on Monday, June 28th, Tim Morgan indicated that a magnetic study was conducted at each of the twelve lot clusters and an undocumented well was identified during this investigation. This particular study is not listed above and was not included in the reference list. Since pertinent information was excluded from the DEIR and not made available for public review, the DEIR is deficient and violates CEQA.

If an undocumented well was discovered during the investigation cited by Tim Morgan, this information should be disclosed in the EIR. Since this was known by ESA, failure to disclose is a direct attempt to exclude relevant information and avoid required evaluation of potential adverse impacts in violation of CEQA.

In addition, site investigations were conducted at each lot cluster in compliance with DOGGR requirements. Since these documents delineate environmental and geologic conditions at each lot cluster, they should also be referenced and made available for public review. *C1-57 cont.*

Page 4.E-14

> *"DOGGR developed and enforces well abandonment standards to ensure that all wells are abandoned in a consistent manner to protect oil and gas zones, to prevent degradation of usable waters, to protect surface conditions, and for public health and safety.8 DOGGR standards require that the wells be filled with impermeable plugs to seal and isolate gas zones. These requirements to fill and seal the wells with concrete, or other comparable sealing material, and its inspection and testing of the abandonment process, ensures that wells will seal existing and potential preferential gas migration pathways. Each of the wells associated with the lots were abandoned to DOGGR standards under supervision of the district deputy and therefore the potential is low that they could become a conduit or preferential pathway for gas migration to the surface after abandonment."*

This analysis presented in the DEIR is flawed. Finding leaks following well abandonment procedures is a fairly common occurrence. It is commonly known within the petroleum industry that leaking abandoned wells are a common occurrence for old oil fields, fields with lower operating pressures than the Playa del Rey gas storage field. Therefore, the potential for developing future leaks in the storage field area is even higher than industry averages. Within the Playa del Rey and Marina del Rey area, wells recently abandoned to current DOGGR standards were found leaking and required remedial actions. Since leaks from abandoned wells is commonly known and documented, the statement above is misleading and in violation of CEQA. *C1-58*

The potential for future leaks increases over time as well and plugging materials deteriorate over time. Therefore, future risks are greater than current risks. The DEIR does not indicate that after 15 years, in accordance with DOGGR regulations, the property owner assumes responsibility for future problems and leaks. Since this burden is shifted to the new landowner, it must be disclosed and evaluated in the DEIR. Failure to disclose and analyze potential impacts associated with transfer of responsibility represents a serious CEQA deficiency.

Pages 4.E-14 and 15

> *"The past uses of the wells are also considered in analyzing whether gas migration is possible when the well is damaged by an earthquake. With the exception of the Troxel 1 well, most of the wells associated with the lots proposed for sale did not have extended, direct contact with the storage reservoirs, as listed below:*
>
> - *Abandoned wells, Joyce 1, Samarkand 1, 23-1, 29-1, and 29-2 in PDR were part of fluid recovery systems that were used in water removal and not directly involved with the gas storage area.*

C1-59

- *The Anglo American Champ No.1 and O&M-1 well in PDR were not involved in storage operations.*
- *Hisey 1, Lor Mar 1, Merrill 1, and 13-1 in PDR were located in a smaller, separate reservoir that became saturated with water in the 1970s and was not used. The presence of water would significantly reduce, if not eliminate, contact with subsurface gas."*

The analysis presented above demonstrates a lack of oil and gas experience and expertise on the part of the ESA team. Even though several wells, such as Joyce 1, Samarkand 1, 23-1, 29-1, and 29-2 were part of the gas storage fluid recovery system, it does not preclude them from potential gas migration conduits. They were completed within the gas storage reservoir zone, and thus in pressure communication with active regions of the storage zone. In addition, fluid recovery wells in the storage field typically recover oil and gas along with water. For example, methane and other thermogenic compounds were identified by Brown and Caldwell near the 29-1 and discussed in Section 4G, Public Safety (see comments on Section 4G, Public Safety below). Therefore, the analysis presented in the DEIR, as indicated above, is inconsistent with data included elsewhere within the DEIR and in violation of CEQA. These wells could pose a potential risk that requires complete evaluation and analysis by a technical team with appropriate experience and expertise to evaluate these hazards. *C1-59 cont.*

Page 4.E-15

> *"Brown and Caldwell conducted soil gas surveys and subsurface exploration studies to support the analysis for this EIR (Brown and Caldwell, 2004). Results of Brown and Caldwell's recent soil gas sampling verify the absence of soil gas in the shallow soils on the project parcels indicating that there is no leakage occurring from the project site well casings and surrounding geology. As discussed above, the migration of gas to the surface would only be an impact if that gas represented an adverse health hazard to the public on the associated lots. (Refer to Section 4.F, Public Health and Section 4.G, Public Safety for additional discussion and analysis on human health and safety impacts associated with exposure to subsurface gas sources.)"* *C1-60*

This discussion and analysis is incomplete and purposely misleading. In the Human Health Risk Assessment, it is documented that methane was detected on two of the lot clusters. Therefore, the argument set forth above is inconsistent with data presented elsewhere in the DEIR in violation of CEQA.

Although this DEIR referenced a study by Exploration Technologies, Inc. (ETI), the analysis does not discuss soil-gas findings presented by ETI. ETI documented methane and associated thermogenic components overlying the SCG storage field. This information should also be included in the analysis presented in the DEIR.

Page 4.E-15 *C1-61*

"Based on the above analysis, it is not likely that earthquake ground shaking could damage the seal within an abandoned well to the point that quantities of subsurface gas could escape and represent a health and safety hazard and therefore, impacts related to this occurrence would remain less then significant."

The conclusion reached is incorrect and based on flawed and incomplete analysis. Since both active and abandoned wells have already developing leaks, any seismic ground motion could enhance these leaks. An in-depth evaluation of actual well conditions was not presented in the DEIR. Therefore, it is not known what caused or contributed to past and current leaks from wells. Lack of clear and concise analysis of potential well hazards indicates the project team does not have the appropriate technical expertise to conduct a complete and thorough evaluation of these risks. *C1-61 cont.*

During the Public Meeting, Tim Morgan stated that the ESA team "reviewed all documents and records." This should include SCG well files. The DEIR does not state that SCG well files and records were reviewed, nor does it present any documentation summarizing information from this process. Since ALJ Carol Brown ruled that all SCG well files and records would be made available for review by the CPUC and its consultants as part of the Lot Sale CEQA analysis, this process should be documented and the supporting reports and studies made readily available for public review. Without complete disclosure of this information, the DEIR is in violation of CEQA statutes.

Section 4.F. Public Health

Technical errors are presented as facts in this sections as documented below. Specific page numbers and incorrect text are included. In addition, comments on the Human Health Risk assessment are provided below in a separate section. *C1-62*

Page 4.F-1

TYPES OF GASES

"There are three types of gas that may exist within the geological and soil units underlying the project area: biogenic (or swamp) gas, thermogenic (field) gas, and processed natural gas (or piped gas). Biogenic gas is primarily methane with carbon dioxide and sulfide gases that result from decomposition of organic material in former lagoon deposits or other sources. Biogenic gas contains mostly methane and carbon dioxide with smaller amounts of ethane, propane, and butane. These biogenic gases are not toxic at low (ppm) levels; however, they act as asphyxiants at high concentrations. Biogenic gases contain trace quantities of other chemicals which are toxic at low levels (in the ppm range), including benzene, toluene, ethyl benzene, and xylene (BTEX). These (BTEX) are addressed in the human health risk assessment (HHRA) that was conducted for this project (see Appendix E). Methane and other asphyxiants are considered in Section 4.G, Public Safety. If there is sulfur present in the decomposing organic matter, these gases may also contain trace quantities of hydrogen sulfide." *C1-63*

This description erroneously implies that biogenic gas commonly contains ethane, propane and butane. Biogenic gas is actually "very dry", primarily methane. On rare occasions when heavier components are present, they exist in only "trace amounts"

This description incorrectly states that benzene, toluene, ethyl benzene, and xylene (BTEX) are components of biogenic gas. This serious error is either purposely misleading or indicates that project team lacks an adequate understanding of these compounds, and therefore, in not qualified to conduct the necessary analyses. *C1-63 cont.*

> *"Thermogenic gas is generated at depth when increased temperatures and pressures alter organic material. Similar to biogenic gas, thermogenic gas contains a broad range of gas components including methane, ethane, propane, and butane, as well as trace amounts of toxic gases, including hydrogen sulfide. The HHRA addresses the trace toxic gases, and Section 4.G, Public Safety, deals with the other gases which act as asphyxiants or present safety risks (explosion or fire)."* *C1-64*

The HHRA does not evaluate these "trace toxic gases" as stated above in the DEIR. Therefore, the analysis is incomplete and invalid.

> *"In contrast to the biogenic gases and the thermogenic gases, processed natural gas is primarily methane that remains from thermogenic gas after most of the heavier gas components, including the toxic substances, are removed (usually less than 0.1 percent heavy thermogenic hydrocarbons). Processed natural gas is analyzed in the Section 4.G, Public Safety."* *C1-65*

This statement incorrectly attempts to differentiate between injected storage gas and gas components detected at the surface. The analysis does not evaluate the mixing and interaction between injected storage gas with native oil and gas present within the storage reservoir. The lack of this evaluation illustrates the lack of adequate technical expertise to conduct the necessary analysis for this DEIR.

Page 4.F-6

> *"In Phase 3, four rounds of sampling were conducted over four months during periods of varying temperatures and pressures. The results of the sampling show that in the permanent vapor sampling locations, all chemicals included in the analysis were detected in one or more samples with a frequency ranging from nine percent of the sites detecting benzene to 80 percent detecting toluene."*
>
> *". . . Four of the 21 samples of benzene were slightly above the action level, . . ."* *C1-66*

Although benzene and toluene were detected at the site, it was not included in the HRA analysis. Since this site underwent extensive remedial actions to remove soil contamination when the well was abandoned, it is unlikely that these compounds area directly associated with past site contamination. Therefore, the source of this benzene and toluene must be evaluated and delineated.

Section 4.G. Public Safety

Page 4.G-1 & 2

> *"A surface sweep is a method for measuring combustible vapors which may be emitted from the ground surface. . . . The FID is capable of measuring methane concentrations as low as several parts per million. . . . Because the entire cluster is systematically covered, the surface sweep method is a good predictor of potential methane hazard as a cluster (Methane Specialists, 2004). "*

This statement is incorrect and misleading. The method described is not a " . . . good predictor of potential methane hazards . . ." as stated. Numerous factors affect methane migration from soil to atmosphere. One critical factor not discussed in the DEIR is soil moisture content. Since all of the lot clusters except 12 are vegetated and have automatic irrigation systems, soil moisture and vegetation would interfere with gas detection utilizing the method described. These surface conditions do not represent future conditions with houses constructed on parcels, and therefore, both the sampling method used and analysis provided are flawed. *C1-67*

Page 4.g-3

> *"Elevated levels of methane in the soil gas were consistently found at Cluster 11. Methane readings ranged from 11.5 to 35 percent, which are above the lower explosive limit (LEL) of 5 percent. The LEL(also called the lower flammable limit, LFL) is defined by OSHA as the lowest concentration level above which a gas could sustain combustion if an ignition source were present."*

> *"A helium sample was taken from Cluster 11 for laboratory analyses to determine the signature of the observed methane. An isotope analysis of the helium sample was carried out to determine the origin of the gas (i.e., is it biogenic, thermogenic, or storage gas). Stable isotopes of helium are H^3 (atomic weight three) and H^4 (atomic weight four), and the ratios of these isotopes in the measurements would confirm the source of the detected gas, since gases of different origins have distinct isotopic "signature" ratios. The helium isotope analysis confirmed that the origin of the gas found at the Cluster 11 was not the same as storage gas, but more likely is a residual gas that is present naturally (mostly thermogenic) from the decomposition of contaminated soils from historical oil exploration activities (Methane Specialists, 2004)."* *C1-68*

The DEIR incorrectly uses the symbol "H" representing helium. The correct symbol for helium is "He", while "H" is hydrogen.

Presence of helium and BTEX compounds indicates thermogenic gases are migrating to the surface from deeper sources. Therefore, the DEIR improperly concludes methane is from a biogenic source without considering a thermogenic source for this methane.

The DEIR fails to consider helium variations within the reservoir zone, documented in various past studies. Also, data reviewed by the project team (as stated by Tim Morgan

on Monday, June 28th) documents substantial variations in helium concentrations at specific points in the reservoir depending on Gas Company operations.

It is misleading and incorrect to state that helium is " . . . a residual gas that is present naturally (mostly thermogenic) from the decomposition of contaminated soils from historical oil exploration activities." Extensive remedial actions were conducted at the site. Therefore, soil contamination should not be present. In addition, helium is an extremely volatile gas, and any helium associated with contaminated soils remaining from historic oil exploration would have dissipated long ago, and especially during site excavation conducted for site remedial activities. *C1-68 cont.*

Substantial helium concentrations were detected in area groundwater by ETI during their study. Since this helium is present in shallow aquifers within the storage facility vicinity, along with a of range thermogenic gas components, it represents evidence of gas migration from deeper sources. The DEIR must consider the regional setting during analysis and evaluation of site-specific data.

The analysis presented above in the DEIR clearly illustrates a lack of understanding for oil and gas related activities and subsequent remedial actions. Based on the analysis presented in the DEIR, authors do not have the knowledge and experience to evaluate conditions present at lot clusters. Therefore, this section must be re-evaluated and rewritten by a competent and appropriately qualified technical team.

Page G.3-3 -- Soil Gas Monitoring

In this section, the DEIR does not present information from past site investigations or remedial work conducted at each of the twelve lot clusters. Therefore, the section does not fully describe existing conditions at these locations. Existing conditions, documented in past reports, could indicate potential hazards at these sites. Alternatively, existing subsurface conditions could adversely affect test results from the investigation conducted by Brown & Caldwell (2003) and Methane Specialists (2004). Without referencing and discussing past site investigations, the analysis presented in the DEIR is incomplete. These past site investigations should readily available to the public for review. *C1-69*

Page 4.G-3 & 4

"At the Cluster 12 site, a single methane reading of 2.2 percent by volume was detected in July 2003 during installation of a borehole on site. However, subsequent samplings at the same location failed to detect any further elevated levels of methane at Cluster 12 (Methane Specialists, 2004). Because no further methane readings were observed at Cluster 12, it was not possible to conduct a helium isotope analysis of the single Cluster 12 methane reading. In January 2004, Brown and Caldwell conducted a deep boring at Cluster 12 (Troxel) to determine if a geologic formation known as the "fifty-foot gravel layer" exists under the Troxel site (Brown and Caldwell, 2004). As Cluster 12 is located at near sea level and this gravel layer had been found under much of Playa Vista (located about a mile north of the PDR lots and several miles east of Cluster 12) there was a potential for this layer to exit under Cluster 12. The layer was named *C1-70*

because it was first detected at an elevation of fifty feet below mean sea level and is described in more detail in Section 4.E, Geology and Soils. At Playa Vista, this fifty-foot gravel layer contained free soil gas in several discreet areas and dissolved methane in groundwater throughout. The deep boring was advanced to a depth of 60 feet below ground surface (bgs) and no evidence of the 50-foot gravel layer was noted. A very tight clay layer was detected from 55 to 60 feet bgs, likely minimizing the vertical migration of groundwater or gases (such as methane) in the area (Brown and Caldwell, 2004)."

The DEIR does not discuss all past investigations conducted at the Troxel site buy several consultants. Some of these investigations were witnessed by CPUC staff. Methane was detected at the beginning of each investigation. Presence of methane over a several year period indicates a continuous source. Numerous monitoring wells have been installed around the Troxel. During each new installation, methane is detected initially, indicating it is collecting in pockets below a low permeability layer near the surface. Over a moderately short time frame (5 years), these concentrations could become significant. This point was indicated by Giroux (2000), when subsurface methane levels exceeded 50,000 ppm only 6 years after the abandoned well was repaired after it was found leaking. *C1-70 cont.*

The fact that methane is reaching soils above the shallow aquifer penetrated during the Brown and Caldwell investigation contradicts their conclusion that the clay layer was, ". . . minimizing the vertical migration of groundwater or gases (such as methane) in the area." Thus, this analysis is obviously misleading and does not consider all existing data in the evaluation. Failure to include relevant and readily available data in the analysis is a clear CEQA violation.

Page 4.G-5 -- Regulations

California Department of Conservation, Division of Oil, Gas and Geothermal Resources and CPUC

"Physical hazards and storage field maintenance and operations within the PDR Gas Storage Facility are under the jurisdiction of the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) and the CPUC. DOGGR regulates the operations and maintenance of natural gas storage fields and aboveground piping is regulated by the CPUC."

C1-71

Well Abandonment Regulations and Policies

"DOGGR has adopted regulations for well abandonment to ensure that it is done safely and effectively. These regulations provide well abandonment procedures that prevent future migration of oil or gas from the producing zone and the upper zones, as well as protect groundwater. Furthermore, DOGGR is charged with ensuring public safety. DOGGR has the expertise and authority to require whatever steps are deemed necessary to protect public safety. Well abandonment is discussed in more detail in Section 4.E, Geology and Soils."

This section incorrectly over states DOGGR's authority to protect public safety. Current well abandonment procedures do not "prevent future migration" as stated above. They only prevent current leaks, as noted by several petroleum industry sources. In addition, DOGGR recommends that no houses or permanent structures are constructed directly over abandoned wells, but they have no authority to prevent this action. Consequently, even though DOGGR records indicate that abandoned wells frequently develop leaks, they cannot ensure public safety once a structure is erected over them. *C1-71 cont.*

Regulations Regarding Construction of Buildings over Abandoned Wells

"The City of Los Angeles has recently adopted a new and more stringent code for construction in areas prone to methane gas generation. The new code expands the official methane zone from the older, more limited Fairfax Area to now include all lands in the city overlying oil fields, plus a substantial buffer zone around the oil fields. The City code describes required mitigation measures for all structures in potential soil gas areas, whether gas is present or not. For areas where gas is present, additional measures are required, including soil gas venting, constructing barriers to interrupt gas migration pathways, and, in cases where gas is present, monitoring gas in the soil and at structures.

The Los Angeles City Fire Department requires electronic gas detectors, mechanical ventilation, alarms, and warning signs to be placed areas where methane gas is known to be present. The Fire Department must approve specifications on gas detection equipment and all plans for the placement of gas detectors. " *C1-72*

The DEIR automatically assumes that the new City methane code is adequate to eliminate potential hazards attributed to migrating thermogenic gas compounds. Several technical flaws have been noted in this code. The ESA team did not identify any of these flaws, again illustrating their lack of appropriate technical expertise to conduct the necessary CEQA analysis.

These more stringent requirements in the new methane code do not address other thermogenic gas components. These compounds exhibit different physical and chemical properties that pose hazards different from methane. One of the critical issues that should be evaluated in the DEIR is long-term effectiveness and physical integrity of membrane materials used for barrier construction when exposed to BTEX and other thermogenic compounds. Since the membrane material is subject to deterioration when exposed to these compounds, it should not be considered a permanent solution. Therefore, further mitigation is necessary.

Page 4.G-6 -- Impacts and Mitigation

"Impact G.1: Future construction and occupation of the lots proposed for sale could result in an explosion or in exposure to acutely hazardous substances. (Less than significant)" *C1-73*

"The field study, conducted by Methane Specialists and described above in the Setting, did not detect methane at Clusters 1 through 10 in PDR and Cluster 12 in MDR5 (Methane Specialists, 2004). Because the highest measured soil gas levels at these sites are presently less than detection limits (a few parts per million), it is unlikely that soil gas will ever be present in concentrations that are considered unsafe at the sites in these clusters. Due to strict DOGGR requirements for well abandonment the wells on the project lots were vented prior to abandonment, there by preventing unsafe levels of gas buildup.

Methane gas was detected at Cluster 11 at levels up to 35 percent by volume. Helium isotope analysis of the soil gas did not show evidence of storage gas; rather, the measured gas was naturally-occurring gas. The helium isotope analysis indicated that the gas was formed locally. Based on field monitoring program data, there are no signs of advective gas flow caused by releases from stored gas reserves, at Cluster 11. Because it is unlikely that concentrations of methane could reach the LEL (five percent methane), in the absence of advective gas flow, the explosion hazard would be minimal. With compliance with DOGGR and City of Los Angeles requirements, conditions suggest that any housing units on the Cluster 11 properties would not be adversely impacted by a methane hazard. Therefore, in addition to Clusters 1-10 and 12, public safety impacts at Cluster 11 would be less than significant. C1-73 cont.

***Mitigation:** None required because the City of Los Angeles Building Code requires that methane mitigation be implemented when construction occurs at these sites to ensure public safety. These measures include the installation of membrane barriers and vent piping as well as trench dams and electrical seal offs for each of these properties. Since these measures would already be required by City regulation, no additional mitigation measures are required."*

The evaluation provided is based on flawed data. It is incomplete, and it did not included previous data and reports in the analysis. Furthermore, this section incorrectly assumes that the City of Los Angeles Building Code is sufficient to protect the public without addressing technical flaws in the Code itself. The barrier material specified in the Code is subject to deterioration when exposed to thermogenic gas components. Since these are present, barrier effectiveness would be compromised over time, thus resulting in a foreseeable adverse impact, which could be significant at some locations. Failure to incorporate relevant and readily available data into the analysis, and subsequently failing to identify foreseeable adverse impacts, violate CEQA. Since existing City and DOGGR regulations will not ensure public safety, additional mitigation measures are required.

Section 4.J. Transportation and Traffic

Page 4.J-1

The setting section does not establish existing traffic conditions in the project vicinity. It does not provide level of service (LOS) for key intersections and roadways. Therefore, it C1-74

was not determined in the analysis if existing traffic conditions are already at a LOS whereby any additional traffic would result in a potentially significant adverse impact. *C1-74 cont.*

Page 4.J-3

Recommended Mitigation Measure J.1 violates existing CEQA case law, deferring studies until the future. Based on existing zoning designation, a "worst-case" scenario can be established for analysis. Since the study has not been conducted and the existing level of service has not been established, the significance of potential impacts cannot be determined. Therefore, the EIR incorrectly states, "Significance after Recommended Mitigation: Less than significant." There is no basis presented for this finding. *C1-75*

A traffic study is required under CEQA in order to comply with established case law. This study should be conducted, incorporated into the EIR traffic sections, and attached as an appendix.

Appendix E. Human Health Risk Assessment

During the public meeting, Tim Morgan incorrectly stated that the lot-specific Human Health Risk Assessment (HHRA) was conducted based on the ruling made by ALJ Carol Brown. This statement is false. ALJ Brown ruled that a facility-wide HHRA would be conducted by the CPUC and its consultants as part of the "complaint case", not for the DEIR as stated by Mr. Morgan. No facility-wide HHRA has been conducted to date in violation of the order issued by ALJ Brown. *C1-76*

The lot-specific HHRA prepared by the ESA team is fundamentally flawed. It did not consider adjacent sources that could contribute to exposure. Some sampling methods and procedures employed by Brown and Caldwell could under represent methane and other possible contaminants at the twelve lot clusters. The HHRA did not consider previous site investigations conducted at each lot cluster and site conditions documented in each respective site investigation report. Existing site conditions could interfere with future testing.

Page 1 -- Executive Summary

"Methane and hydrogen sulfide are two gases that were sampled for in the investigations but not included in this human health risk assessment. Both of these gases are evaluated in separate reports. At this time, there is no evidence that hydrogen sulfide in outdoor air is elevated due to releases from the vapors at the property clusters. And therefore, hydrogen sulfide was not included in the risk assessment. Methane is not included in this risk assessment because the primary effects are as an asphyxiant (replaces oxygen) and explosive at high concentrations. A separate evaluation was conducted to evaluate the risks associated with high concentrations of methane. Methane was not included in this risk assessment for lifetime exposure because concentrations below the levels *C1-77*

of concern as an asphyxiant or explosive are not known to have long term health effects."

The DEIR does not present any data on hydrogen sulfide (H_2S) gas collected from soil or groundwater samples. Based on data presented in the HRA, it appears that no soil-gas samples were collected and analyzed for H_2S. Since exposure to H_2S represents a known human risk, and H_2S has been detected in the project vicinity at hazardous levels, both the HRA and DEIR are deficient in ignoring this risk. *C1-77 cont.*

Page 8 -- Section 2.0. Data Evaluation

Documents referenced were not included for review in either the HRA or EIR.

"Hydrogen sulfide was not included in the risk assessment because there is no evidence that hydrogen sulfide in outdoor air is elevated due to releases from the vapors at the lots. This evidence is documented in a report by Gary Boettcher (Boettcher 2004)."

"Methane is not included because it is not known to have long term health effects below concentrations where it acts as an asphyxiant (replaces oxygen) and is explosive. The latter hazards associated with methane are discussed separately in a report prepared by Methane Specialists, another member of the ESA team (Methane Specialists 2004)." *C1-78*

The report by prepared by Boettcher (2004) and Methane Specialists (2004) were not made included in the DEIR or made readily available for public review. This lack of public disclosure prevents a comprehensive review by the public, which is in violation of CEQA.

LETTER C1 – GRASSROOTS COALITION

C1-1 The commenter requests that the conflict of interest and lack of oilfield expertise issues that was raised during the Notice of Preparation comment period be included in the EIR. The basis of this request stems from a motion filed in the CPUC General Proceedings for A.99-05-029 on March 25, 2003 to Disqualify the Environmental Contractors selected to perform the CEQA Study for the subject lot sales because of a genuine Conflict of Interest. In July 2003, Administrative Law Judge Carol Brown ruled on this March 25, 2003 motion filed by the commenter as follows:

> On May 12, 1999, SoCalGas filed an Application (A.) 99-05-029, with the Commission pursuant to Pub. Util. Code § 8511 seeking authorization to sell vacant lots located in Playa del Rey and Marina del Rey, California. Some of the lots contain abandoned and capped oil and gas wells. A number of nearby residents and interest groups filed protests to the Application raising environmental, health and safety issues concerning the abandoned wells.
>
> In January 2000, the assigned Administrative Law Judge (ALJ) determined that SoCalGas' Application triggered an environmental review under the California Environmental Quality Act (CEQA). SoCalGas was instructed to file a Preliminary Environmental Assessment and the CEQA process began.
>
> In January 2003, the environmental contractors selected in 2000 to conduct the CEQA review of the project were replaced by ESA [Environmental Science Associates]. On March 25, 2003, Protestants filed a motion to disqualify ESA from performing the CEQA study on the subject lots because of a "genuine conflict of interest." On April 9, 2003, SoCalGas filed a response to the motion indicating it took no position on the qualifications of the consultants retained to conduct the CEQA review.
>
> A hearing on Protestants' motion was heard on April 21, 2003. Protestants supplemented their motion on June 26, 2003, and SoCalGas filed a response to the supplemental motion on June 27, 2003.
>
> Protestants supported their motion to disqualify ESA from conducting the CEQA review on the subject lots on the ground of a "genuine conflict of interest." To bolster this argument, Protestants stated that "members of the contractor team . . . have repeatedly served as agents for contractors and builders who have constructed homes, apartment buildings and condominiums over and adjacent to old wells in Playa del Rey and Marina del Rey/Venice without regard for the above identified hazards." In summary, the hazards Protestants refer to stem from Protestants' concerns over allowing residential construction over and adjacent to old oil and gas wells. Protestants allege that old wells have a long history of leaking, and the

leakage creates health and safety hazards, not just to the lot purchasers, but also to the surrounding community.

Protestants are steadfast in their belief that the construction of buildings, especially residences, over old wells is "inherently unsafe." It appears that the gravamen of Protestants' motion is that some members of the ESA CEQA team have not shared Protestants' concern and have approved projects for other clients that involved construction over and around gas storage wells. At the April 21, 2003 law and motion hearing, Protestants argued that the conflict of interest with the ESA CEQA team exists because a particular civil engineer with ESA had previously worked with the City of Los Angeles and had supported lot sales and development in areas over gas storage fields - albeit with mitigation. In addition, Protestants claim that another member of the ESA CEQA team provided consulting services to a development, known as Playa Vista, that is contiguous to the SoCalGas gas storage field, and the consultant did not find any impediments from the storage fields to prevent the development of the Playa Vista project.

The ESA CEQA team was chosen in a joint effort by the Commission's contracting office, the Energy Division (ED), and the Department of General Services (DGS) following well established state-contracting/bid procedures. In fact, Protestants' supplemental motion, filed June 26, 2003, included copies of the documents the Commission used to solicit bids on the Playa del Rey project, as well as the bid package submitted by ESA that included affidavits and disclosure statements required by the state's contracting rules.

The Commission solicits Statements of Qualifications (SOQ) from interested contractors by way of a Request for Qualifications (RFQ). The RFQ for the Playa del Rey lots, No. 02PS-5264, requested SOQs from qualified firms "to prepare environmental documents on the sale of certain real property in the Playa del Rey and Marina del Rey areas as proposed by SoCalGas." The RFQ set forth specific conditions that would constitute automatic disqualification from the selection process for any team member, indicated the format the SOQ must follow, and identified other information that had to be included in the bid package.

In particular, the SOQ had to include a statement, signed by the principal of each participating firm, that addressed whether the firm met any of the conditions that would have resulted in automatic disqualification, and any other conditions that might render the team unable to give "impartial, technically sound objective assistance and advice, otherwise result in a biased work product, or result in an unfair competitive advantage." ESA did provide the required affidavits and disclosure statements and each statement addressed the conflict of interest and bias criteria as set forth in the RFQ.

> Upon receipt of Protestants' motion to disqualify ESA, the Commission again reviewed the affidavits and disclosure statements filed by ESA as part of its bid package. The Commission determined that ESA's SOQ was in full compliance with the requirements of the RFQ and the signed statements indicated that there was no conflict of interest that required disqualification of the firm or indicated that the team could not render an impartial, unbiased work product. In addition, the Commission followed up with the ESA team to verify that ESA had not misled the Commission by any omission in its filed statements.
>
> In addition to controlling for conflicts of interest of environmental firms competing for Commission CEQA contracts, the Commission, ED and DGS also study the educational and professional qualifications of the competing firms. In summary, ESA was chosen according to the state contracting guidelines, was found to be professionally qualified for the project, and no genuine conflict of interest was determined to exist.

Based on this information, Administrative Law Judge Carol Brown denied the commenter's motion on July 10, 2003. Presenting this information in the DEIR would have been beyond the scope of CEQA and the matter had been decided by the ALJ before the Initial Study was published in September 2003. This ruling is a matter of public record and can be viewed in its entirety at http://www.cpuc.ca.gov/PUBLISHED/RULINGS/27889.htm

In response to the commenter's concern over the ESA team's lack of oilfield expertise, Gwen Tellegen, P.E. of Brown and Caldwell has at least ten years of direct oilfield experience. Ms. Tellegen has a Batchelor of Science in Biology/Geology, University of Rochester, New York, a Masters of Science in Environmental Engineering, University of Southern California and a Masters in Science in Biology also from the University of Southern California. Her detailed resume is provided in the Statement of Qualifications for the ESA Team (ESA, 2002). Her project role was to act as the principle investigator for field data, direct the ESA team's field sampling effort and analyze geotechnical data gathered. Ms. Tellegen had other experts with oilfield experience available to her within Brown and Caldwell.

C1-2 The commenter asserts that the EIR has left out available data compiled by a previous CPUC consultant. However, the EIR did consider all available data compiled by the previous CPUC consultant and presents historical summaries of data pertinent to the project in Sections 4.B, *Air Quality*, 4.E, *Geology and Soils*, 4.F, *Public Health* and 4.G, *Public Safety* of the DEIR. Much of the historical data mentioned by the commenter (the reports of ENV America for SCG, for example) are referenced in the field data summary report prepared by Brown and Caldwell (2004) as described in Appendix E of the DEIR. These historical data were analyzed by the study team for the design of the field sampling efforts to address data gaps in the historical record and

to present summaries of them in the EIR as necessary to support the environmental analysis.

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Wilson Geosciences, Inc., Technical Report: Summary of Magnetometer Survey Data and Portions of Previous Southern California Gas Company Site Remediation Reports, August 2002.

Wilson Geosciences, Inc., Technical Review Report: Review of Site Conditions for 12 Abandoned Wells, Southern California Gas Company, 851 Lost Sale Application, Playa del Rey Natural Gas Storage Field, Los Angeles, California, August 2002.

C1-3 During preparation of and for the field investigations, human health risk assessment, Initial Study, and DEIR, information compiled by the previous EIR consultant (MHA) was examined, evaluated, and used by the current EIR team. Many of the references gathered and used by MHA in its administrative draft Mitigated Negative Declaration were used to complete the DEIR analysis. The published Initial Study (released on September 2, 2003) contained original information that began as the unpublished working product (an administrative draft Mitigated Negative Declaration) that was prepared by MHA. MHA's administrative draft Mitigated Negative Declaration referenced by the commenter was never completed or released for public review and therefore cannot be cited. The current EIR team used the MHA administrative draft Mitigated Negative Declaration as a starting point, built on it by utilizing other updated reference materials, data from additional field studies conducted by the current EIR team and completed the analysis. Thus, ESA did indeed evaluate the MHA work and incorporated it into the current DEIR.

C1-4 The commenter mentions "the Sepich, methane report" and infers that it cites DOGGR well information. The DEIR utilizes information found in a field data summary report prepared by Mr. John Sepich of Methane Specialists (2004). Information from this report was summarized in the DEIR. The Methane Specialists report cites no information from DOGGR sources, so it is unclear which portion of the DEIR the

commenter is referring to. There are, however, references in the DEIR to DOGGR information (Sections 4.F, *Public Health* and 4.G, *Public Safety*).

This issue aside, the commenter's main point appears to be that the DEIR relies on DOGGR well records and not SCG's well records. The analyses in the DEIR were based on many relevant sources, including review of SCG well records. Among other pertinent information, these comprehensive SCG well records included: (1) information dating back to the initial well work in the 1920s and 1930s, (2) all historical records over the life of the wells (before SCG took ownership of the wells in 1953), and (3) correspondence from DOGGR about the wells and the leak history of the wells (presented in DEIR Table 4.F-1). These well records were evaluated in great detail by the EIR preparers. The detailed results of the well record evaluations are presented in a report from Brown and Caldwell (2004) and summarized in the DEIR. Thus, the commenter is incorrect in its assertion that the DEIR relied on DOGGR records only. The commenter also asserts that the CPUC has established that DOGGR well records are incomplete. It is unclear from the record what the commenter's basis for this claim is. Regardless, as described above, well records are from all available sources including DOGGR and SCG records.

C1-5 Please see responses E1-4 and D1-28.

C1-6 As discussed in responses C1-71 and C1-72, DOGGR and the City of Los Angeles Building Department have the regulatory oversight for protecting public safety with regard to abandoned wells as considered in this EIR analysis. Even with completion of the proposed sale, SCG retains a responsibility for monitoring the wells on the lots as discussed in response D1-28. The commenter did not provide any additional documentation to substantiate its comment that these agencies do not properly carry out their regulatory duties and from a CEQA perspective, there is no reason to assume that the agencies would not properly perform their regulatory duties.

C1-7 This question is beyond the scope of this CEQA analysis for the 36 lots proposed for sale and this comment does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C1-8 This question is beyond the scope of this CEQA analysis for the 36 lots proposed for sale and this comment does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C1-9 This commenter inquires why the first phase of the Playa Vista project was not included on the list of cumulative projects evaluated in the DEIR. CEQA Guidelines Section 15130 suggests that past, present, and future projects be considered, however, Section 15130 does **not** require that **all** past projects be considered. The first phase of the Playa Vista project from a CEQA perspective was completed in 1995 when the project was approved by the City of Los Angeles. Although the first phase of Playa

Vista was not fully built out by the time the Notice of Preparation (NOP) for this DEIR was published (September 2003), the DEIR did consider its full effects as being part of the existing CEQA baseline. Furthermore, the DEIR did explicitly consider the Westchester Community Plan Updates[4], which includes the first phase of Playa Vista. Therefore, the first phase of Playa Vista was implicitly considered as part of cumulative projects evaluated in the DEIR.

The Westchester Community Plan Updates also considered the "Village at Playa Vista" project,[5] which is located in the same general area of the first phase of the Playa Vista project. The City of Los Angeles has published the FEIR for the Village at Playa Vista project in April 2004. The commenter mentioned issues between the City of Los Angeles, the applicant for Playa Vista, the U.S. EPA, and DTSC with respect to that project. It is beyond the scope of this DEIR to comment on issues between agencies on other CEQA projects currently under review.

Regarding Playa Vista's compliance with federal and state EPA requirements, agency and City of Los Angeles actions related to Playa Vista CEQA implementation are beyond the scope of this project EIR.

C1-10 The commenter cites comments from Mr. Walter Merschat of Scientific Geochemical Services and responses provided for those comments in the Final EIR for the Village at Playa Vista. The commenter appears to be referring to those comments listed on pages 958 through 966 of Volume II of the Village at Playa Vista FEIR[6]. Mr. Merschat's comments are almost entirely directed at specific issues and conditions found at the proposed Village at Playa Vista project, which is located in the general area between the Playa del Rey and Marina del Rey lots considered in this EIR. While the subject of Mr. Merschat's comments do concern similar issues studied in this EIR, they are very specific to samples taken from and conditions found at the Village at Playa Vista. The Village at Playa Vista project has undergone extensive environmental review and a FEIR was published in April 2004 by the City of Los Angeles. The Village at Playa Vista FEIR was certified by the Los Angeles City Council in September 2004. There is no need to address specific comments about the Village at Playa Vista project in this EIR, which solely evaluates the proposed sale of lots at Playa del Rey and Marina del Rey. An extensive field study specific to the SCG lots was conducted to determine baseline conditions of the 36 project lots. Sections 4.B, *Air Quality*, 4.E, *Geology and Soils*, 4.F, *Public Health*, 4.G, *Public Safety*, and Appendix E of the DEIR present data specific to the 36 SCG lots and analysis of the conditions found on those lots.

[4] Part Los Angeles City General Plan. DEIR for the Westchester Community Plan Update was published on July 11, 2003 and FEIR published on November 12, 2003.

[5] The Village at Playa Vista is considered in the Westchester Community Plan Updates.

[6] Specifically the comments referred to here are referenced as comment and responses to comments 30-33 through 30-40.

C1-11 The scope of the Human Health Risk Assessment (HHRA) presented in DEIR Appendix E was necessarily limited by the scope of SCG's Public Utilities Code Section 851 application and the permissible extent of the application of CEQA to the proposed project (the sale of the 36 lots in Playa del Rey and Marina del Rey). During the course of the field data analysis, the sampling data from soil, surface, and airborne testing were evaluated to determine whether any of the sampling data warranted extending the limits of the HHRA analysis beyond the immediate area of the 36 lots proposed for sale. The field data in Appendix E of the DEIR for the 36 lots show that there would be no significant public health impacts related to future development of the 36 lots, and therefore, there was no compelling reason to undertake an HHRA beyond the permissible extent of SCG's Public Utilities Code Section 851 application.

C1-12 The HHRA (see DEIR Appendix E) did consider the chemical effects that are present in the soil and soil gas found on the 36 lots could have on adjacent properties. Appendix E of the DEIR concluded that receptors on adjacent properties would not be impacted; that conclusion was based on the finding that there would be no impact on even the most highly exposed individual. HHRA protocols that follow Cal/EPA and U.S. EPA guidance do not require an HHRA to address well failures or any safety analysis. This risk was considered in DEIR Section 4.G, *Public Safety*.

The DEIR did take into consideration the future potential for leakage from the abandoned wells (see DEIR Section 4.G, *Public Safety*). Potential future well leaks are addressed by the recently adopted City of Los Angeles Building Code (2004) that will require additional methane mitigation to be implemented when future development construction occurs at the 36 lots to ensure public safety. This additional methane mitigation would include the installation of membrane barriers and vent piping as well as trench dams and electrical seal offs for each of the properties.

C1-13 As discussed in Master Response, *Project Description*, the analysis of impacts considered the impact of the sale of 36 lots and the 12 associated abandoned wells that exist on those lots. Consideration of other offsite wells that may or may not be corroding is beyond the scope of the analysis for this project because potential risks from these offsite wells exists as part of the baseline conditions and would continue to exist with or with out the proposed sale. Furthermore, field studies conducted for the 36 lots did not reveal any indication of gas migration onto the 36 project lots or migration of gas from the 36 lots off site (Brown and Caldwell, 2004). As stated in response C1-2, all relevant data from MHA was available to the ESA team and the MHA data formed the basis of the analysis that is presented in the DEIR.

C1-14 All data from the site investigation used in the HHRA is included in DEIR Appendix E. Results from the three field investigation reports prepared by Brown and Caldwell, Methane Specialists, and Gary Boettcher were summarized in the DEIR. As these three reports were over 1000 pages and the conclusions from the data were summarized in the DEIR, publication of the complete text of the reports along with the DEIR was

not deemed to be necessary. Copies of the field data reports on hydrogen sulfide, methane, and the accompanying soil investigations are all available for public review by request from the CPUC. A copy of the methane report was provided to the commenter on July 14, 2004.

C1-15 The commenter's assertion that the HHRA is not included in the analysis is incorrect. Both benzene and toluene are included in each table and all calculations in the HHRA and are summarized in DEIR Table 4.F-2.

C1-16 The HHRA consultant is not aware of any exposure pathways that were omitted or not fully discussed in the HHRA. Section 3.2 of the HHRA (Appendix E of the DEIR) discusses exposure to chemicals in soil, groundwater, and soil gas. Migration pathways include vapor migration into indoor and outdoor air and wind-blown dust. The routes of exposure from these pathways include ingestion, inhalation of vapors and dust in indoor and outdoor air, and dermal contact and all were considered in the HHRA. Please see Section 3.2 of DEIR Appendix E for a complete discussion of pathways.

C1-17 As described on DEIR page 4.G-3, the ESA team did perform isotopic helium sampling of monitored methane at Cluster 11. The only other significant sample of methane that was observed during field testing occurred at Cluster 12. This occurrence was a one-time event only. No subsequent methane was detected during the other five sampling events, which took place over the remainder 8-month sampling period. Therefore, it was not possible to collect a suitable gas sample for isotopic helium analysis at the Cluster 12 (Troxel) lots.

DEIR Table 4.G-1 (DEIR page 4.G-2) provides a list of past leaks detected in the area. According to the table, the leak detected at Troxel 1 (Custer 12) in 1994 was described as "Marsh Gas Bubbles." The commenter requests information pertaining to the characterization of this leak. The data presented on Table 4.G-1 were summarized from information contained in SCG's well records and presented in detail in Brown and Caldwell's Sampling and Analysis Plan (2004). According to pages 61 and 62 of the Brown and Caldwell report:

> "Well Troxel 1 was abandoned in 1993 with cement plugs from 5171' to 5920', 2866' to 2990', 580' to 720', and 8' to 120'.
>
> After well abandonment in 1993, small bubbles were observed coming up through standing water atop the surface cement plug. According to a May 18, 1993 SCG Interoffice Memo, and a June 29, 1993 SCG letter to DOGGR, a flame ionization unit detected 20 ppm of a flammable gas. After this, the well was covered with plastic to trap gases and a gas sample was collected. Sample analyses conducted by the SCG Testing and Development Center concluded that it was not a system gas (from the storage field). At this time, SCG welded a nipple and valve to the casing and monitored the well gases for 2 weeks. An August 1993 letter report

from SCG to DOGGR contained pressure build-up data from May to July 1993 to determine the volume of gas leaking from the surface cement plug. A March 1994 report from Global Geochemistry Corporation contained analytical data that indicated that the sample contained 48.5 percent methane gas, and trace amounts of ethane. The remaining gases in the sample are normally present in the atmosphere. According to this report, the enriched CO_2 and concentration presence of small amounts of hydrogen are indicative of biologic activity in the production of gas or in gas consumption. Isotope ratio values indicate that the CO_2 is depleted in one carbon isotope, suggesting that the methane is formed in a location other than where the sample was collected, probably in a soil less than 1000 feet bgs with sufficient organic matter to allow bacterial methane production.

In a 1994 letter to DOGGR, SCG requested to re-abandon well Troxel 1 because of small amounts of leaking native (marsh) gas. Well Troxel 1 was re-abandoned in 1994 with cement plugs from 5171' to 5920', 2866' to 2990', 580' to 720', 128' to 450', and 5' to 122'. The letter also states that the gas was identified as native (marsh) gas based on the helium content (only 7 ppm); the SCG letter to DOGGR also stated that gases in the storage field also have lighter hydrocarbons than detected in the sample. From this, the letter concludes that the gas analysis matches the typical constituents of native gases found in the vicinity of the well."

Thus, the description of the 1994 gas leak at Troxel 1 as "Marsh Gas" in Tables 4.F-1 and 4.G-1 of the DEIR came from SCG reports of investigations into the leak at Troxel 1 conducted by SCG described above. The term "native (marsh) gas" was used in a February 9, 1994 letter from SCG to DOGGR. According to SCG[7], the term "native" meant that the gas was not storage gas (a.k.a. system gas) that SCG injects into the reservoir -- it is native and naturally existing gas in the formations near the well. The term "marsh gas" appears to have been used as a synonym to the term "biogenic gas." SCG made this determination based on an isotopic helium analysis.

After the initial abandonment, SCG determined that the Troxel 1 well was acting as a conduit for shallow biogenic gas to reach the surface. Since DOGGR will not approve abandonment where the well is allowing gas to reach the surface, and SCG could not sell the lot with the well in such condition. SCG re-entered the upper portion of the well (above the plug at 582'). An additional portion of the 6 5/8" casing was removed. SCG then placed three cement plugs (from 450' to 128', 128' to 42', and 42' to surface) which was successful in stopping the biogenic gas from migrating up the well bore[8].

[7] Personal communication, John Thompson of SCG and Tim Morgan, of ESA. October 14, 2004.
[8] *Ibid*.

To eliminate potential confusion with this description, the description of the Troxel 1 gas leak on Tables 4.F-1 and 4.G-1 of DEIR pages 4.F-5 and 4.G-2 is modified as follows:

Troxel 1	**Native (Marsh) Gas Bubbles**	**<1000**	**1994**	**Union Jack Street and between Speedway Avenue and Venice Beach**

C1-18 It is assumed that the commenter is referring to the Troxel 1994 methane analysis conducted by and for SCG. Please see response C1-17.

C1-19 It is assumed that the commenter is referring to the Troxel 1994 methane analysis conducted by and for SCG. Please see response C1-17. As this 1994 SCG well monitoring, maintenance and re-abandonment effort at Troxel was reviewed and approved by DOGGR, the monitoring methodology utilized by SCG can be considered adequate.

C1-20 Mr. Alex Feucht, a Methane Specialists staff member and a California Registered Geologist, collected the methane samples following methodology proscribed in South Coast Air Quality Management District Rule 1150.1 and U.S. EPA Method 25. The instruments used in the surface sweep and probe monitoring included the Heathtech flame ionization detector (FID) and the Eagle RKI infrared methane detector; both calibrated prior to use in accordance with the manufacturer's instructions.

C1-21 The DEIR contained a typographic error that may have caused confusion in the definitions of biogenic and thermogenic gases. The typographical error in the DEIR implied that there is little difference between the two types of gases, this is incorrect and the third and fourth paragraphs of DEIR page 4.F-1 are now modified to correctly reflect the differences between biogenic and thermogenic gases as follows:

TYPES OF GASES

There are three types of gas that may exist within the geological and soil units underlying the project area: biogenic (sometimes called bacterial or swamp) gas, thermogenic (field) gas, and processed natural gas (also called storage gas or piped gas). Biogenic gas is primarily methane with carbon dioxide and sulfide gases formed in shallow depths and low temperatures that result from anaerobic bacterial decomposition of organic material in former lagoon deposits or other sources. Biogenic gas contains mostly methane and carbon dioxide with smaller amounts of ethane, propane, and butane. These biogenic gases are not toxic at low (ppm) levels; however, they act as asphyxiants at high concentrations. ~~Biogenic gases contain trace quantities of other chemicals which are toxic at low levels (in the ppm range), including benzene, toluene, ethyl benzene, and xylene (BTEX). These (BTEX) are addressed in the human health risk assessment (HHRA) that was~~

~~conducted for this project (see Appendix E).~~ Methane and other asphyxiants are considered in Section 4.G, *Public Safety*. If there is sulfur present in the decomposing organic matter, these gases may also contain trace quantities of hydrogen sulfide.

Thermogenic gas is generated at great depth when increased temperatures and pressures alter organic material. ~~Similar to biogenic gas~~ Thermogenic gas contains a broad range of gas components including methane, ethane, propane, and butane, as well as trace amounts of toxic gases, including hydrogen sulfide. Unlike biogenic gases, thermogenic gases contain trace quantities of other chemicals which are toxic at low levels (in the ppm range), including benzene, toluene, ethyl benzene, and xylene (BTEX). These (BTEX) are addressed in the human health risk assessment (HHRA) that was conducted for this project (see Appendix E). The HHRA addresses the trace toxic gases, and Section 4.G, *Public Safety*, deals with the other gases which act as asphyxiants or present safety risks (explosion or fire).

C1-22 The corrected text presented in response C1-21 informs the reader of the definition of biogenic and thermogenic gasses. Where the DEIR states the type of soil gases monitored, it provides data to substantiate these descriptions. Please also see responses C1-17, C1-21, C1-35, C1-43, C1-60, and C1-68. Correction of the typographical error described in response C1-21 eliminates confusion of these descriptions.

C1-23 All data from the site investigation used in the HHRA are included in DEIR Appendix E. A courtesy copy of the Brown and Caldwell Site Investigation Report will be provided to the commenter with this Final EIR.

C1-24 Please see responses C1-21 and C1-22.

C1-25 The commenter is correct that there have been no definitive “mixing studies” on oilfield gases; however, as field studies conducted for the DEIR show no incidence of leaks at any of the 12 abandoned wells, this type of study is not relevant to the proposed project. Additionally, typical soil gas mitigation methods required by the City of Los Angeles Building Codes, including those recommended for future development in the DEIR at the 36 lots proposed for sale, are effective against soil gas migration. Please see also response E1-4.

C1-26 An isotopic analysis was conducted on the only source of methane gas encountered during the field sampling program. Please see response C1-17. See response C1-25 regarding mixing of oilfield gases.

C1-27 Searches were conducted on the Westlaw standard legal database for all state and federal cases; however, the case law (*Spretcher v Adamson*) that the commenter cites in its comment could not be located. However, the apparent intent of the commenter’s

citation was to support comments regarding SCG's responsibilities as an operator of the Playa del Rey Gas Storage Facility. SCG's mineral rights and responsibilities are described in DEIR Section 4.F, *Public Health* on page 4.F-4. Please see response D1-28 for additional information about SCG's responsibilities and response E1-4 for a correction to the text of the DEIR.

C1-28 The "50 Foot Gravel" zone is shown on regional cross-sections in Bulletin 104 from the Department of Water Resources as thinning toward the west and north, respectively (Brown and Caldwell, 2004). This data suggests that the ""50 Foot Gravel"", if present at Cluster 12, would be located between 0 and 50 feet below ground surface (bgs). To investigate this issue, a deep boring was advanced at Cluster 12 by the field study team in January 2004. The boring was advanced to a depth of 60 bgs and no evidence of the 50-foot gravel was noted. In fact, a competent confining clay layer was noted from 55 to 60 feet bgs, which would likely minimize the vertical migration of groundwater or gases (such as methane) in the area (Brown and Caldwell, 2004).

Thus, the 2004 field investigation at Cluster 12 found that the 50-foot gravel layer was not present below the two Marina del Rey lots at 50 feet bgs; rather a very tight clay layer was discovered.

C1-29 References to California drinking water action levels in the last paragraph on DEIR page 4.F-6 were included to provide decision makers and the public with a frame of reference to understand groundwater contaminant levels that were presented on Table 5 of the HHRA (see DEIR Appendix E). Drinking water action levels are the most stringent requirements. The DEIR text makes no direct conclusion about the health evaluation of the Cluster 12 groundwater as a result of comparisons of measured data to drinking water action levels; rather, it relies on the reasoning as stated on page 11 of the HHRA:

> "Groundwater is not used for drinking water in the neighborhoods of any of the lots. There is a possibility that utility or construction workers could get wet while working below the surface. Groundwater at Cluster 12, Troxel, is shallow, about eight to 11 feet below ground surface; however, it is not likely that anyone would come into contact with the groundwater. The potential for exposure due to dermal absorption of chemicals in groundwater is considered insignificant. Health and safety requirements for underground work generally restrict the amount of contact that workers can have with water in a trench. Also, any contact would only happen occasionally rather than on a regular basis."

Thus, the HHRA did not consider residential use of groundwater as a completed exposure pathway. This conclusion, supported by the HHRA reasoning (above), was summarized on DEIR page 4.F-6 as the reason that benzene levels measured in the Troxel groundwater samples pose no human health risks. Furthermore, it is correct to

assume that shallow brackish groundwater adjacent to the Pacific Ocean would not be a suitable source of drinking water due to the high levels of total dissolved solids (TDS).

The influence of tides on groundwater measured at the Troxel site as discussed in the DEIR is described in additional detail in the Brown and Caldwell (2004) field data report as follows:

> "During Brown and Caldwell's site investigation activities groundwater was first encountered was at approximately 8-10 feet bgs in the westernmost boring of Cluster 12. In the easternmost boring beneath the Marina del Rey site groundwater was first encountered at approximately 8.5-10.5 feet bgs. Previous investigations suggest that the groundwater is in apparent hydraulic communication with Santa Monica Bay (ENV 1997[sic] – Troxel Report). As a result, the depth to groundwater during three of the monitoring events was noted to fluctuate within the monitoring wells based upon the tidal cycle; the fluctuation in the fourth groundwater monitoring well event does not appear to coincide with the tidal cycle but may have been storm related storm surge. Because of this, the groundwater gradient may fluctuate with tidal flows. The depth to groundwater in the various wells fluctuated between 9.45 and 9.9 feet bgs."

The finding of low levels of BTEX in groundwater at Cluster 12 was not unexpected and it agrees with an earlier study by TRC (2003) that was reviewed and considered by the ESA team. According to the TRC study, historical oil drilling operations at Cluster 12 resulted in contaminated soil on the site. Because of these historical operations, SCG conducted extensive site cleanup and remediation activities in 1994, 1995, and 1996 as part of its well abandonment process at Cluster 12. The goal of SCG's remediation was to reduce contamination levels to safe levels established with DOGGR. Even with the SCG remediation activities, some residual contamination from petroleum hydrocarbons will continue to remain, as it is seldom possible to remove all contamination from a site, only to reduce contamination to safe levels. As the HHRA stated, the only potential human health risk of this groundwater is through dermal absorption by direct worker contact during construction activities. This risk is considered insignificant as discussed above.

Please see response C1-17 for a discussion of biogenic gas at Cluster 12. See also responses C1-2, C1-3, and C1-4 regarding MHA data.

C1-30 As explained in response C1-1, the entire ESA team, including Mr. Sepich, were determined not to have any conflicts of interest by the CPUC and were considered qualified to perform the CEQA analysis requested by the CPUC. Furthermore, inclusion of the sale of other SCG lots (containing abandoned wells) in this CEQA analysis is addressed in Master Response, *Project Description* and is not relevant to this CEQA analysis.

C1-31 Please see Master Response, *Project Description*.

C1-32 The surface sweep method used at the 36 project lots is based upon formal South Coast Air Quality Management District guidelines. The surface sweep method utilizing a flame ionization detector (FID) as the principal sensing instrument is the most widely used engineering technique available to locate and pinpoint gas sweeps from grade. The procedure is outlined in South Coast Air Quality Management District Rule 1150.1, for use on sanitary landfills. The method used by the ESA team at the project lots was modeled after the SCAQMD method, with a tighter spacing (every 10 feet) on the walk-through path.

C1-33 Please see response C1-32.

C1-34 Contrary to the first three sentences of the comment, the purpose of soil gas sampling that was performed at the 36 lots proposed for sale was to characterize the baseline conditions of the 36 project lots. The field investigations conducted for the EIR are not intended to substitute for pre-construction testing that would be required by DOGGR and the City of Los Angeles for future development of the lots.

The commenter makes allegations regarding work done by one of the ESA team members (John Sepich of Methane Specialists) and other consultants on other past projects in the area. These allegations are historical and are not related to issues related to the proposed sale considered in the DEIR.

C1-35 The DEIR does not imply that the surface sweep measurements taken with an FID was the sole source of the finding of no advective flow. Rather, the FID measurements were the first step in the field data collection and were subsequently followed by substantial soil gas measurements. The second paragraph on DEIR page 4.G-6 states that the results of all field monitoring data substantiate conclusions about the source of soil gas at Cluster 11:

> "Methane gas was detected at Cluster 11 at levels up to 35 percent by volume. Helium isotope analysis of the soil gas did not show evidence of storage gas; rather, the measured gas was naturally-occurring gas. The helium isotope analysis indicated that the gas was formed locally. Based on field monitoring program data, there are no signs of advective gas flow caused by releases from stored gas reserves, at Cluster 11. Because it is unlikely that concentrations of methane could reach the LEL[9] (five percent methane), in the absence of advective gas flow, the explosion hazard would be minimal. With compliance with DOGGR and City of Los Angeles requirements, conditions suggest that any housing units on the Cluster 11 properties would not be adversely impacted by a methane hazard. Therefore, in

[9] LEL is lower explosive limit.

addition to Clusters 1-10 and 12, public safety impacts at Cluster 11 would be less than significant."

C1-36 Please see response C1-4.

C1-37 It is assumed that the commenter is referring to footnote "a" on DEIR Table 4.F-1. Based on footnote "a" on the table, the commenter states that the ESA team has not evaluated well records. However, the specific table footnote refers to leaks that were found in the 1970s at two wells (SoCal No. 3 and SoCal No. 4) and the footnote refers to the surface location of the wells. These two wells are not the subject of this proposed sale and the information in Table 4.G-1 was provided in the DEIR to demonstrate the historical record of well leaks in the project area. Detailed investigations (i.e., evaluation of well records) of these two wells are not required for this CEQA analysis. Please see also response C1-4.

C1-38 Field studies were performed around the 12 project wells to determine current soil gas conditions and SCG well records were available and were examined. Please see response C1-4.

C1-39 The DEIR assumes that future leaks could occur from abandoned wells. The DEIR also relies on DOGGR regulations and the methane mitigation standard contained in the City of Los Angeles Building Code to ensure that future leaks will be addressed as onsite wells will be outfitted with vent cones and all structures will be additionally protected from soil gas. Please see responses C1-2, C1-3, C1-4 regarding data sources considered in the DEIR and also see response C1-12.

C1-40 As is stated in response E1-4, SCG continues to have responsibility for leaks in their abandoned wells. Should one of the 12 abandoned well fails in the future, SCG would have to reabandon the failed well under the direction of DOGGR. It would be speculative to state how a specific reabandonment process would occur as it would depend on the nature of the well failure. However, as discussed in response C1-17, SCG had detected a leakage in 1994 at the abandoned well in Troxel. SCG reabandoned the well by adding additional cement plugs in the well, which stop the leak. Please see responses C1-12 and C1-17.

C1-41 The DEIR provides summaries of the hydrogen sulfide data in DEIR Section 4.B, *Air Quality*. Copies of the field data reports on hydrogen sulfide were provided to the commenter on July 14, 2004. Please see also response C1-14.

C1-42 DOGGR recommends that well venting (i.e., vent cones) techniques be applied when structures are built above abandoned wells. DOGGR also requires that wells be leak-free at the time of their abandonment. If leakage occurs in years following abandonment, the gas may be monitored in the riser pipes from the vent cones. Section 3208.1 of the PRC allows DOGGR to order the reabandonment of any well when

construction over any abandoned well could pose a hazard. Furthermore, all structures will be additionally protected from soil gas per the new City of Los Angeles methane mitigation standard. Please see responses C1-12 and C1-44. The commenter requests data from SCG's previously sold 48 lots described in A.99-05-029. As explained in Master Response, *Project Description*, issues related to these 48 already-sold lots will be addressed under the CPUC general proceedings and are not the subject of this CEQA review.

C1-43 The ESA team analyzed helium from soil gas samples taken at Cluster 11 where methane was present in soil gas monitoring samples taken during the field study. The ESA team utilized the services of Dr. Robert Poreda, a recognized helium expert. Dr. Poreda's conclusions regarding helium, expressed in the Methane Specialist report (2004) are summarized in the DEIR. Dr. Poreda is the same expert that recently studied soil gas at the Playa Vista project and has considerable experience in the immediate project area upon which to base his findings. The Methane Specialists report (2004) with the specific helium data was provided to the commenter on July 14, 2004.

The commenter inquires why all SCG helium data was not requested and/or incorporated into the DEIR analysis. An adequate amount of historical SCG helium data was available to the DEIR preparers for comparison with the Cluster 11 sample and with Dr. Poreda's experience in the general area, there was no need to request additional data.

C1-44 Discrete areas of methane as discussed in Section 4.G, Public Safety of the DEIR are pinpoint seeps on a large site.

The commenter cites a 2000 unpublished un-peer reviewed working paper by ETI prepared while ETI was under contract by the City of Los Angeles for peer review of the City's methane policies. This working paper was available to the DEIR analysts and was one of the many pieces of data considered during preparation of the DEIR. However, the DEIR relies on the recently adopted (2004) changes to the City of Los Angeles Building Code methane mitigation standard. This revised City of Los Angeles building code takes into account work preformed by ETI (such as the 2000 working paper) and others and represents the latest approved practices for methane protection. As such, it is beyond the scope of this CEQA analysis to consider historical differences between experts on other projects.

The commenter asserts that one of the ESA team members (Mr. John Sepich) remains involved in a licensing board investigation for his professional civil engineer's license. Mr. Sepich has responded to two complaints received on one project (case 2001-10-196, Marina Harbor Apartments) on December 11, 2001, and March 18, 2003 to the California Board of Registration for Professional Engineers. As of September 13, 2004, a review of Mr. Sepich's license on the Department of Consumer Affairs web

page shows the status of Mr. Sepich's license (37509) as "clear."[10] Thus, this licensing board investigation has been resolved.

Please see response C1-1 regarding any conflict of interests of the ESA team.

C1-45 The commenter suggests that the DEIR needs to include information about ongoing federal and state efforts to repair the Ballona wetland region. The description of the current project-specific biological resources provided in the DEIR focused on specific biological conditions present on the 36 lots and in the locale of the lots. Providing additional information about efforts to repair the Ballona wetlands (which while in the general geographic area of the 36 lots are not close enough to any of the 36 lots to affect or be affected by the proposed sale of the lots) was not necessary to gain an understanding of the significant effects of the proposed sale. Thus, the DEIR adequately addresses the environmental setting of the proposed project.

The Army Corps of Engineers regulates discharges and dredging in waters of the U.S. No waters of the U.S. are present at the lots proposed for sale; therefore, no notification to the U.S. Army Corps of Engineers is required. A discussion of all federal on-going projects or properties owned by SCG within the project area is not required or necessary to understand the significant effects of the proposed project.

C1-46 The DEIR adequately describes Ballona Lagoon sufficiently to determine significant effects of the proposed project (see DEIR pages 4.C-1 to 4.C-2). Furthermore, none of the 36 lots proposed for sale are near or interact with the Ballona Lagoon. Black legless lizard inhabits dunes with bush lupine and mock heather as dominant plants and typically occurs in the Morro Bay and Monterey Bay regions. Silvery legless lizard inhabits highly moist sandy or loose loamy soil under sparse vegetation. Occurrences in Los Angeles County for silvery legless lizard include Leona Valley near Palmdale, Lancaster, and Big Tujunga Wash near Sunland (California Natural Diversity Data Base, 2004). Based the ESA team's field inspections in 2003 of Cluster 12, the lot do not support habitat conditions suitable for the silvery legless lizard. Please see also responses C1-45, C1-47, C1-48, and C1-50.

The commenter also states that the Ballona Lagoon Marine Preserve Inc. was not noticed of the availability of the DEIR. The commenter is correct that the Ballona Lagoon Marine Preserve was not noticed of the availability of the DEIR. The Ballona Lagoon Marine Preserve is a non-profit organization whose mission is to restore, enhance and protect the Ballona Lagoon and provide maximum education and public access opportunities consistent with natural resource protection. The Ballona Wetlands themselves are owned by the City of Los Angeles (which was notified). Because the Ballona Lagoon Marine Preserve did not request to be placed on the service list, they

[10] http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA$LCEV2.ActionQuery, accessed on September 13, 2004.

were not required to be noticed. However, the Ballona Lagoon Marine Preserve has been added to the EIR mailing list and will receive a notice of this FEIR.

C1-47 The DEIR adequately describes the Ballona Wetlands sufficiently to determine significant effects of the proposed sale (see DEIR pages 4.C-1 to 4.C-2). The DEIR is not required to discuss the Army Corps of Engineers' wetland restoration activities because this information is not relevant to gaining an understanding of the significant effects of the proposed project, which occurs in an upland habitat. Incorporating wetland restoration activities would not expand the understanding of the effects of the project because there is no wetland habitat present on any of the 36 lots. The DEIR states, "[b]allona wetlands support both non-degraded and degraded wetlands, agricultural fields (which were formerly wetlands), and upland areas designated as environmentally sensitive by the California Department of Fish and Game…" (see DEIR page 4.C-1). Please see also response C1-45.

The DEIR does not state that there are no wildlife corridors adjacent to or near the lots at Playa del Rey and Marina del Rey. However, the Initial Study, which was published prior to the DEIR states, "[n]o wildlife movement corridors are present on any of the sites and no long-term significant impacts are expected to local and/or regional wildlife movement corridors as a result of the proposed project. The proposed project would not adversely affect the ecological connectivity of the El Segundo dune ecosystem and the Ballona wetlands. None of the sites provide wildlife movement corridors to either El Segundo Dunes or the Ballona wetlands." The lots are fragmented, highly-disturbed and surrounded by urban development, thus, their potential to act as a substantial movement corridor is low. The Troxel (Cluster 12) site does not serve as a suitable movement corridor for endangered or threatened upland species, including the California least tern, or wetland species. The California least tern breeds in areas relatively free of human or predatory disturbance. No wetlands are present to support wetland species.

C1-48 As part of gathering substantial evidence and substantiating findings, the DEIR includes a review of and incorporates applicable past and present reports and surveys, including the Chambers Group reports and the special-status species invertebrate survey completed by Arnold in 2003. The DEIR is not required to discuss the Army Corps of Engineers' wetland restoration activities because this information is not relevant to gaining an understanding of the significant effects of the proposed sale, which occurs in non-wetland habitats. Incorporating wetland restoration activities would not expand the understanding of the effects of the project because there is no wetland habitat or restoration activities present on the 36 lots.

C1-49 It is unknown why the Chambers Group study did not identify the presence of the globose dune beetle at Cluster 12 in 2000 as photos of Cluster 12 from that time period show similar site conditions existed in 2003 as in 2000. ESA's species-specific survey of globose dune beetle in 2003 supplemented the work completed by the Chambers

Group in 2000. The DEIR relied on ESA's species-specific surveys for globose dune beetle.

C1-50 The DEIR preparer reviewed and incorporated relevant portions of the Chambers Group report. The DEIR considered the conclusions in the Chambers Group report and also formed its own conclusions. The DEIR evaluated 46 plant and animal species that could potentially occur in the project vicinity and within the limits of the project sites using the California Natural Diversity Data Base (an electronic database maintained by the California Department of Fish and Game) and the California Native Plant Society Electronic Inventory. The DEIR preparer used these databases to update the list of special-status species identified by the Chambers Group (2000). The DEIR preparer conducted a reconnaissance survey of the sites in March 2003 to evaluate the habitat condition of the lots for special-status species, including endangered species. The DEIR preparer also consulted with California Department of Fish and Game on February 11, 2004 to discuss special-status species potentially breeding at the project lot.

C1-51 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C1-52 This comment is a general statement of the commenter's opinion and does not state a specific concern or question regarding a significant environmental effect or the adequacy of the DEIR.

C1-53 Please see response C1-1.

C1-54 The commenter is correct. The text on DEIR page 4.A-3 is changed to read:

Table ~~1-1~~4.A-1

C1-55 Table 1-1 on DEIR page 1-3 is a brief summary of CPUC contractor-conducted studies for SCG's proposed sale of its 36 lots. The specific methane investigation report page 5 (Giroux & Associates, 2001) mentioned by the commenter states:

> "If the abandoned well were a conduit for upward gas migration, then there should be an increase in methane levels after the collector is purged, and then a semi steady-state level should be reached where outward migration is balanced by replenishment. The LorMar site [Cluster 3] never experienced any detectable levels, and the Troxel site [Cluster 12] received one methane spike from [to 50,000 ppm] the drilling process into old spilled oil that dissipated rapidly with time. There is no indication of any migration conduit effects at either monitoring site."

Based on these 2001 results, the field investigation team determined that an examination of all 12 lot Clusters for a longer period of time (six months) would result

in a more conclusive investigation of site conditions as the Giroux study found only one spike concentration at Troxel.[11] Thus, the 2001 Giroux results were judged by the field investigation team not to have any clear indication of methane risks.

DEIR Tables 1-1 and 4.A-1 represent a list of field studies prepared by the independent consultants under contract to the CPUC that were responsible for the preparation of the CEQA document. Clearly, there have been other studies conducted for other purposes by SCG and its consultants. To eliminate any further confusion, the following text changes are made to the DEIR:

The second sentence of the fourth full paragraph on page 1-2 is changed to read:

> **Table 1-1** provides a chronological summary of the studies that were conducted <u>by independent consultants under contract to the CPUC in support of the environmental analysis for A.99-05-029</u>; the results of which were used to evaluate potential environmental impacts in this Draft EIR.

The fourth line of the second full paragraph on page 4.A-2 is changed to read:

> **Table 4.A-1** provides a chronological summary of the studies that were conducted <u>by independent consultants under contract to the CPUC in support of the environmental analysis for A.99-05-029</u>; the results of which were used to evaluate potential environmental impacts in this Draft EIR.

The commenter mentions a magnetic survey described during the June 28, 2004 public meeting on the DEIR. During a geophysical investigation for SCG, the former wellhead (which had been cut off from the Troxel well and buried on the Troxel property) was located along with several other magnetic anomalies. The wellhead was located within the same area as documented in previous reports. The other magnetic anomalies are interpreted as buried metal objects (Wilson Geosciences, Inc., 2002). One of these anomalies displayed readings very similar to those detected near the former wellhead and was marked as a possible well location. Brown and Caldwell worked together with an SCG contractor to dig at that location to find the source of the magnetic anomaly. A steel pipe leading away from the wellhead to the street was uncovered and removed; no additional wellheads were found.

C1-56 This comment is a general statement of the commenter's opinion and does not state a specific concern or question regarding a significant environmental effect or the adequacy of the DEIR.

[11] These studies are detailed in the DEIR but specifically for methane, the ESA team conducted field sweeps off all the lots, made repeated subsurface measurements of methane over and 8-month period in monitoring wells on the Clusters and conducted a deeper drilling at Troxel to determine if the "fifty-foot gravel layer" exists below the site.

C1-57 There was no undocumented well identified, only a magnetic anomaly which was the former Troxel wellhead, thus there was nothing to report in the DEIR. Please see responses C1-2 and C1-55.

C1-58 The DEIR takes into consideration the future potential for leakage from the abandoned wells to occur. Potential future well leaks are addressed by the recently adopted City of Los Angeles Building Code (2004) that requires additional methane mitigation to be implemented when future development construction occurs at the 36 lots to ensure public safety. Please see responses C1-12, C1-42, C1-71, D1-28, and E1-4 for related information.

C1-59 The commenter cites DEIR pages 4.E-14 and 4.E-15; the citation provides facts of the historical usage of the 12 abandoned wells considered in the DEIR analysis regarding potential future seismic impacts. DOGGR abandonment standards and the City of the Los Angeles Building Codes require that, regardless of a well's prior use, all wells must be treated to the same standards developed for production wells. Recommended mitigation measures identified in the DEIR are applicable to all 12 wells regardless of their past use. Please see also response C1-12.

C1-60 The commenter is correct that additional data could be contained in the referenced paragraph. The first full paragraph on DEIR page 4.E-15 is thus changed to read:

> Brown and Caldwell conducted soil gas surveys and subsurface exploration studies to support the analysis for this EIR (Brown and Caldwell, 2004). Results of Brown and Caldwell's recent soil gas sampling verify the absence of processed natural gas ~~soil gas~~ in the shallow soils on the project parcels indicating that there is no leakage occurring from the project site well casings and surrounding geology. Methane was detected in soil gas samples at Cluster 11 and one sample at Cluster 12 (see page 4.G-3 for a full description of these samples). As discussed above, the migration of gas to the surface would only be an impact if that gas represented an adverse health hazard to the public on the associated lots. (Refer to Section 4.F, Public Health and Section 4.G, Public Safety for additional discussion and analysis on human health and safety impacts associated with exposure to subsurface gas sources.)

The ETI report's findings of natural gas are discussed on DEIR page 4.F-2 as follows:

> Natural gas of biogenic, thermogenic, and storage sources can migrate through the subsurface soil both vertically and laterally. Natural gas has been detected at the surface in the PDR area in the past, and both biogenic and thermogenic gases were detected in a soil gas survey conducted by ETI (2000) at the Playa Vista area just north of the PDR lots. In a second phase of the same Playa Vista project field study (ETI, 2001), storage gases were not observed in any of the measurements east of Lincoln Boulevard. Since these studies are inconclusive with regard to the

distribution of underground gas levels in the project area, a new field measurement study was undertaken for this EIR analysis."

C1-61 The SCG well records were reviewed in support of the DEIR as is discussed in response C1-4 and is detailed in Brown and Caldwell's (2004) Field Data Report. Please see responses C1-2, C1-3, and C1-4.

C1-62 The comment introduces issues that are addressed by subsequent comments. Please see responses C1-63 through C1-66.

C1-63 Please see response C1-21.

C1-64 Response C1-21 addresses a clarification of the description of biogenic and thermogenic gases as presented in the DEIR. BTEX are evaluated to determine carcinogenic risk and total petroleum hydrocarbons (TPH) (including many trace toxic gases contained in DEIR) are evaluated to determine non-carcinogenic risk. Thus, the HHRA did consider the trace toxic gases mentioned in Section 4.F, *Public Health* of the DEIR text that was cited by the commenter. See response B2-4 for a discussion of hydrogen sulfide and the HHRA.

C1-65 The DEIR text cited by the commenter is the definition of processed natural gas that is contrasted with biogenic and thermogenic gases, and is correctly stated as written in the DEIR, Section 4.F, *Public Health*. See response C1-25 regarding mixing studies and also see responses C1-21 and C1-22 for corrections to the DEIR text.

C1-66 Analysis of benzene and toluene were included in the HHRA, Appendix E of the DEIR. Please see response C1-15.

C1-67 The surface sweep utilizing an FID, performed on the 36 lots, was modeled after SCAQMD Rule 1150, and is considered to be a good method for predicting potential risk at a site. While, it was not the only method used by the ESA team to evaluate potential methane hazards at the 36 lots, it was the *first* method used. The surface sweep method was then followed by multiple soil probe measurements taken over the course of the following six months specifically to measure soil gas in the ground over varying conditions of atmospheric pressure and soil moisture content.

C1-68 The commenter is correct that the DEIR incorrectly expressed the chemical symbol for helium. While this isotopic ratio for helium is commonly expressed as the H3:H4 ratio with the lower case "e" being omitted, for clarity the fourth paragraph on DEIR page 4.G-3 is changed to read:

> A helium sample was taken from Cluster 11 for laboratory analyses to determine the signature of the observed methane. To determine the methane signature (i.e., is it biogenic, thermogenic, or storage gas), an isotope analysis of the helium sample was carried out ~~to determine the origin of the gas (i.e., is it biogenic, thermogenic,~~

~~or storage gas)~~. The ratio of the two stable isotopes of helium are He^3 (atomic weight three) and He^4 (atomic weight four) (He^3 / He^4) ~~and the ratios~~ in the helium sample were used to ~~of these isotopes in the measurements would~~ confirm the source of the detected gas, since methane ~~gases of~~ from different origins have distinct isotopic helium "signature" ratios. The helium isotope analysis confirmed that the origin of the gas found at the Cluster 11 was not the same as storage gas, but more likely is a residual gas that is present naturally (mostly thermogenic) from the decomposition of contaminated soils from historical oil exploration activities (Methane Specialists, 2004).

The commenter states that the presence of helium and BTEX compounds indicates that thermogenic gases are migrating to the surface from deeper sources. The presence of helium in methane samples may or may not be an indicator of source of the methane. The helium analysis from the Cluster 11 methane sample found that the sample had a helium content of 5.95 ppm of helium. Methane with helium concentrations below about 7 ppm can be generally regarded as biogenic in nature, methane with helium concentration above 7 ppm to about 100 ppm the type of methane is unclear (biogenic or thermogenic) and further analysis (such as isotopic helium) is necessary, while methane with helium concentration above 100 ppm are from storage gas found in the SCG PDR storage facility (SCG, 2004). As stated in the DEIR and as corrected above, the isotopic helium analysis performed for the Cluster 11 sample had an isotopic helium ratio of 0.4, this ratio is similar to the isotopic helium ratio (about 0.5) found in Ballona Creek[12] area groundwater where the methane source has been attributed to thermogenic methane (as opposed to biogenic or storage gas) (Methane Specialists, 2004). While BTEX is present in thermogenic gases, BTEX can also originate from other sources such as contaminated soils. Considering the historical oil extraction operations that have occurred at Cluster 11, petroleum hydrocarbon contamination of shallow soils has historically occurred. Although remediation of Cluster 11 was undertaken by SCG in 2001, remediation was not undertaken below approximately 12 feet bgs and only in an area around the 29-1 well head (Brown and Caldwell, 2004). Consequently, residual levels of petroleum hydrocarbons exist at Cluster 11 and were detected during the field studies.

The commenter makes a number of statements regarding the presence of helium at Cluster 11. Conclusions about soil gas observed at Cluster 11 by the DEIR investigators were taken from the following quote from the Methane Specialists (2004) report:

> "A samples of gas from Cluster 11, B2@18'bgs has been analyzed for helium isotopic ratio (see Appendix C.2). The laboratory experts have opined that the helium from this site: is not storage gas; is not bacterial gas; is similar to gases analyzed at Ballona Creek groundwater; and reflects the addition of Miocene Age

[12] Ballona Creek is located north of the PDR lots and south of the MDR lots proposed for sale.

helium from below, such gases having low amount of helium, less than 20 ppm, and a relatively high H3:H4 ratio of about 0.5 times air."

Thus, the commenter misinterprets the cited text above (DEIR page 4.G-3). The text of the DEIR does not imply that helium occurs from decomposition of soils but instead was intended to mean that the helium isotope analysis conducted at Cluster 11 confirmed that methane found at Cluster 11 is not SCG storage gas (Methane Specialists, 2004).

Please see responses C1-1 and C1-43.

C1-69 The commenter states that the DEIR does not present information from past site investigations or remedial work done at each of the 12 well sites. During preparation of their extensive field data report, Brown and Caldwell (2004) (Section 4) examined all relevant historical data and presented new findings from their 2003-2004 field study of the lots. The analysis presented in the DEIR (Appendix E) considered and summarized past findings as appropriate and presents new data from the DEIR field investigations, which represent the most current data for the 36 project lots. Furthermore, the DEIR in Sections 2.B, Air Quality, 2.E, Geology and Soils, 2.F, Public Health, directly references information from a number of these past historical studies as well. Finally, in its statement, "existing subsurface conditions could adversely affect test results…," it is assumed that the commenter is referring to the field monitoring effort conducted for the DEIR and that it does not agree that it considered the earlier field studies. This implication is incorrect because the DEIR field sampling effort was planned and conducted based on a thorough review of all historical data available to the ESA team for the 36 lots. Further the field sampling effort was intended to provide data for the HHRA, update field data, and fill in data gaps in the historical sampling record. Also see response C1-2.

C1-70 Please see responses C1-2, C1-3, C1-4, and C1-69 regarding data that was considered in the DEIR.

The commenter refers to a methane study by Giroux and Associates (2001) conducted during the first phase of the CPUC environmental study for A.99-05-029. The commenter asserts that the Giroux and Associates data show evidence of a continuous source of methane at the Troxel site (Cluster 12) with the implication that the source of the methane is a leaking well. The Giroux and Associates report cited by the commenter, in its discussion of test results, states that the data "strongly denies the absence of any migration pathways at the two[13] wells tested." Thus, for the Troxel well, the Giroux and Associates analysis found no evidence of leakage at the Troxel well. The ESA team did note a one-time methane transient during the installation of one Troxel monitoring soil gas probe (see DEIR page 4.G-3), but no further methane

[13] The Giroux 2000 study performed testing at the Troxel (Cluster 12) and LorMar (Cluster 3) wells.

was detected in successive readings taken over the following 8 months from the same probe location (and, incidentally, all other soil gas probes) at Troxel. Both the Giroux and Associates (2001) and DEIR data continue to suggest that there is no continuous source of methane at Cluster 12 and that the conclusion stated in the DEIR that new methane mitigation standards contained in the City of Los Angeles Building Code are adequate to protect public safety is sufficient to ensure that impacts would remain less than significant.

The commenter states that Brown and Caldwell's conclusions regarding the Troxel deep boring are incorrect. However, the purpose of the deep boring at Troxel was to look for the "50 foot gravel layer." If this layer were present under the Troxel site, it could represent a pathway for methane migration. The deep boring found that, instead of a gravel layer at 50 feet, a very tight clay layer exists below the Troxel site. Presence of this clay layer minimizes the vertical migration of gases from depths below this layer.

C1-71 The purpose of the California Division of Oil, Gas, and Geothermal Resources (DOGGR) when it was formed in 1915 was to address the needs of the state, local governments, and industry by regulating statewide oil and gas activities with uniform laws and regulations. Under Public Resources Code Division 3, Chapters 1 through 4, DOGGR supervises the drilling, operation, maintenance, and plugging and abandonment of onshore and offshore oil, gas, and geothermal wells, preventing damage to: (1) life, health, property, and natural resources; (2) underground and surface waters suitable for irrigation or domestic use; and (3) oil, gas, and geothermal reservoirs. DOGGR's goal is to encourage wise development of California's oil, gas, and geothermal resources while protecting the environment. DOGGR's role in protecting public safety is addressed in its vision statement (DOGGR, 2003):

> **Division Vision Statement**
>
> The Division of Oil, Gas, and Geothermal Resources is California's regulatory agency for petroleum and geothermal resources and is a leader in environmental protection, and public health and safety. The Division ensures that these resources are protected and administered for the benefit of our citizens.

The commenter is correct that DOGGR's abandonment procedures do not prevent future migration. However, DOGGR does require the abandoned wells to be leak-free at the time of their abandonment and SCG retains responsibility for any future leaks and monitoring of the abandoned wells as discussed in response D1-28. The City of Los Angeles Building Code methane mitigation standard provides mitigation measures that address potential future leaks from the abandoned wells. To clarify DOGGR policy, the second full paragraph on DEIR page 4.G-5 is changed to read:

> DOGGR has adopted regulations for well abandonment to ensure that it is done safely and effectively. These regulations provide well abandonment procedures that ensure abandoned wells are leak-free at the time of abandonment and require gas field operators, while the gas field is in operation, to monitor and maintain abandoned wells to prevent future migration of oil or gas from the producing zone and the upper zones, as well as protect groundwater. Furthermore, DOGGR is charged with ensuring public safety. DOGGR has the expertise and authority to require whatever steps are deemed necessary to protect public safety. Well abandonment is discussed in more detail in Section 4.E, *Geology and Soils*.

The commenter is correct that DOGGR prefers that structures not be placed above abandoned wells, but has no authority to prevent this. However, DOGGR does insist that if structures are to be built above abandoned wells, that the wells must meet current DOGGR abandonment standards and be leak tested prior to construction. Because future developers of the 36 lots proposed for sale will be required to meet both DOGGR and City of Los Angeles Building Code methane mitigation standard requirements, public safety impacts would be less than significant.

C1-72 The DEIR does rely on the new methane mitigation standards contained in the City of Los Angeles Building Code to address public safety from methane hazards for future development at the 36 lots. Reliance on existing codes and regulations is a fundamental principal applied in all sections of this EIR and other similar CEQA documents. In this specific context, the new City of Los Angeles Building Code's methane mitigation standard, adopted in 2004, has been the result of a substantial amount of study by the City of Los Angeles, and represents the most up-to-date practices for methane mitigation. It is beyond the scope of this analysis to address the adequacy of the new City of Los Angeles Building Code methane mitigation standards, including evaluation of degradation of barrier materials in the future, as it would be speculative to consider the types of materials that would be required by the City of Los Angeles in the future.

C1-73 Please see responses C1-2, C1-3, C1-4, and C1-72.

C1-74 Characterization of existing level of service (LOS) conditions in the project area is provided in the discussion of Impact J.1 on DEIR page 4.J-3, as follows:

> "Previous traffic studies conducted in the project area evaluated traffic levels at major intersections. The most recent studies indicated that, with one exception, a.m. (morning) and p.m. (evening) peak-hour intersection levels of service (LOS) are generally LOS D or better (v/c ratio of 0.88 or lower). The exception is the intersection of Manchester Avenue / Lincoln Boulevard, which was found to operate at LOS E (v/c ratio of 0.91) during the p.m. peak hour."

C1-75 Contrary to the commenter's assertion, Mitigation Measure J.1 does not violate CEQA requirements to identify measures that mitigate significant impacts. As described on DEIR page 4.J-1, the City of Los Angeles' *Coastal Transportation Corridor Specific Plan* provides a mechanism to fund specific transportation improvements due to impacts generated by projected new commercial and industrial development within the corridor; residential dwellings are exempt from its provisions (thus, 35 of the 36 lots located in Playa del Rey and Marina del Rey would be exempt due to their residential zoning and presumed residential future development). At the time development is proposed for the one commercially-zoned parcel, project-specific analysis would be required by the City of Los Angeles. Relevant policies in the *Plan* that ensure implementation of measures to mitigate project impacts to a less than significant level are presented on DEIR page 4.J-2, as follows:

> **Section 5.A.1:** Prohibition. No building, grading or foundation permit for a project shall be issued until the [Los Angeles] Department of Transportation and the City Engineer have certified completion of mitigation measures required by this section, or that their completion has been guaranteed to the satisfaction of these departments.
>
> **Section 5.D.3:** The Department of Transportation shall require that mitigation measures be undertaken or guaranteed to reduce the transportation impacts of a project.
>
> **Section 6.A.1:** Prior to the issuance of any building, grading, or foundation permit, an applicant shall pay or guarantee a Transportation Impact Assessment (TIA) Fee to the Department of Transportation. The TIA Fee shall be for the purpose of funding the transportation improvements listed in Appendix B of the Specific Plan.

Reliance on the required project-specific analysis and identification of project mitigation measures, in accordance with specified requirements of the jurisdiction with approval authority (i.e., the City of Los Angeles' *Coastal Transportation Corridor Specific Plan*), allows this EIR to make a defensible determination of a less than significant impact after mitigation.

The commenter is incorrect that CEQA requires a traffic study. CEQA requires adequate assessment of impacts. As discussed in response C1-74 LOS estimates were presented for the area based on earlier studies for the area. Furthermore, trip numbers presented were estimated specifically for the analysis of future development at the project lots as stated on page 4.J-3 of the DEIR:

> "It is assumed that the lots with residential zoning controls would be developed as single-family or multifamily housing, as appropriate to those zoning controls. For these lots, the estimated traffic generation is 334 trips per day (ITE, 1997). The future use on the one project lot in the PDR area that is zoned commercial has not

been established. Assuming that the commercial use would be a specialty retail center (trip generation per 1,000-gross-square-foot area), estimated traffic generation is 488 trips per day, 31 during the p.m. peak hour (ITE, 1997). The estimated total traffic generation from development of the PDR and MDR lots is 822 trips per day. Construction on the project lots would also generate increased traffic on area roadways. However, those increases would be temporary and dispersed over the network of roadways serving the project area."

C1-76 Please see response C1-11.

C1-77 The commenter is correct that no H_2S sampling was performed for soil gas or groundwater samples. As is discussed in response B2-4, because initial airborne samples for H_2S from the lots indicated that the lots were not sources for H2S. Therefore no additional H_2S sampling was necessary for the purposes HHRA and neither the HHRA nor EIR are deficient. Please see responses B2-4 and C1-14

C1-78 Please see response C1-14.

FAXED TO: (415) 896-0332

July 19, 2004

Mr. Michael Rosauer
Public Utilities Commission
c/o Environmental Science Associates
225 Bush St., Suite 1700
San Francisco, CA 94104

RE: SOCALGAS LOT Sales DEIR

Dear Mr. Rosauer:

Please include by reference all my comments made to the CPUC and Environmental Science Associates (ESA) at the public hearing/meeting that you sent a notice about.

The hearing was held on June 28, 2004 at the Westchester Municipal Building meeting room. *C2-1*

I have been ill lately and do not have time to write down my testimony that I gave before this deadline ends. I believe that my concerns were very important and need investigation.

Also, I hereby request that any future public hearings that you hold like this, that you at least audiotape the hearing, so that people's testimony is not wasted. At the end, we were told that there was no recording of what we said, that just general concerns were written down. However, on something as technical as a DEIR a recording should be made. Especially on such a large safety issue as this. *C2-2*

Also, a correction needed is that it was said by ESA that ALJ Carole Brown ordered a health risk assessment on the lots. That is not true to my knowledge. She ordered a health risk assessment done on the entire storage area, which still needs to be done. *C2-3*

Thank you for your consideration,

Kathy Knight

Kathy Knight
For BALLONA ECOSYSTEM EDUCATION PROJECT
& SPIRIT OF THE SAGE COUNCIL
Mailing address: 1122 Oak St., Santa Monica, CA 90405
(310) 450-5961

P.S. We support the comments of Grassroots Coalition and Dr. Bernard Endres.

LETTER C2 – BALLONA ECOSYSTEM EDUCATION PROJECT / SPIRIT OF THE SAGE COUNCIL

C2-1 All comments received at the public meeting held on June 28, 2004 at the Westchester Municipal Building Community Room are summarized and responses to these comments are provided in this FEIR. Please see responses PM-1 through PM-47.

C2-2 CEQA Guidelines Section 15087 provides that "[p]ublic hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required as an element of the CEQA process." The Guidelines go on to state that "[a]lthough CEQA strongly encourages public participation, it does not require oral hearings to be provided as a part of the process. The review and comment part of the CEQA process may be conducted entirely by written statements if the Lead Agency so chooses…"

While CEQA does not require a public hearing on Draft EIRs, in practice, most agencies conduct such hearings. This type of "hearing" is typically held for the Lead Agency to receive comments on the Draft EIR and is not a formal evidentiary hearing.

On June 28, 2004, the CPUC held a public meeting to hear comments from interested parties and members of the public on the Draft EIR. As stated in response C2-1 above, comments received at the meeting were summarized and responses to these comments are provided in this FEIR. Please see responses PM-1 through PM-47.

The CPUC will hold a public hearing at which time it will decide whether or not to certify the Final EIR. That meeting will be a formal proceeding before the Commission and the meeting will either be recorded or transcribed.

C2-3 Please see response C1-11.

Davis Wright Tremaine LLP

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July 19, 2004

BY ELECTRONIC MAIL AND U.S. MAIL

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225 Bush Street, Suite 1700
San Francisco, CA 94104

Re: A.99-05-029 - Comments on Draft Environmental Impact Report for Southern California Gas Company's Application to Sell Surplus Property at Playa del Rey and Marina del Rey

Dear Mr. Rosauer:

Paragon Communities, Inc. ("Paragon") appreciates the extraordinary amount of time and effort that has gone into preparation of the Commission's Draft Environmental Impact Report ("DEIR") for Southern California Gas Company's ("SoCalGas') proposed sale of surplus properties in Playa del Rey and Marina del Rey and is pleased to finally have the opportunity to offer these comments on the DEIR. *C3-1*

Paragon is a real estate development company located in Playa del Rey, California. In 1999, Paragon entered into agreements with SoCalGas to purchase twenty nine of the thirty six parcels at issue in the application.[1] Its purchase of these parcels has now been pending for over five years. As a result, Paragon has a very significant interest in the expeditious completion of the Commission's final environmental impact report ("FEIR") and approval of SoCalGas' application. *C3-2*

[1] The twenty nine lots Paragon has contracts to purchase are located in eight of the twelve clusters of lots evaluated in the DEIR: Cluster 2; Cluster 3; Cluster 6; Cluster 7; Cluster 8; Cluster 9; Cluster 10; and Cluster 11. SoCalGas has agreements to sell the remaining seven lots, including all of the lots in Cluster 1, Cluster 4, Cluster 5 and Cluster 12, to three different purchasers.

The DEIR is exceptionally thorough and informative, but Paragon believes that it extends well beyond what the California Environmental Quality Act ("CEQA") requires in these circumstances. All of the parcels at issue are located on residential streets within existing developed urban areas of Los Angeles. Any future development would have to comply with existing general plan and zoning requirements, including regulations to ensure that development in areas where oil and gas wells are present incorporate measures sufficient to protect public health and safety, and would constitute in-fill development with minimal impact upon the environment. The DEIR and numerous technical studies completed over the past five years clearly demonstrate that neither the proposed sale nor potential future development of these properties will have any significant impact on public health or safety or the environment that cannot be sufficiently mitigated.[2] These conclusions are amply supported by the extensive research and analysis undertaken by the Commission in preparing the DEIR and by the discussion contained in the DEIR. Paragon agrees completely with these conclusions. Paragon does not agree, however, with the fundamental assumptions underlying the DEIR or with the Commission's prior determination that an EIR is required in these circumstances. For the reasons explained more fully in these comments, Paragon nevertheless urges the Commission to: (1) grant its previously filed motion for an interim decision granting a limited exemption under Public Utilities Code section 853(b) from Public Utilities Code section 851 filed with the Commission on June 29, 2004;[3] and (2) expeditiously complete its FEIR and approve the remainder of SoCalGas' application without further delay. *C3-3*

I. The Commission Has More Than Fully Complied With CEQA

SoCalGas' application is unusual in a number of respects. First, SoCalGas only seeks authority from the Commission to sell the real property parcels at issue and the mere sale of the properties will not result in any physical change to the properties or to the environment. Second, the property SoCalGas seeks authority to sell is no longer used or useful for utility purposes and was taken out of SoCalGas' rate base many years ago. As a result, Paragon does not believe that any discretionary review or approval by the Commission is technically required under Public Utilities Code section 851 or any other provision of California law in order for SoCalGas to sell these parcels. Third, SoCalGas has no plans to develop any of the properties, nor have any specific development plans been proposed in conjunction with the proposed sale. As a result, there is no development project or plan that can be evaluated in any specific respect at this time. Fourth, the thirty six parcels SoCalGas seeks to sell are located in twelve different discontiguous areas within highly developed existing urban areas in two different communities and SoCalGas has entered into agreements to sell them to several different purchasers. As a result, there is no possibility that the property will be developed in the future through any single integrated project. Rather, future development will inevitably be limited in scope to individual parcels or small groups of contiguous parcels and will constitute in-fill development. And finally, the *C3-4*

[2] DEIR at S-2, S-4, S-11, 2-2, 4.A-1, 4.A-2, 4.B-20, 4.F-11, 4,F-12, 4.F-13, 4.G-6, 6-1, 6-2 and 6-3.

[3] Motion of Paragon Communities, Inc., for Interim Decision Granting Limited Exemption From Public utilities Code Section 851 ("Paragon Motion") (June 29, 2004).

Commission is not now, and never will be, the agency with principal decisionmaking responsibility for permitting such future development. Any such future development will be within the jurisdiction of local agencies and, where the property has previously been affected by oil and gas development, also the California Division of Oil, Gas and Geothermal Resources ("DOGGR"). As a result of these factors, there are compelling reasons for concluding that since no discretionary approval is technically required for SoCalGas's proposed sale of these parcels, there will be no physical change to the environment as a result of the proposed sale, there is no single development project that has been proposed (nor will there be in the future), and any future developments that may be proposed will be subject to review and approval by local agencies with primary jurisdiction at the appropriate time when specific development plans are submitted for approval, SoCalGas' application is not technically subject to CEQA. ***C3-4 cont.***

Notwithstanding these factors, the DEIR fully evaluates both the potential environmental impacts of the sale and the potential future development of these parcels as though they constituted a single "project" subject to CEQA. In doing so, Paragon believes that the DEIR goes well beyond what CEQA actually requires in these circumstances. ***C3-5***

The DEIR concludes that the sale of project lots would not result in any significant direct environmental impacts[4] and that "no mitigation measures are required for the proposed sale."[5] Paragon agrees with this conclusion and it is amply supported in the record of this proceeding. The DEIR also concludes, however, that future development of the lots following approval of the proposed sale is "reasonably foreseeable" and on this ground evaluates the potential impacts of such future development. It concludes that while there will be no significant impacts from approval of the sale of the lots, there could be significant impacts in certain respects from the future development of the lots. None of the potential impacts of future development would be significant, however, if appropriate mitigation measures are adopted.[6] ***C3-6***

The DEIR focuses primarily on potential impacts due to the history of oil and gas development in the area. Issues associated with SoCal Gas' operation of its Playa del Rey Gas Storage Field are already existing "baseline conditions" and are not impacts of the proposed sale or future development of the thirty six lots.[7] Paragon agrees completely with this conclusion. Any other conclusion in this regard would be flatly inconsistent with CEQA. CEQA requires analysis only on the impacts of proposed projects and does not extend to pre-existing conditions that are not a part of the proposed project. ***C3-7***

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[4] DEIR at S-2, S-11, 4.A-1, 6-1 and 6-3.

[5] DEIR at S-11 and 4.A-2.

[6] DEIR 2-2.

[7] *See* Initial Study at 14-16. Since issues associated with SoCalGas' continued operation of its Playa del Rey gas storage field are not impacts of the proposed sale or possible future development of the thirty six lots at issue, they are not considered part of the proposed project or considered in the DEIR.

The DEIR does, however, consider and exhaustively analyze the potential impacts associated with the presence of abandoned gas wells on twelve of the thirty six lots at issue. At least nine different technical studies were conducted by the Commission and its environmental consultants between 2000 and 2004 to evaluate the potential impacts of future development in the vicinity of abandoned oil and gas wells.[8] Included among these studies are: (1) a comprehensive site investigation conducted by Brown and Caldwell to update previously existing assessments of hazardous chemicals conditions at the thirty six lots;[9] (2) a "Human Health Risk Assessment ("HHRA") to evaluate the potential human health risks associated with hazardous chemicals that could be present in the vicinity;[10] and (3) a soil gas monitoring and methane study to evaluate whether any methane or hydrogen sulfide gas is present in the vicinity of the lots.[11] Based upon these studies, the DEIR concludes that there will be no significant impact on public health or safety as a result of either the sale or possible future development of any of the thirty six lots.[12] ***C3-8***

Paragon concurs with this conclusion, but not with the underlying assumption that detailed analysis of these potential impacts is required by CEQA. There has been significant oil and gas exploration and production throughout the Los Angeles basin for over seventy years and there are abandoned oil and gas wells in many areas of the basin,[13] including many highly developed urban areas. As a result, the development of property in the vicinity of abandoned oil and gas fields is not at all unusual in Los Angeles. Buildings have been constructed over oil and gas fields at thousands of locations throughout the basin.[14] The DEIR correctly notes that such construction is subject to the oversight of and regulation by the City and County of Los Angeles and DOGGR and that these regulations ensure that wells are properly and safely abandoned and sealed, and any development over old oil and gas fields incorporates necessary measures to protect public health and safety.[15] As a result, any potential impacts associated with the presence of abandoned oil and gas wells in the vicinity of future development on the lots at issue will be ***C3-9***

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[8] DEIR at 4.A-2 and Table 4.A-1.

[9] DEIR at 4.F-4 to 4.F-6.

[10] DEIR Appendix E.

[11] DEIR at 4.A-2.

[12] DEIR 2-2. The risk of exposure to hazardous chemicals was determined to be less than significant for all chemicals. DEIR at 4.F-11. No hydrogen sulfide was detected at any location. DEIR at 4.G-3. No methane was detected at Clusters 1 through 10. DEIR at 4.G-3 and 4.G-6. A single low level of methane was detected in one sample at Cluster 12, the Marina del Rey cluster and location of the Troxel-1 well. One lot in Cluster 11, lot 19, the location of well 29-1, was found to have consistently elevated methane soil gas levels, but the DEIR concluded that the methane detected at Cluster 11 was naturally occurring (DEIR at 4.G-6) and that recently enacted changes to the City of Los Angeles Building Code (Ordinance No. 175790) will provide sufficient mitigation. DEIR at S-11 and 4.G-3. No mitigation was determined necessary because "the City of Los Angeles Building Code requires that methane mitigation be implemented when construction occurs at these sites to ensure public safety." DEIR at 4.G-6.

[13] DEIR at F-5 and Figure F-1.

[14] *See* DEIR, attached letter dated October 3, 2003 from SoCalGas to Mr. Roosevelt Grant at p. 3.

[15] DEIR at 3-15, E-10 to E-11.

sufficiently mitigated by existing rules and regulations of the City of Los Angeles, DOGGR and other agencies with permitting authority over specific local development.[16] Under these circumstances, such mitigated potential impacts are not considered "potentially significant impacts" within the meaning of CEQA or sufficient to warrant detailed analysis in a environmental impact report. The DEIR does analyze the impacts of development in areas of earlier oil and gas development in detail, however, and in doing so goes well beyond the requirements of CEQA. In fact, Paragon is unaware of any similar sale of lots in existing developed urban areas of Los Angeles that has been studied at anything approaching the length or detail the DEIR has gone to in this instance. ***C3-9 cont.***

The DEIR recognizes that the Commission will not have jurisdiction over future development, but recommends mitigation measures that other responsible agencies should consider imposing during any subsequent environmental review of future development projects that may be proposed.[17] Recommending mitigation measures for future development that is not within the Commission's jurisdiction is not required by CEQA and in doing so, the DEIR again goes beyond the requirements of CEQA. ***C3-10***

Thus, the DEIR goes beyond the requirements of CEQA in a number of respects. CEQA requires agencies to consider the potential environmental effects of discretionary decisions within their jurisdiction and to inform the public of these considerations. The Commission's DEIR on SoCalGas' proposed sale of surplus properties at issue in this proceeding goes well beyond these basic requirements.

II. <u>The Commission's Environmental Review Has Unnecessarily Delayed SoCalGas' Sale Of Surplus For Over Five Years</u>

SoCalGas filed its application for authorization under Public Utilities Code section 851 to sell the properties at issue in A.99-05-029 on May 14, 1999, over five years ago. The application clearly demonstrates that none of the properties at issue is necessary or useful for utility purposes. The DEIR is premised, however, on the assumption that prior discretionary review and approval of the proposed sales of lots by the Commission under Public Utilities Code section 851 is required. This assumption is, however, inconsistent with the literal language of section 851 and applicable case law. Section 851 applies only to utility property which is "necessary and useful" to the utility in performing its duties to the public. Section 851 provides, in pertinent part: ***C3-11***

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[16] DEIR at 4.A-1.

[17] *See* S-2 and summary of potential impacts and recommended mitigation measures at DEIR at S-12 to S-13. Recommended mitigation measures include: (a) control of dust during construction; (b) surveys at Cluster 9 to determine if monarch butterflies are present prior to the start of construction; (c) surveys at Cluster 12 for globose dune beetles prior to construction and measures for compensation of loss of habitat; (d) site-specific geotechnical investigations for each building proposed to be constructed; (d) measures to limit noise from construction equipment; (e) transportation of construction materials off-peak to limit impacts on transportation and traffic; and (f) proper drainage at each site.

> No public utility . . . shall sell . . . the whole of any part of its . . . plant, system, or other property *necessary or useful in the performance of its duties to the public*. . . without first having secured from the commission an order authorizing it so to do.[18] (Emphasis added)

Section 851 further provides:

> *Nothing in this section shall prevent the sale . . .by a public utility of property which is not necessary or useful in the performance of its duties to the public* and any disposition by a public utility shall be conclusively presumed to be of property which is not useful or necessary in the performance of its duties to the public, as to any purchase, lessee or encumbrancer dealing with such property in good faith for value.[19] (Emphasis added)

A long line of Commission decisions have interpreted section 851 consistent with its literal language and held that no prior approval from the Commission is required for the sale of land by a utility that is not necessary or useful for utility purposes. In *Rooney v. Pacific Bell*, D.02-02-045 (February 2002), for example, the Commission dismissed a complaint brought against Pacific Bell for its sale of certain real estate without obtaining prior Commission authorization under Public Utilities Code section 851. The Commission did so on grounds that the property at issue was not used or useful for utility purposes and, as a result, no prior approval from the Commission was required for the sale.[20] ***C3-11 cont.***

Under this precedent, no prior approval from the Commission should be required for the sale of the lots at issue in this application since there is no question that they are not used or useful to SoCal Gas in the performance of its duties to the public. SoCal Gas's experts long ago determined that the property was not necessary or useful in the operation, maintenance or monitoring of its Playa del Rey gas storage field and all of the wells on the properties have long since been abandoned and plugged. As a result, no prior approval from the Commission is required for SoCal Gas to proceed with the sales of the property[21] and no review under CEQA is technically required.

Even if prior review and approval was required under Public Utilities Code section 851, which Paragon does not believe to be the case, the potential future development of all of the

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[18] Pub. Util. Code § 851 (2003).

[19] Pub. Util. Code § 851 (2003).

[20] *See* also additional precedent cited by SoCal Gas in its Application at 2, footnote 1, and in its Opening Brief (February 16, 2001) at 3-7.

[21] *See* SoCalGas Opening Brief (Feb. 16, 2001) at 9 for further discussion of this issue.

parcels at issue, with the possible exception of certain of the lots in Cluster 12 and Cluster 9, is categorically exempt from CEQA.

CEQA does not apply to activities that have been determined categorically exempt from CEQA.[22] Among the activities categorically exempt from CEQA under the CEQA Guidelines is in-fill development.[23] In-fill development is defined under the CEQA Guidelines as a project meeting the following criteria:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies, applicable zoning designations and regulations;

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;

3. The project site has no value, as habitat for endangered, rare or threatened species;

4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality;

5. The site can be adequately served by all required utilities and public services.[24]

C3-11 cont.

The Commission has recognized the categorical exemption for in-fill development in prior proceedings and has held applications under Public Utilities Code section 851 for in-fill development exempt from CEQA. In *Re Southern California Edison Company*, D.02-02-041, for example, the Commission granted approval under Public Utilities Code section 851 for the lease of utility owned real property for the construction of a car wash. In doing so, the Commission noted that the construction of the car wash would constitute in-fill development in an existing urbanized area and, as a result, was exempt from CEQA.[25]

The Initial Study in this proceeding stated that SoCal Gas' sale of property may have the reasonably foreseeable effect of future development and characterized such potential future development as "infill structural development."[26] The facts fully support the conclusion that any future development will be in-fill development. Paragon intends to construct single family homes on all of the lots at issue consistent with local zoning[27] and such development is fully

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[22] CEQA Guidelines, Cal. Code Regs. tit. 14, § 15300.

[23] Class 32 categorical exemption, CEQA Guidelines, Cal. Code Regs. tit. 14, § 15332.

[24] Cal. Code Regs. tit. 14, § 15332 (2003).

[25] *See Re Southern California Edison Company*, D.02-02-041, mimeo at 7 (February 21, 2002).

[26] Initial Study at H-1.

[27] The parcels in Cluster 3 are currently zoned for multifamily development. Paragon anticipates constructing multifamily residential structures on these lots consistent with their current zoning. The lots in this cluster are not among those for which Paragon is seeking an exemption from Public Utilities Code section 851.

accounted for in the City of Los Angeles' Westchester Community Plan and General Plan Framework. The aggregate total of all of the lots is approximately 4.7 acres and as a result, none comes close to exceeding five acres. All are in highly developed areas and none have value as habitat for endangered, rare or threatened species, with possible exception of lots in Cluster 12 and certain lots in Cluster 9.[28] Finally, the DEIR finds no other significant impacts of future development that cannot be mitigated through compliance with existing local regulations and conditions commonly incorporated by developers into project plans to mitigate potential impacts. And Paragon has already expressed its willingness to incorporate such mitigation into its plans for any future development.[29] As a result, any future development, with the possible exception of certain parcels in Clusters 12 and 9, will constitute in-fill development categorically exempt from CEQA under the Class 32 categorical exemption.[30] ***C3-11 cont.***

In failing to recognize the absence of any requirement for SoCalGas to obtain prior discretionary approval under Public Utilities Code section 851 for the sale of the surplus properties at issue and failing to fully acknowledge the in-fill nature of any future development on the majority of the properties, the Commission has unnecessarily delayed the sale of these properties for over five years.

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[28] Cluster 12 contains a small population of globose dune beetles that could potentially be impacted. DEIR at 4.C-18. And Cluster 9 contains Eucalyptus trees that are potential habitat for gathering monarch butterflies. DEIR at 4.C-17. The monarch butterfly does not meet CDFG guidelines for protection, but is considered rare under CEQA Guidelines section 15380. DEIR at 4.C-17. No monarch butterflies were observed during surveys of the site, the site is not documented as a CDFG overwintering site and the DEIR concludes that "the potential for monarch butterflies to use Cluster 9 as overwintering habitat is considered low." DEIR at 4.C-17. Nevertheless, the DEIR concludes that monarchs "could potentially use the site in the future to gather before moving on to a full-term roosting area." DEIR 4.C-17 and 4.C-10. As a result, the DEIR recommends mitigation measures to determine whether any such butterflies are present during construction and to avoid any significant impacts if they are. With these measures, the DEIR concludes that the impact would be less than significant. *See* DEIR at 4.C-17, Appendix C "Summary of Results For Monarch Butterfly Surveys" and mitigation measures recommended at S-12 to S-13.

[29] Paragon has already agreed to incorporate all of the mitigation measures recommended in the DEIR into any future plans for development of the eight lots included in its June 29, 2004 motion for interim decision. *See* Declaration of Brain Catalde in Support Of Motion For Interim Decision filed with Paragon's June 29, 2004 motion.

[30] Most of the development will also likely consist of limited numbers of individually permitted and constructed single family residences on legal parcels in residential zones in urbanized areas with no more than three single family residences on any legal parcel. As a result, such development is also likely to be categorically exempt under the Class 3 categorical exemption for limited numbers of small structures. CEQA Guidelines, Cal. Code Regs. tit. 14, § 15303(a)).

III. The DEIR Should Be Revised To Acknowledge The Commitments Paragon Has Made In It's Motion For Limited Exemption

The DEIR was prepared prior to the date that Paragon filed its motion for a limited exemption under Public Utilities Code section 853(b) to acquire eight of the parcels at issue in this proceeding. The DEIR was issued on June 4, 2004 and Paragon's motion was filed with the Commission on June 29, 2004. As a result, the DEIR fails to acknowledge that Paragon has agreed to commit to incorporate all of the mitigation measures recommended in the DEIR pertinent to lots 14 through 17 in Cluster 7 and lots 22 through 25 in Cluster 8 into the project plan for any future development of these lots.[31] Existing state and local regulations governing development in areas of earlier oil and gas exploration and production, together with these additional commitments by Paragon, will ensure that neither the sale nor the potential future development of the eight lots for which Paragon seeks an exemption from Public Utilities Code section 851 could possibly have any significant impact on the environment.

In prior proceedings where the proponent of a project has agreed to incorporate provisions into the project plan sufficient to avoid or mitigate any potentially significant impacts on the environment, the Commission has taken these commitments into account in determining how to comply with CEQA. In the Commission's recent decision authorizing SoCalGas to sell its Montebello natural gas storage field,[32] for example, the Commission prepared a mitigated negative declaration instead of a full environmental impact report in recognition of the fact that, while the Commission's initial study identified potentially significant impacts, including impacts on endangered species, SoCalGas agreed to mitigation measures sufficient to mitigate all such impacts.[33] *C3-12*

The final environmental impact report in this proceeding should accordingly be revised to acknowledge the commitments Paragon has made to incorporate all of the mitigation measures proposed in the DEIR in any future plan for development of the eight parcels included in its motion. In addition, should the Commission grant Paragon's motion prior to completing and certifying the FEIR, the FEIR should be revised to note that the Commission has granted an exemption from Public Utilities Code section 851 under Public Utilities Code section 853(b) and, as a result, no discretionary review or approval by the Commission is required for the sale of these eight parcels. Granting Paragon's motion will not have any effect on the Commission's jurisdiction to review or approve the sale of the remaining twenty eight parcels included in SoCalGas' application or on the applicability of CEQA to such sales.

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[31] *See* Paragon Motion at 14 (June 29, 2004); and Declaration of Brian Catalde in Support of Motion For Interim Decision (June 24, 2004) at 2.

[32] *In the Matter of the Application of Southern California Gas Company for Authority Pursuant to Public Utilities Code Section 851 to Sell its Storage Field in Montebello*, D.01-06-081 (June 28, 2001).

[33] D.01-06-081 at 19-22.

IV. Conclusion

Paragon appreciates the extraordinary lengths to which the Commission has gone in this proceeding to ensure that it has fully complied with CEQA. The Commission has, however, gone well beyond the requirements of CEQA in its exhaustive review and analysis of the numerous claims of intervenors and in doing so has unnecessarily delayed approval of SoCalGas' proposed sale. In doing so, it has thereby deprived SoCal and its ratepayers of the benefit of the gain on sale that will be realized when these sales are completed and Paragon of any return on its investment to date in the acquisition of the parcels it has long awaited. Since the Commission has finally completed its DEIR and the DEIR has now made it abundantly clear through detailed and thorough analysis that neither the sale nor potential future development of the property at issue will have any significant impact on the environment that cannot be mitigated, Paragon urges the Commission to: (1) promptly grant Paragon's previously filed motion for an interim decision granting a limited exemption under Public Utilities Code section 853(b) from Public Utilities Code section 851 for the sale of eight parcels[34] pending issuance of a final decision in this matter; and (2) expeditiously complete the FEIR and approve SoCalGas' application for the sale of the remaining parcels without further delay. *C3-13*

Very truly yours,

Davis Wright Tremaine LLP

/s/ Edward W. O'Neill

Edward W. O'Neill

cc: Tim Morgan, Environmental Science Associates (via E-Mail and U.S. Mail)
Administrative Law Judge Carol A. Brown (via E- Mail and U.S. Mail)
Assigned Commissioner Carl W. Wood (via E- Mail and U.S. Mail)
President Michael R. Peevey (via E- Mail and U.S. Mail)
Commissioner Loretta M. Lynch (via E- Mail and U.S. Mail)
Commissioner Geoffrey F. Brown (via E- Mail and U.S. Mail)
Commissioner Susan P. Kennedy (via E- Mail and U.S. Mail)
David Gilmore, Sempra Energy (via E- Mail and U.S. Mail)

[34] Paragon Motion (June 29, 2004)

LETTER C3 – DAVIS WRIGHT TREMAINE LLP FOR PARAGON COMMUNITIES

C3-1 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C3-2 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C3-3 The commenter states that it agrees with the conclusions contained in the DEIR. Nevertheless, the commenter also asserts that it does not agree with the CPUC's decision to prepare an EIR. CEQA Guidelines Section 15063(b)(1) requires that if there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Lead Agency must either prepare an EIR, use a previously prepared EIR that adequately analyzes the project at hand, or use one of CEQA's allowable tiering methods to determine which of the project's effects have already been adequately examined in an earlier EIR or Negative Declaration. Public Resources Code Sections 21080(d) and 21082.2(d) state that a Lead Agency may determine that an EIR must be prepared when it can be fairly argued, based on substantial evidence, in light of the whole record, that a project may have a significant effect on the environment. In 2003, an Initial Study was prepared for the project to determine whether an EIR or a Negative Declaration would be necessary. The Initial Study, published in September 2003, concluded that the proposed sale *could* have a significant effect on the environment, and therefore warranted the preparation of an EIR.

C3-4 The commenter argues that there would be no physical change to the environment as a result of the proposed sale, there is no single development project that has been proposed, and any future developments that may be proposed will be subject to review and approval by local agencies with primary jurisdiction at the appropriate time when specific development plans are submitted for approval. The commenter therefore concludes that, in its opinion, SCG's application to the CPUC is not "technically subject to CEQA."

CEQA Guidelines Section 15378(a) defines a "project" subject to CEQA as "the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment …" CEQA Guidelines Section 15378(c) further defines a project as an "activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." The discussion following CEQA Guidelines Section 15378 explains that the above definition of project ensures that the action reviewed under CEQA is not the approval itself but the development or other activities that would

result from the approval. While the DEIR acknowledges that future development will be subject to review and approval by local agencies (i.e., City of Los Angeles) (see specifically DEIR page 3-15), the whole of an action that may result in a physical change in the environment must be considered under CEQA. The CPUC found that future development of the lots was a reasonably foreseeable consequence of the proposed sale and thus, should be included in the environmental analysis of the proposed sale.

The commenter also states that the 36 lots are no longer used or useful for utility purposes. Whether or not the 36 lots are actually "necessary or useful" (and therefore subject to Public Utilities Code Section 851) will be addressed by the Administrative Law Judge and decided by the CPUC during the general proceedings for the application; rather than through the CEQA process. See Master Response, *Project Description*.

C3-5 The comment is noted. Please see also response C3-4 above.

C3-6 The commenter accurately characterizes the DEIR conclusions in this comment.

C3-7 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR.

C3-8 The commenter accurately characterizes the DEIR conclusions in this comment.

C3-9 The commenter states that it does not agree with the CPUC's decision to include an analysis of potential impacts associated with the presence of abandoned soil and gas wells in the vicinity of the future development of the lots proposed for sale. However, to determine potential environmental impacts to public health and public safety, the analysis was required to complete the DEIR. The DEIR concluded that the public health and safety impacts of future development could be mitigated to less than significant levels with application of City of Los Angeles Building Code methane mitigation standards.

C3-10 This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. See also responses C3-4 through C3-9, above.

C3-11 The commenter suggests that SCG's application should not be subject to discretionary review and approval by the CPUC under Public Utilities Code Section 851. The commenter states that no prior approval from the Commission should be required for the sale of the lots at issue in this application because there is no question that they are not used or useful to SCG in the performance of its duties to the public. Therefore, the commenter states that, no prior approval from the Commission should be required for SCG to proceed with the sales of the property and that CEQA review is not required. The commenter further asserts that future development of the 36 lots proposed for sale,

with the possible exception of lots in Clusters 9 and 12, are categorically exempt from CEQA because the reasonably foreseeable future development would constitute infill development.

While it is true that SCG filed an application with the CPUC under Public Utilities Code Section 851 to sell properties that are currently in the rate base, the proposed sale is a discretionary action. Therefore, the CPUC, as the lead agency for the application must determine whether CEQA is applicable. CEQA defines a project as "the whole of an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines Section 15378(a)).

The CPUC determined that SCG's application meets the definition of a "project" under CEQA, that it was not categorically exempt from CEQA, and that an EIR must be prepared for the project. Among the activities categorically exempt from CEQA is in-fill development.

While the reasonably foreseeable future development of the 36 lots proposed for sale meet some of the requirements for in-fill development; all of the criteria are not satisfied, namely by items *3* and *4* listed in the comment letter. At the time of the CPUC's decision that an EIR be prepared, it could not be determined whether the future development would result in any significant effects relating to traffic, noise, air quality, or water quality. Whether or not the 36 lots are actually "necessary or useful" (and therefore subject to Public Utilities Code Section 851) will be addressed by the Administrative Law Judge and decided by the CPUC during the general proceedings for the application; rather than through the CEQA process.

C3-12 This comment concerns 'a motion filed by Paragon Communities Inc. on June 29, 2004 for a limited exemption under Public Utilities Code Section 853(b). This matter is not pertinent to the environmental review process for this application; rather it is a part of the general proceedings for SCG's application. Any determination on Paragon's motion will be made by Administrative Law Judge Carol Brown as part of the general proceedings of SCG's application.

This comment also states that in Paragon's June 29, 2004 motion, Paragon has agreed to incorporate all of the mitigation measures recommended in the DEIR that are pertinent to lots 14 through 17 in Cluster 7 and lots 22 through 25 in Cluster 8 into the project plans for any future development of those lots. The following text is added to the bottom of DEIR page I-2 under Section 1.3, *Approach to Analysis*:

> …this EIR identifies potential impacts that could occur and provides recommended mitigation measures that could and should be applied to other responsible agencies during subsequent environmental review and approval processes for specific future project on the lots proposed for sale as they occur.

In a motion filed by Paragon Communities, Inc. on June 29, 2004, Paragon has agreed to incorporate all of the mitigation measures recommended in the DEIR that are pertinent to lots 14 through 17 in Cluster 7 and lots 22 through 25 in Cluster 8, into the project plans for any future development of those lots. However, it will be under the jurisdiction of other agencies to adopt, implement, and enforce any mitigation measures ultimately imposed on potential development projects on the lots in question.

C3-13 This comment does not state a specific concern or question regarding a significant environmental impact or adequacy of the DEIR. The comment acknowledges that the DEIR is thorough and comprehensive. This comment is noted.

The commenter urges the CPUC to grant approval of Paragon's June 29, 2004 motion and to complete the FEIR for this proposed sale and approval SCG's application for the sale of the 36 lots. The CPUC and its EIR consultant released this FEIR on October 19, 2004 for public review. The commenter's request for the CPUC to grant approval of Paragon's June 29, 2004 motion does not pertain to the CEQA process for this project and therefore cannot be addressed in this Final EIR. Paragon's motion is part of this project's general proceedings and any determination on the motion will be made by Administrative Law Judge Carol Brown.

Letter C4

Vonblum, Heidi

From: Leslie Purcell [lapurcell@verizon.net]
Sent: Wednesday, July 21, 2004 8:10 PM
To: hvonblum@esassoc.com
Cc: playadivest@esassoc.com
Subject: SoCal DEIR GTIOC Response.doc

GABRIELINO / TONGVA INDIANS OF CALIFORNIA TRIBAL COUNCIL

JOHN TOMMY ROSAS
VICE-CHAIRMAN / TRIBAL LITIGATOR
4712 ADMIRALTY, SUITE 172
MARINA DEL REY, CA 90292
310-570-0440

7 / 21 / 0 4

This is our response to Southern California Gas Co. Draft EIR A.99-05-029.

Cultural Resources, Section V, (p. 21) states that Cultural Resource Issues and Impacts are listed as (a) No Impact and (b,c,d) Less than Significant with Mitigation Incorporation.

We object to and disagree with these assumptions and assessments. Our traditional coastal village, known as Sa'angna, is located within the subject properties under this review. ***C4-1***

All (a,b,c,d) issues should be listed as Potentially Significant Impacts. Unfortunately, we have suffered historically, that upon construction or excavation a reasonably high potential for destruction of burials and cultural resources and other adverse impacts exists.

At this time we are requesting that a full Section 106, NHPA process be implemented. ***C4-2***

As far as Appendix D suggests about our traditional ways of life and history, there are numerous errors and assumptions which we object to. ***C4-3***

Our position at this point in time is to request that all lots be donated or dedicated to our tribe, held in trust by our tribal council, and be left *in situ* preservation. Further, and to restore the land to the original or best natural setting, including additional habitat support, i.e. water, trees, etc., as all the "developments" have adversely impacted the environment, including native birds and plants. ***C4-4***

Please consider our requests seriously, as we oppose any sale of property and the following "development" of more homes and businesses. ***C4-5***

Letter C4 continued

Sincerely,

Johntommy Rosas

LETTER C4 – GABRIELINO / TONGVA INDIANS OF CALIFORNIA TRIBAL COUNCIL

C4-1 According to the records search conducted by the South Central Coastal Information Center at CSU, Fullerton, CA-LAN-47 is designated as the Gabrielino village of *Sa-Angna*, placing it approximately one-mile from the project area. However, if the tribal information places the scope of the village to include the entire Playa del Rey project area, it would be reasonable to assume that subsurface cultural material may occur anywhere in the Playa del Rey portion of the project area.

The text of DEIR page 4.D-5 is revised as follows:

> Twenty-eight archaeological sites have been recorded within a one-mile radius of the ~~project area~~ 34 Playa del Rey lots. Of these, 23 are prehistoric archaeological sites and six are historic archaeological sites. One of these sites is listed as a City of Los Angeles Historic-Cultural Monument No. 490, CA-LAN-47. It is designated as the Gabrielino village of *Sa-Angna*, placing it approximately one-mile from the project area.
>
> Six prehistoric sites are located within the boundaries of the PDR portion of the project area: CA-LAN-63, CA-LAN-64, CA-LAN-65, CA-LAN-203, CA-LAN-204, and CA-LAN-206. These sites are summarized below in **Table 4.D-1**. All six sites are situated in the northern half of this portion of the project area, between Gulana Avenue on the west and Hastings Avenue on the east, placing some of these known site locations within a quarter-mile of the 36 lots proposed for sale. CA-LAN-63 and LAN-64 were identified approximately 1/2 mile east of the lots. The locations of the 36 lots were compared with the mapped locations of these prehistoric sites, and none of the parcels are within the boundaries of the prehistoric sites. None of the known sites were identified within the footprints of the lots.
>
> Many of the sites listed, LAN-63, 64, and 206, have been extensively investigated (Van Horn, 1987 and Altschul, 1997). On the basis of CEQA criteria (see below), CA-LAN-206 was found to be too degraded to be considered an important cultural resource. LAN-63 and 64 were found to meet the CEQA criteria and were scientifically investigated to a level that reduced adverse effects of the proposed West Bluffs development (Planning Consultants Research, 1998). Given this information and the distance of these sites to the Playa del Rey lots (at approximately 1/2 mile from the recorded boundaries of LAN-63 and 64), further impacts to these sites is not anticipated. Although the locations given for sites CA-LAN-65, 203, and 204 do not correspond to the lot footprints, they were recorded with ambiguous or uncertain information regarding their exact location; however, the sites were small and have been likely destroyed due to development and natural erosion since their original recordation.

> The Westchester Bluffs, which overlook the Ballona Creek drainage to the north, would have served as an optimal location for exploiting Ballona Creek wetland resources. However, these sites have been largely destroyed as a result of bluff erosion and housing development. Thus, the sale and future development of these parcels would not result in adverse impacts on any of these known resources. However, previously unrecorded subsurface archaeological resources could be present within the individual parcels.

The first paragraph of Impact D.1 on DEIR page 4.D-10 is revised as follows:

> Although the present survey and previously conducted surveys did not reveal new cultural resources at the proposed lots, these surveys may not conclusively demonstrate the nonexistence of subsurface cultural resources on the project site. Traditional foot survey methods are constrained due to variation in the natural landscape, such as grass cover and grazing that can obscure surface evidence. Moreover, the Westchester bluffs and the surrounding area have experienced a long period of human occupation and landscape change. The proximity of a number of previously recorded archaeological sites, e.g. CA-LAN-63, 64, 203, 204, and 206, also lends to the area's importance prehistorically. In addition, Native American representatives have indicated that the bluff area was a prominent village site called *Sa'anga.* Significant artifactual, ecofactual (i.e., plant and animal remains), and geofactual (i.e., soils, sediments, and minerals) evidence of this occupation may be revealed whenever subsurface activity takes place. If historical resources, unique archaeological resources, or traditional cultural properties do exist on the project site, grading and other construction-related activities could cause significant impacts to the scientific value of those resources.

In light of the information regarding the *Sa-Anga* village sites, in addition to concerns aired by other Native American representatives, mitigation monitoring is being recommended. Please see changes to Mitigation Measure D.1 in response B4-1.

C4-2 Section 106 (16 U.S.C. 470f) of the National Historic Preservation Act does not apply to undertakings that are merely subject to State or local regulations, as is the case with the proposed project. If a proposed undertaking includes the jurisdiction of a federal lead agency, requires the use of federal funds, or occurs on federal lands, it is necessary to comply with Section 106 of the NHPA. Because the proposed project does not require the use of federal funds, occur on federal land, or require a federal permit, it is not subject to Section 106 of the National Historic Preservation Act.

C4-3 The commenter states that it objects to errors and assumptions contained in the DEIR regarding the traditional ways of life and history of the Gabrielino / Tongva Indians. As the commenter does not indicate which errors it objects to, no further response is possible.

C4-4 This comment will be considered by the CPUC prior to approval or denial of SCG's application. Leaving the 36 lots as is was considered in the EIR as the No Project Alternative. CEQA considers impacts of the proposed project on the environmental baseline, existing conditions of the project site; therefore, it would not be appropriate within the EIR to consider restoring the sites to prior environmental conditions.

C4-5 The comment is noted.

Grassroots Coalition

For Full Disclosure of Public Health and Safety Issues

#11 *Letter C5*

To: Loretta Lynch

Location: California Public Utilities Commission

Recipient's Fax: (415) 703-3933

From:

Total number of pages (including cover sheet): 32 Date: 6/15/2002 Time: 2:33 PM

SPECIAL INSTRUCTIONS

ENCLOSED ARE LETTERS FROM 515 RESIDENTS NEAR THE SOCALGAS UNDERGROUND GAS STORAGE FACILITY in Playa del Rey. These residents want the California Public Utilities Commission to do:

1) **A full Environmental Impact Report (EIR)** on their investigation of SOCALGAS Company's sale of their lots with abandoned oil wells on them. A full EIR would ensure the maximum amount of public participation on this issue. Pathways of gas migration to the surface, both at the wellheads and leakage away from the well heads, as caused by the operation of SOCALGAS Co throughout the area, needs to be thoroughly investigated and addressed using expert petroleum engineering and gas migration expert.

2) **The Health Risk Assessment and Safety Investigation of SOCALGAS Company's** operation must proceed as soon as possible. The Safety Investigation should utilize well-established oil/gas field investigation protocol and a reservoir leakage and inventory study.

Please help protect public health and safety of people on the Westside of Los Angeles. Get us answers.

These letters have also been faxed to the following list:

Matthewson Epuna, Utilities Engineer (CPUC) FAX: 213-576-7013
Roosevelt Grant, Regulatory Analyst (CPUC) FAX 415-703-2200
Richard Clark, Director of Consumer Safety (CPUC) FAX: 415-703-3533
Paul Clanon, Director of the Energy Division FAX: 415-703-2200
Loretta Lynch, President (CPUC) FAX: 415-703-3933
Carl Wood, Commissioner (CPUC) FAX: 415-703-2532
Michael R. Peevey, Commissioner (CPUC) FAX: 415-703-5091
Geoffrey Brown, Commissioner (CPUC) FAX: 415-703-1294
Henry M. Duque, Commissioner (CPUC) FAX: 415-703-3352
GOVERNOR GRAY DAVIS

11924 W. Washington Boulevard • Los Angeles, CA 90066 • 310 636-3506 • Fax 310 636-3501 • www.saveballona.org

If you do not receive all your pages, please call at

LETTER C5 – GRASSROOTS COALITION

C5-1 Approximately 500 form letters from citizens in the project area were included in a package submitted by the commenter. These form letters request that the CPUC [1] prepare a full EIR on their investigation of SCG's sale of their lots that have abandoned oil wells on them and [2] that a Health Risk Assessment and Safety Investigation of SCG's operation be conducted. Form letters that were included in the commenter's submittal were received from the following individuals:

Judith Abe
Heidi Abra
J. Affelda
Pas/Jim Alden
Daphne Allen
Joanne Altschuler
Mark Ambrose
Neville Anderson
Tammy Andrews
Mary/Gary
Antonelli/Bernard
Wendy Apple
Jack/Eileen Archibald
John E. Armer
Susan Augar
Otto Aumack
Chris Ayers
Jean-Lu Azzis
Ruben C. Bagarino
Jim Bariet
Eric Barnard
Robert Barreti
Suzanne Barry
Teresa Baudet
Bruce/Suzan
Bauman/Woodruff
Michael/Ciryl
Bear/Divis
Helen Beatter
Jonathon Beggs
Luda Bernatavichene
Ron Berry
Ruth Berttholiotti
Linda Beugg
Frank/Esther
Bichlen/Mainz
Ryan Bilbrey
Daren Black
Jeanne Blackstone
Michele Blair
Peter J. Blaser
Jerold Block
Lynn Boorse
Mr/Mrs Bosley
Hal/Eve Bowen
Michael Bowers
Aviva Boxer
Anthony Boyar
Kelly Boyer
William Brabender
Theresa Brady
Catherine Bratton
Kimberly/Martin Bright
Joey Brown
Lea Brown
L. Buccieri
Maris Burnett
Ellen Burr
Paula Cabot
Tyson/Carrie
Caffo/Eiosmoe
Diana/Miriam Caldwell
Louis Cangemi
Mark Cappelletty
Joanna/Joseph Carey
Alessa Carlino
Maria Carona
Paul Cassidy
Susan/Mark Chalada
Stuart M. Chandler
Gary Chase
Richard J. Chew
Jerry T. Ciaramello
Karen Ciccone
Jeffrey Ciriello
Dan Cohen
Charity Luv Colbert
Vallerie Coleman
Alison Colen
Adam Collis
Linda Conti
Susan Coons
Eileen Corliss
Thomas Corte
Nancy L. Corzine
Douglas Brian Coulter
Teresa Cowrow
Gina Creps
Mary Cripps
Joe Crompton
Mark L. Crosby
Susanne L. Cumming
Nancy Cunningham
Jordan Curtis
James E. Daly
Pravin Dave
Barbara Dave
Neeta Dave
W. Davenport
Patricia Davenport
William/Kemiko Davis
T Davis
Ted Davis
Suzanne DeBenedittis
Patti Deckett
Martin Denennis
Cari Derbite
Patricia K. Dey
Raffi Dionysian
Ron/Jeane Disalvo
Melissa/Nate
Donfeld/Cherry
Richard Donovan
Roger Duell
Joseph Duerr
Arthur Duncan
Richard Eames
Ted D. Easton
Barabara Eisenberg
Robert/Jaynee Eitel
Kay Ellwood
Ray Engle
Teri English
Robert Enriquez
Carol Espinoza
David Evans
C. Fanning
William Farhood
William N. Farhood, Jr.
Lisa Farris
Justine Faust
Pierfederici

Reva Faver
Juanita/Michael Feiguey
Robert Feist
Greg Ferrell
Mauro Ferrero
Alan Fetzer
Nancy Fierro
Rachelle Figueroa
C.M. Filliettaz
Peggy Fisher
James Fishman
Greg Fitzsimmons
Tammy F Fleming
James Forrelli
Ross Frankel
Allen D. Frankel
Gregory Freedman
Lisa Freeman
Cheryl Freeman
Gus Galaldo
Chris Gallo
Sandra/Ken Garber
B. Garbrigh
Eugene Garr
Herbert Gartsman
Dorothy Garven
Joyce Gass
Valerie Gaster
Ronald Geisler
Gladys Ghathan
Brian Glick
Joseph Goldberg
Francisco Gonzalez
Nava
Joshua Gordon
Mary Kay Gordon
T. Gotch
Jeff Gottesman
Courtney Graff
Clyde V.Grant, Jr.
John R. Green
Heather Green
Linda J. Guagliano
Marilyn J. Gunther
Bob Gurfield
Karen Guthrie
Mary Gutzi
Robit Hairman
Susan Haist
Eileen Haller
Richard Hankins
Illona/David
Hanson/Ruhoff
S/D Harger
S. Harguson
Teresa Haro
Beth Harrison
Brett Hawkins
Emily C. Hay
J. Haynes
Elaine Healy
Bryan Hill
Lewis Holmes
Cleo Holmes
Dora Horin
Michael Horn
James Hritz
Lowell Hubrock
Sarah Hughes
Kathleen Humble
Neil/Lyudmila Hunt
Robert/Sylvia Huth
Joyce Iomeeje
Shawnee Isaac Smith
Thelma Jackson
Kieth James
Philip Jamtaas
John Jang
B. Jeninowicz
Chris Jennings
Amy/Sean
Jirsa/Schmeits
Steve Jodd
Harry Johnson
Susan Judy
Stephanie/Harvey Kaner
Marilee/Fred Karlsen
Birgitta Kastenbaum
Kevin Katz
Durnfod Kay
Debra Kazden
Kathleen Kelemen
Don/Joann Kelley
Bob Kendler
Judson R. Kennedy
Lisa Kienholz
James C. King
Durnford/Laurel
King/Schmidt
Jackie Koeper
Mark/Marian/Camille
Kohr/Bradley-Kohr
Jody Kolasinski
Doug Korthof
C. Kovac
Gene Krisefer
Katherine Kristensen
Rick/Myra Kriwanek
Joanie Laine
Betty Lalya
Susan Lane
Michael A. Lanham
Aline LaPierre
Cheryl Leader
Leanne Leay
Rachel Lee
Angles I. Lee
Rick/Quila H. Lee/Creig
Sheila Leffey
Jennifer Lehr
S.O. Leigh
Hugh Levick
Lorelyn Lewis
P. Liberman
Isaac Lieberman
M. / L. Lipman
Steven Locke
Wendy Lockwood
Richard Lopatto Jr.
Juan J. Lopez
Peter Low Jr.
Ismael Lozano
Mjh Luitr
Jennifer Luke
L. Luna
Charlene Lutz
Corrina Lyons
Kolleen Mailloux
Jayne Major
Arthur/Josephine
Mandela
John Mandell
Jessie Marcus
Stephen Markel
Audrey Marlett
Gina Marra
Tracy Martin
Armando Martinez
Nora Masterson
Deborah McAfee
Tom McComas
Carolyn McCown
Mare McCoy
Tom McCusker
John L. McGinn
Colleen McHugh
April McKay
Heather McNab
Ken Meares
Maria Mechoso
Linda Medina
Kate Meigneux
Juan M. Mendez
Donna Meniman
Rhino Michaels

Debra/Richard
Miller/Abcarian
Maureen Milligan
Paul Mindell
Joan Miner
Aaron/Natalie Mirsky
Vita Mones
John Z. Montgomerie
Rod Moore
Barbara Moranda
Cesar Morea
Stewart Morris
Violet Moyer
Ingrid Mueller
Sharon Mullane
Joan Murray
Shelley Myer
Solomon Namala
Robert Naseunet
Bruce Near
Douglas
Neuenschwander
Joe Neuhaus
Miles Newton
Lynda Newton
Alison Nickerson
Rebecca Nicolaon
Nora Nicosia
Heidi Nielsen
Steven Novak
Irene O'Bright
Michael Pajaro
Linette Palmer
Margaret Palo
K. Pappas
Rochelle Parker
Jane Parks
Jon Pearco
Arthur Pearson
Arlene Peck
Iyari Perez
Carlos Perez
Maria Petra Gochicoa
Judith Petrix
Victor Pewso
Shirley Pfeil
Cliff Phillips
David Pierce
Steve Pine
Jessica Platek
Dave/Pat Plesh/Davis
Peggy A. Pollino
Lorraine Ponce
Tom Ponton
Judith Ann Pope
Elizabeth Poulin
Nancy Prale
Spencer Prester
Ingeborg Prochazka
Morgan Radford
Manuel C. Ramirez
Michael Rangel
Sylvia Rath
Robin Rea
Pam Rector
Charles Redrich, Jr.
Ada Reed
Mike/Laurie Reinhandt
Lou/Maria Reusch
Judith Reyes
Victor/Eluira Reyna
Deborah L. Rhodes
James Rickabaugh
Eric Rigney
Marjatte Rileala
Arthur/Frieda Rivin
Eva Roberts
Kelly Roberts
Cara Robin
Marino Rodriguez
Pat Rogers
Joy/Tim Rohde
Shannon Root
Lee/Marie Roozen
Otto Rose
Lawrence Rosen
Drew Ann Rosenberg
Bernard Rosenberg
Jeff Rosenblum
Elizabeth Rossi
Carol Rossi
Eric Roth
Christine Roth
Christine E. Roth
Dhanjij Roy
Roxanne Ruben
Renee Rudzinski
Dario/Gloria Ruiz
William E. Rumage
Kate/Tom Runyan
Randy Rutkin
Susan Sabe
Linda Sabel
Steven Sacher
Maren Sampson
Ruth San Pietro
Jesse/Ilona Sanchez
Jorge/Irma Sandria
Nikki Sanoff
Sheri Saumers
Al Schachter
Krista Scheeff
Sabine Brigitte
Schlosser
Laurel Schmidt
Harry Schwartz
Rebecca Schwiebert
RE Seanlan
Wolf Seeberg
Larry Selva
Charles R. Sena
Andre Senasac
T. Shanahan
Lina Shanklin
Stanely/Elisa Sharpe
Dianorah Siacy
Janna Silva
Barry/Dorota
Silver/Rzymska
Mark Silverman
Irma Silverstein
Garita Simons
Thomas Simons
Jonette Slabey
Alice Smith
Susan Smith
Garrett Smith
Barbara T. Smith
Justin Harlow Smith
Mieke Solari
Verner Soler
Gerard/Patricia Soto
Tawnya L. Southern
Will St. Clair
Irene Steffes
Kara Steiniger
Jesse Steinman
Lisa Stevenson
Dana Stohl
Stephen Strati
Saul Suskin
Ardelle Sweeney
Maya Taeles
M. Tankenson
Michael Taylor
Kim Ternenje
Debra-Lynne Terrill
Deborah Thomas
Bert Thomas
Christine Tope
Stephen/Kim Tourrette
Dennis A. Treleven
Barbara Treves
Roberta Trousdale
Lorraine Turcotte

C. Turnage
N. Pandora /Alan R. Utsman-Peoples/Reynolds
M. Vaxv
Sabrina Venskus
Brian Waggoner
Brendan M. Walsh
Carolyn Ward
Heather Waters
Leonard/Doreen Watts
Christine Weil
Richard/Irene Weinberg
Stan/Sheila Weinberg
Alice Welchert
John Weliner
Barbara Westrem
Kelly Wilkinson
Al/Margaret Williams
Carokoyce Wilson
Mark Winter
Nicola Wiseman
Jerry Witt
Carolyn A. Wonka
Janice Woods
Bill/Marlene Woowling
Fabiola Wright
Dana/Steven Wright/Meizler
M.L. Wyche
Neemah Yaminesfandiary
Jamie Zazow
Maurice Zeitlin
Francesca G.M Zimmerman
Clayton Zonshine

These letters were dated June 2002. Subsequent to that time, an EIR has been prepared for the sale of SCG's 36 lots and a Human Health Risk Assessment was conducted for those 36 lots.

D. INDIVIDUALS COMMENTING ON THE DRAFT EIR

D1	Bernard Endres	June 4, 2004
D2	Leslie Purcell	July 19, 2004

TO: **MICHAEL ROSAUER**, CPUC
c/o ENVIRONMENTAL SCIENCE ASSOCIATES
225 Bush Street, Suite 1700
San Francisco, CA 94104
FAX: (415) 896-0332

FROM: **BERNARD ENDRES**, Ph.D.
OIL AND GAS ENVIRONMENTAL CONSULTANT
3045 Tuna Canyon Road
Topanga, CA 90290
(310) 455-0023
FAX: (310) 455-3618

Re: **DRAFT EIR COMMENTS:**
SOUTHERN CALIFORNIA GAS COMPANY'S APPLICATION TO VALUE AND SELL SURPLUS PROPERTY AT PLAYA DEL REY AND MARINA DEL REY (A.99-05-029)

ENVIRONMENTAL IMPACT REPORT
SCH #2003091003
June 4, 2004

INTRODUCTION:

The following comments are submitted regarding the Draft Environmental Impact Report, dated June 4, 2004, prepared for the California Public Utilities Commission, Energy Division, by Environmental Science Associates.

The Draft EIR purports to address the environmental impacts associated with the application of Southern California Gas Company to sell surplus property at Playa del Rey and Marina del Rey under Application Number 99-05-029. As described more fully herein, the Draft EIR has failed to address the true environmental hazards associated with the sale of the subject real property, and has failed to properly address the project description as set forth in Application No. 99-05-029. *D1-1*

In essence, the Draft EIR has chosen to make up its own definition of the "project description," erroneously characterize the property in the title of the report as "surplus property," and utterly ignore the enormous well leakage problems that have existed at Playa del Rey, and at the Montebello underground gas storage field, also operated by Southern California Gas Company. *D1-2*

Both the Playa del Rey and Montebello gas storage fields are important to consider for this environmental assessment for the following reasons:

(1) They are both subject to the jurisdiction of the Public Utilities Commission.

(2) Both fields are located in highly populated urban environments.

(3) Both fields have experienced serious well leakage problems, causing the Montebello field to be shut down because of the risks posed to homes built over abandoned wells, and the inability to control gas storage reservoir losses. *D1-3*

(4) The Montebello field serves as a starting model for the absolute need to put into place, especially at Playa dl Rey, an appropriate monitoring system for the detection of gas migration into the near surface soils, and water table,

under the existing homes at Playa del Rey and Marina del Rey. *D1-3 cont.*

For the foregoing reasons, and especially for reason Number 4 listed above, it is deceptive to have characterized the property to be sold as "surplus property at Playa del Rey and Marina del Rey." First of all, it is not characterized as "surplus" property in Application No. 99-05-029. Secondly, the central issue under the rules and regulations of the PUC is whether or not the property is necessary or useful in the performance of the Utility's duties to the public (see Public Utilities Code Section 851). In order to comply with the Utility's duties to the public, it is absolutely essential to put into place at Playa del Rey and Marina del Rey a proper monitoring system for gas migration. Accordingly, the real property as described in the application is not only necessary, but also essential, for implementing such a gas monitoring system. *D1-4*

In summary, the Draft EIR has deceptively characterized the property to be sold as "surplus property." It is fundamental to recognize that the title of Application No. 99-05-029 is as follows:

> IN THE MATTER OF THE APPLICATION OF SOUTHERN CALIFORNIA GAS COMPANY FOR AUTHORITY PURSUANT TO PUBLIC UTILITIES CODE SECTION 851 TO SELL CERTAIN REAL PROPERTY IN PLAYA DEL REY, CALIFORNIA.

D1-5

The title does not characterize the property as surplus, but clearly identifies that Public Utilities Code Section 851 is central regarding the subject sale. The Draft EIR has totally failed to address this pivotal issue.

THE PROJECT DESCRIPTION IS ERRONEOUS

The Draft EIR fails to provide a correct Project Description. The relevant language as set forth on Page S-3, under Project Description states as follows: *D1-6*

> "SCG has submitted its application to the CPUC to sell surplus land associated with 36 undeveloped

lots in PDR and MDR with an approximate total acreage of 4.7 acres." (emphasis added) *D1-6 cont.*

The language contained within Application No. 99-05-029 has an entirely different project description. The lots that have been included in the Application are set forth under TAB D, and total 72 lots. Accordingly, the 36 undeveloped lots that have been described in the Draft EIR encompasses only one-half of the project. This deficiency is extremely important, as described more fully herein, in that many of the unaccounted for lots have experienced very serious well leakage problems. By ignoring these additional lots, the Draft EIR has been able to "skirt" the true environmental hazards associated with the proposed sale. *D1-7*

THE DUTIES OWED TO THE PUBLIC REGARDING THE SAFE OPERATION OF A UTILITY ARE NONDELEGABLE DUTIES

It is fundamental, that a public utility has a nondelegable duty under Public Utilities Code Section 851, and other laws of this State, to maintain their property in a safe condition in order to be protective of public safety. This obligation is especially paramount when operating a high-pressure underground gas storage facility directly underneath a highly populated urban area. *D1-8*

This is even more important herein where the high-pressure gas storage field is connected to the surface with hundreds of old well bores, that were drilled in the 1920s and 1930s. Attempts have been made to abandon many of these old wells, but the present condition of these wells is largely unknown. However, those wells that have been examined, including those located within lots of the subject application, have demonstrated leakage of gas to the surface. Nearly 100% of the wells involved in recent construction, have required reabandonment because of these leaks. *D1-9*

This scientifically profound data reveals that it is impossible to properly seal old wells, and prevent the enormous risk of any one well developing a serious leak, and potentially expose the entire community to a serious explosion hazard. This was the lesson *D1-10*

learned from the Montebello gas storage field, and the fires and explosions experienced at other underground gas storage projects. Namely, the central problem has always been traced to leaking wells, which cannot be properly sealed or abandoned within the available engineering technology. *D1-10 cont.*

The above-described hazards have been well known within the oil and gas industry for many years. They are certainly well known to Southern California Gas Company, as exemplified by a professional paper written many years ago, titled "OPERATING GAS STORAGE FIELDS IN URBAN ENVIRONMENTS" authored by Richard M. Morrow, then Manager of Underground Storage for Southern California Gas Company. This paper contains the following relevant statements: *D1-11*

(1) "The operation of a storage field in these areas [urban environments] presents many unique and sometimes difficult obstacles that are not associated typically with the underground storage of natural gas." (emphasis added) *D1-12*

(2) "This paper describes how SoCalGas copes with the unique operating obstacles that are faced in operating gas storage fields in these sensitive environments." (emphasis added) *D1-13*

(3) "In the late 1960s, several years after Montebello was placed in service, the effect of these developments [urban development] on the storage field operations became significant." (emphasis added) *D1-14*

(4) "At Playa del Rey and Montebello, the overlying and adjacent properties were rapidly developed with single family, multi-family, and commercial buildings. In many cases, these structures were built in close proximity to operating wells." (emphasis added) *D1-15*

(5) "This experience and the impact on the storage operations emphasized the need to maintain adequate buffer areas around the fields." (emphasis added) *D1-16*

(6) "When the more recent Aliso Canyon and Honor Rancho fields were acquired, control of surrounding *D1-17*

acreage was given prime consideration in order to avoid problems later." (emphasis added) *D1-17 cont.*

(7) "Where possible, property was acquired to minimize the impact of future residential and commercial developments." (emphasis added) *D1-18*

(8) "Buffer areas were sized and located so that the storage facility would be isolated from residential neighborhoods and also to minimize noise impact." *D1-19*

(9) "Maintaining these buffer areas has proved to be extremely beneficial, easing stringent operating restrictions and MONITORING REQUIREMENTS THAT HAVE BECOME NECESSARY AT THE OTHER, MORE SENSITIVE STORAGE FIELD SITES." (emphasis added) *D1-20*

The upshot of the above paper by Mr. Morrow is the long-standing recognition by Southern California Gas Company of the essential need to retain control over surface property in order to maintain buffer areas to satisfy MONITORING REQUIREMENTS that are necessary for these sensitive storage field sites (viz., Playa del Rey and Montebello). *D1-21*

It is clear from the Draft EIR, as discussed more fully herein, that the obligations to monitor and mitigate the gas migration hazards are being delegated to the lot purchasers, and to the City of Los Angeles. This is a violation of the NONDELEGABLE DUTIES imposed upon Southern California Gas Company, as the responsible utility operating this gas storage field. *D1-22*

THE NONDELEGABLE DUTY FOR THE MONITORING AND MITIGATION OF GAS MIGRATION HAZARDS HAS BEEN ACKNOWLEDGED BY SOCALGAS AND THE PUC REGARDING PRIOR HISTORY *D1-23*

In the above-referenced article written by Richard M. Morrow, Manager of Underground Storage for Southern California Gas Company, the following relevant statements are made regarding STORAGE FIELD MONITORING:

(1) STATE MANDATED REQUIREMENTS REGARDING MONITORING:

"The State mandates that fields be closely monitored to establish that no damage to health, property, or natural resources is occurring (Title 14, California Administrative Code 1724.10)." (emphasis added) *D1-24*

(2) MONITORING FOR SENSITIVE RESIDENTIAL LOCATIONS: *D1-25*

[CONTINUED ON NEXT PAGE]

"At the more sensitive residential locations, these monitoring programs are more extensive than those typically required in a remote gas storage project. As shown in Table 1, the wells in and around the storage fields are frequently monitored." (emphasis added) *D1-25 cont.*

(3) MONITORING IS CONTINUALLY REVIEWED FOR EFFECTIVENESS AND TO ENSURE A HIGH DEGREE OF SAFETY:

"These monitoring programs and procedures are continually reviewed for effectiveness and to ensure a high degree of safety. When necessary, the frequencies of the monitoring activities are varied to suit the particular field." (emphasis added) *D1-26*

NOTE: Although not reproduced here, it is important to note that Table 1, titled "Routine Field and Well Monitoring Requirements," includes the following important category: Boreholes over abandoned wells inspected for presence of gas." (emphasis added)

The above information clearly establishes that there is a nondelegable duty imposed upon the utility to closely monitor for well leakage problems, including over abandoned wells, pursuant to Title 14 of the California Administrative Code Section 1724.10. *D1-27*

It is important to note that the "Purchase and Sale Agreements" for the subject lot sales, as set forth in Application No 99-05-029 (see TAB E), delegates all responsibilities for monitoring to the lot purchaser.

(1) AS IS SALE:

"Buyer understands and agrees that the property is being sold and conveyed, and Buyer agrees to accept the property, "AS IS," "where is" and "with all faults" which may exist . . ." (Page 13, TAB E.) (emphasis added) *D1-28*

(2) INDEMNIFICATION:

"Buyer agrees to indemnify, defend and hold harmless Seller and Seller's Parties from and against any and all Claims which are suffered or incurred by

Seller's Parties arising out of Buyer's own acts or omissions in connection with Buyer's development or use of the Property, but only to the extent that neither Seller nor any of Seller's Parties are otherwise liable for any such Claims." (Page 15, TAB E.) (emphasis added) *D1-28 cont.*

It is important to note that the "Purchase and Sale Agreement" (see TAB E) does not provide for the right of reentry by Southern California Gas Company. The true meaning of the above is that the utility has delegated all of its responsibilities under the law to the lot purchaser regarding well leaks and monitoring. *D1-29*

This delegation of responsibility is further reinforced in the Draft EIR as follows:

PAGE S-3, LAST PARAGRAPH:

"SCG proposes to sell these lots "as-is" without any requirements for future development on the lots; however, subsurface and mineral rights would be retained by SCG and would not be included in the sale." (emphasis added) *D1-30*

PAGE S-11, 2ND PARAGRAPH:

"However, the recently enacted changes to the City of Los Angeles Building Code (Ordinance No. 175790) provide mitigation measures designed to provide mitigation for this potential future risk." (emphasis added) *D1-31*

PAGE S-11, UNDER PARAGRAPH TITLED MITIGATION AND MONITORING:

"Accordingly, in certification of this EIR, the CPUC identifies enforceable mitigation measure associated with the sale of the project; as well suggested mitigation measures to be considered by other agencies during future environmental review associated with the future development of these 36 lots." (emphasis added) *D1-32*

First of all, there has been no showing in the Draft EIR that the MITIGATION AND MONITORING contemplated under the City of Los *D1-33*

Angeles Methane Ordinance, was ever intended to deal with the unique problems of a gas storage field. Reiterating the important and relevant language from the previously quoted scientific publication of Richard M. Morrow, Manager of Underground Gas Storage for Southern California Gas Company: *D1-33 cont.*

(1) "This paper describes how SoCalGas copes with the unique operating obstacles that are faced in operating gas storage fields in these sensitive environments [urban environments]." (emphasis added) *D1-34*

(2) "Over the years, SoCalGas has found that information gained from these extensive monitoring programs is necessary to ensure that well integrity are maintained." (emphasis added) *D1-35*

It is clear from the Morrow paper that maintaining well integrity extends to abandoned wells, in addition to operational wells. Accordingly, the Draft EIR is highly flawed in that it endorses a delegation of responsibility for monitoring and maintaining abandoned wells to the lot purchasers. *D1-36*

CONCLUSIONS

The Draft EIR is premised upon conditions that, if adopted by the PUC, would violate numerous laws of this State, including:

1. PUBLIC UTILITIES CODE SECTION 851:

   The subject lots, and the access that they provide for monitoring and mitigation for gas leaks from abandoned wells are necessary or useful in the performance of the utility's duties to the public to prevent, or minimize, the risk of explosion and fires in the urban development located over and adjacent to the gas storage field. *D1-37*

2. TITLE 14, CALIFORNIA ADMINISTRATIVE CODE, SECTION 1724.10:

   The statutory requirements of this Administrative Code impose an obligation upon the utility to closely monitor for *D1-38*

> well leaks to establish that no damage to health, property, or natural resources is occurring.

D1-38 cont.

For these reasons, the Draft EIR should be found unacceptable in having failed to properly address these mandatory issues. *D1-39*

Additionally, under CEQA regarding "reasonable alternatives to the project" (e.g., see discussion beginning at Page 5-1 of the Draft EIR), the appropriate decision would be ALTERNATIVE 1: NO PROJECT:

> "Under the No Project Alternative, the lots proposed for sale by SCG would not be sold."

D1-40

This is the obvious choice in view of the legal requirements imposed upon the utility, and upon the CPUC, by the above-described statutory law imposed upon this gas storage project.

DATED: July 19, 2004

By: Bernard Endres

Bernard Endres, Ph.D.
Oil and Gas Environmental Consultant

LETTER D1 – BERNARD ENDRES

D1-1 This comment introduces comments that follow in the remainder of the comment letter. The commenter states that the DEIR fails to address the environmental impacts associated with the proposed sale and that the DEIR does not provide an adequate project description. This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or the adequacy of the DEIR. Please see responses D1-2 through D1-40 and Master Response, *Project Description*.

D1-2 The commenter states that the DEIR contains an erroneous project description and ignores well leakage problems at the Playa del Rey and Montebello gas storage fields. Please see Master Response, *Project Description*. The issue of potential well leaks (which have been plugged) at the Playa del Rey gas storage field is addressed in DEIR section 4.F, *Public Health*. DEIR pages 4.F-3 and 4.F-4 contain a more general discussion of well leaks. A health risk assessment was performed that addresses the potential toxic qualities of gases that may underlie the project area. The health risk assessment concluded that public health impacts would be less than significant for all chemicals and for cancer exposure risk. In addition, a Mitigated Negative Declaration was released for public review in March 2001 for SCG's Proposal to Recover Cushion Gas and Decommission the Montebello Gas Storage Facility (A.00-04-031). The Montebello Mitigated Negative Declaration was considered during preparation of the DEIR for the proposed sale of the 36 lots.

The commenter also states that the DEIR erroneously characterizes the 36 lots proposed for sale as surplus property. For CEQA purposes, the characterization of the lots as surplus property is not relevant. Whether or not the 36 lots are actually "necessary or useful" or are "surplus property" will be addressed by the Administrative Law Judge and decided on by the Commission during the general proceedings for the application; rather than through the CEQA process.

D1-3 Please see response D1-2.

D1-4 Please see Master Response, *Project Description*. In addition, the commenter states that a proper monitoring system for gas migration should be implemented and the project lots are essential for implementing such a system. The DEIR found that all potential environmental impacts could be mitigated with mitigation measures recommended for future development. The DEIR concludes that there are no significant public health impacts, including from trace toxic gases.

D1-5 Please see Master Response, *Project Description*.

D1-6 Please see Master Response, *Project Description*.

D1-7 Please see Master Response, *Project Description*.

D1-8 Please see response D1-28.

D1-9 Please see response C1-12.

D1-10 Please see response D1-22.

D1-11 Please see response D1-22.

D1-12 Please see response D1-22

D1-13 Please see response D1-22

D1-14 Please see response D1-22.

D1-15 Please see response D1-22.

D1-16 Please see response D1-22.

D1-17 Please see response D1-22.

D1-18 Please see response D1-22.

D1-19 Please see response D1-22.

D1-20 Please see response D1-22.

D1-21 Please see response D1-22.

D1-22 Please see responses D1-28 and D1-29.

D1-23 Please see response D1-27.

D1-24 Please see response D1-27.

D1-25 Please see response D1-27.

D1-26 Please see response D1-27.

D1-27 Please see response D1-28.

D1-28 The quoted paragraphs from the Purchase and Sale Agreement of A.99-05-029 state that the buyer is accepting the lots as they currently exist and the buyer is indemnifying the seller (SCG) for anything that may arise from the buyers' activities. The quoted Purchase and Sale Agreement does not place any monitoring responsibilities on the buyers. Moreover, SCG's Project Approval Letter (shown below), issued by DOGGR,

provides operational requirements for the PDR gas storage field, specifically obligating SCG to continue regular monitoring of active and abandoned wells[14] while storage field operations continue. Therefore, SCG Rule 25 of SCG's tariffs provide it continuing access for this purpose. There is nothing in the Purchase and Sale Agreement of A.99-05-029 that would alter this obligation.

D1-29 SCG continues to have a right of re-entry for well monitoring. Please see response D1-28.

D1-30 Please see response D1-33.

D1-31 Please see response D1-33.

D1-32 Please see response D1-33.

D1-33 The City of Los Angeles Building Code methane mitigation standard addresses building standards that relate to methane mitigation and monitoring in the Los Angeles methane zone that overlies the PDR gas field. All 36 lots are within this methane zone and are subject to the Los Angeles methane mitigation standard and thus address the specific conditions present on the 36 lots. Furthermore, the commenter cited paragraphs of the Morrow publication which addresses conditions of wells in operating gas storage fields. The 12 wells considered in the DEIR are abandoned and are no longer part of the operating gas field. Finally, as discussed in response D1-28, approval of the proposed sale of the lots would not alter SCG's responsibility to continue regular monitoring of abandoned wells.

D1-34 Please see responses D1-28 and D1-29.

D1-35 Please see responses D1-28 and D1-29.

D1-36 Please see responses D1-28 and D1-29.

D1-37 Please see responses D1-28 and D1-29.

D1-38 Please see responses D1-28 and D1-29.

[14] In particular, the 12 abandoned wells contained on the lots proposed for sale which are the subject to this analysis.

STATE OF CALIFORNIA - RESOURCES AGENCY
GEORGE DEUKMEJIAN, *Governor*
DEPARTMENT OF CONSERVATION
DIVISION OF OIL AND GAS
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LONG BEACH, CA 90802-4455
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April 10, 1986
Updated July 23, 1986

J. W. Gourley, Agent
SOUTHERN CALIFORNIA GAS CO.
Underground Storage Dept., M.L. 525-B
Box 3249 Terminal Annex
Los Angeles, CA 90051

GAS STORAGE PROJECT
Playa del Rey Field
Del Rey Hills Area
Conglomerate Zone

Sections 3008 and 3403.5 of the Public Resources Code give the Division of Oil and Gas responsibility for wells that inject and withdraw natural gas from an underground storage facility. Our records indicate that, although individual wells have been permitted, project approval has not been issued by the Division to conduct underground gas storage operations in the Playa del Rey field. Therefore, continued operation of the project is approved with the following provisions:

1. Form OG105 is filed whenever a new well is to be drilled for use as an injection-withdrawal well for observation-collection well, and Form OG107 is filed whenever an existing well is to be converted to an injection-withdrawal well or observation-collection well, even if no work is required. Specific requirements will be outlined in each well permit.

2. When an existing well is to be converted to injection-withdrawal or observation-collection, a test is conducted to demonstrate the mechanical integrity of the casing.

3. Mechanical-integrity tests for each injection-withdrawal well are run and filed with this Division within three (3) months after injection and/or withdrawal has commenced, and once a year thereafter; after any anomalous rate or pressure change; or as requested by the Division to confirm that stored gas is confined to the proper zone. The test data must be available for periodic inspection by Division personnel.

4. A Division approved pressure observation and withdrawal system is installed to monitor surrounding areas for storage gas accumulations. Data such as observed pressure and volumes of gas withdrawn shall be available at regularly scheduled meetings or upon request by this Division.

5. Any directional well drilled for use in this project has a directional survey run and the results submitted, in duplicate, to this office. A directional survey on any active well may be required by this Division.

6. All active, idle or abandoned wells that may be affected by this project are regularly and routinely monitored for surface gas emissions.

7. Any remedial work in the project area necesary because of the gas storage operation on idle, abandoned, or active wells needed to protect life, health, property, and natural resources (including oil, gas, and freshwater zones) will be the responsibility of the project operator.

8. The gas storage reservoir pressure shall not exceed 1700 psi. Tests may be required to establish that no damage will occur from excessive injection pressures.

9 Monthly injection-withdrawal reports, by well, are filed with this Division listing the amount of gas injected, injection pressure, and amount of gas withdrawn.

10. All critical wells, as defined by this Division, have fail-close subsurface safety valves installed. A testing and inspection schedule must be submitted to, and approved by, this Division. (See Section 1720 of the California Administrative Code for the definition of a "critical well").

11. Surface pressures on each active or idle well are measured weekly with a calibrated test gauge, and recorded. Evidence of such measurement and calibration must be made available to this Division upon request.

12. The pressure rating of all injection piping, valves, and facilities shall meet or exceed the maximum anticipated injection pressures. This equipment shall be maintained in a safe condition.

13. Produced waste fluids are handled in a manner approved by this Division.

14. This office is notified of any anticipated changes in the project resulting in significant alteration of conditions originally approved, such as: an increase in size of the project; an increase in the approved zone pressure; changes in the injection-withdrawal intervals; changes in the observation-collection intervals; or monitoring procedures. Such changes must not be made without prior Division approval.

15. Annual project review meetings are held with representatives of this Division to review pertinent data and recent developments concerning this project. Data to be reviewed must include, but not be limited to: graphs of reservoir pressures; gas inventory fluctuations; injection pressure, and oil, gas, and water production by well; observation well data; reservoir fluid distribution; and temperature, radioactive tracer, and noise log surveys. Periodic update meeting shall be held to review specified topics as deemed necessary by this Division.

16. Upon request, the Division is provided with any other data deemed necessary to monitor the operations of the project properly.

17. Injection-withdrawal operations shall cease upon notification from this Division.

Sincerely,

R. C. Manual

for Verne F. Gaede
District Deputy

VFG:WEB:ee

D1-39 This statement concludes the commenter's letter noting the DEIR should be found deficient for failing to address "these mandatory issues." This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact or adequacy of the DEIR. Please see responses D1-2 through D1-38.

D1-40 The commenter states that the "No Project" Alternative should be adopted. The "No Project" Alternative will be considered by the CPUC prior to approval or denial of SCG's application. The EIR will be used to guide decision-making and inform the public by providing an assessment of the potential environmental impacts that may result from the proposed project. However, the Commission will ultimately determine which option (or alternative) to adopt.

The commenter also refers to the project as a "gas storage project." The project is not a gas storage project; rather, the proposed project consists of SCG's application to sell 36 lots in Playa del Rey and Marina del Rey, California. See DEIR Chapter 3, *Project Description* and Master Response, *Project Description*, for additional detail pertaining to the proposed project.

Letter D2

Vonblum, Heidi

From: Leslie Purcell [lapurcell@verizon.net]

Sent: Monday, July 19, 2004 7:49 PM

To: playadivest@esassoc.com

Subject: DEIR Comments.doc

Mr. Michael Rosauer
CPUC Environmental Project Manager
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104-4207

July 19, 2004

Comments on Southern California Gas Co. (SCG) DEIR A.99-05-029

I find that this document is flawed and defective in several areas, including:

- **Consideration of cumulative impacts of other projects in the area is deficient;** for example, the proposed Catellus' 114 luxury home project on the West Bluff is omitted, even though the bluff is shown to be in the SCGC project area (Fig. S-1). In addition, the Playa Vista Phase 1 project is not included, nor are several large condominium, townhouse and apartment developments in Westchester, Playa del Rey, and Marina Del Rey. Los Angeles International Airport expansion is also omitted. *Cumulative impacts of these projects on traffic, air quality, biological resources/habitat, and open space/recreation requirements for the community have not been adequately addressed in the DEIR*. ***D2-1***

- **Native American Cultural Resources have not been adequately addressed.** The excavation of Indian burial and village areas on the West Bluff beginning in June 2003 is omitted from this document. The bluff is shown to be in the SCG project area (Fig. S-1), and is a State-registered Sacred Site for the Gabrielino/Tongva Indians. One of the SCG lots is one block away from the bluff, at 81st and Berger. Playa Vista Phase 1 is currently digging up a large Indian cemetery of approximately 350 graves (to this date), immediately east of Lincoln Blvd. below Loyola Marymount University. In addition, Loyola Marymount University excavated village and burial sites to build dormitories in the last few years. It is likely that there are cultural as well as burial areas underlying the parcels under consideration for sale by SCGC. **Cumulative impacts to the Gabrielino/Tongva Indians have not been addressed in the DEIR**, so the *conclusion that impacts to Cultural Resources can be mitigated to a "less than significant level" is faulty and not warranted*. ***D2-2***

- **Loss of habitat:** The large trees on many of these lots provide nesting habitat for several varieties of birds, including raptors such as the Red-tailed hawk, Cooper's hawk (sensitive species) and peregrine falcon (threatened species). These birds as well as ***D2-3***

Letter D2 continued

other animals and insects require foraging areas that will disappear if these lots are developed. Cumulative impacts on nesting and foraging habitat areas, including that of the Least Tern (an endangered species), resulting from other projects throughout the area as well as the potential development of the SCG parcels, have not been adequately addressed in the DEIR. ***D2-3 cont.***

- **Health and Safety:** Historically, there have been problems with SCG operations in this area, resulting in potentially adverse effects on the health and safety of the surrounding community (for example, the blow-out of oil-related materials in April 2003, covering houses, cars, streets, as well as damaging plants and animals in the neighboring area). ***D2-4***

- **Alternatives have not been sufficiently addressed in the DEIR:** An alternative should be considered that would include donating some/all of the SCG lots for conservation and cultural resource protection. This could be accomplished through tax-credits, conservation easements, or donation to a community trust and/or the Gabrielino/Tongva Indians, the original inhabitants of this land. As western Los Angeles is experiencing unprecedented growth and development, *the Alternative to Preserve SCG lots as Open Space would greatly benefit the public, and should be formally considered*. ***D2-5***

I would also like to reference my oral comments made at the June 28, 2004 public hearing, although it was stated that there was no transcript being made, and some confusion as to whether it was a public hearing as announced, including in the DEIR and on the website, or a less formal public meeting as was stated that evening. ***D2-6***

Thank you for your consideration to these comments.

Leslie Purcell

11924 W. Washington Blvd., Los Angeles CA 90066

Tel: 310-737-1111

LETTER D2 – LESLIE PURCELL

D2-1 The comment states that consideration of cumulative impacts in the DEIR of other projects in the area is deficient. The commenter specifically states that the proposed Catellus 114 luxury home project on the West Bluff, the Playa Vista Phase I project, the Los Angeles International Airport expansion, and other large condominium, townhouse, and apartment developments in Westchester, Playa del Rey, and Marina del Rey should have been included in the DEIR cumulative impact analysis. Without specificity to the "other" projects cited by the commenter, no further meaningful response is possible.

During preparation of the DEIR, ESA contacted the City of Los Angeles and County of Los Angeles Planning Departments. The list of projects included in the cumulative impact analysis was created in consultation with these planning departments. With respect to the first phase of the Playa Vista project, please see response C1-9. Regarding the Los Angeles International Airport expansion, this project was not included in the list of cumulative projects because, although it is located within the vicinity of the project area, it does not involve construction of a related project type (residential). The Catellus West Bluff project is a 44-acre site planned for 114 single-family homes that would overlook the Ballona Wetlands. Catellus, the developer of this project, has received approval of its development plan by the City of Los Angeles and the California Coastal Commission. While this project is located in the area of the 36 lots proposed for sale by SCG and is of a related project type and was not included in the list of reasonably foreseeable future development projects on DEIR page 6-2, it was included in the cumulative impacts analysis of the DEIR because the cumulative analysis examined buildout under the City of Los Angeles General Plan. CEQA Guidelines Section 15130 (Discussion of Cumulative Impacts) does not require an exhaustive list of all past, present, and probable future projects and the DEIR did consider reasonably foreseeable future development in the project area as well as buildout under the City of Los Angeles General Plan.

D2-2 The investigations of LAN-63, 64, and 206 conducted by Van Horn (1987) and Altschul (1997) were reviewed during the analysis for the DEIR; these documents served as the technical documentation in support of the West Bluffs Project. The commentor's reference to excavation work conducted for the West Bluffs development in 2003 had not yet been reported to the South Central Coastal Information Center; therefore, this information was not available to include in the assessment. Nevertheless, the investigations conducted by Van Horn (1987) indicated that the primary habitation sites, LAN-63 and 64, were adequately studied and evaluated to reduce the adverse impacts of the development to a less than significant level (Planning Consultants Research, 1998). The Altschul (1997) and Planning Consultants Research (1998) investigations concluded that despite the rigor of the previous work, it was recommended that a data prospecting investigation, followed by an excavation and a monitoring plan, be conducted for the West Bluffs Project. These tasks, once

implemented, were considered adequate to reduce adverse effects to the sites to less than significant levels. Insofar as related projects, like West Bluffs, are required to comply with applicable laws, the potential deleterious effects to unique archaeological or historical resources can be mitigated—thereby reducing the cumulative impacts to cultural resources as a whole.

Archaeological sites represent circumscribed areas of dense physical remains of human activity; they are also depositional features within a dynamic natural landscape. Therefore, the mere presence of LAN-63 and 64 does not indicate archaeological remains are present throughout the project area. None of the surplus property being sold is within the recorded boundaries of LAN-63 and 64.

D2-3 There is no potential nesting habitat for raptors at the Marina del Rey sites. The DEIR states that raptors, such as red-tailed hawk, have breeding potential in large diameter trees at most of the Playa del Rey lots (see DEIR page 4.C-10). Cooper's hawk nests in deciduous trees, conifers, and deciduous riparian areas, usually near streams. The 36 lots do not provide this habitat. The U.S. Fish and Wildlife Service delisted peregrine falcon on August 25, 1999 in its entire range, but the species remains state endangered. This species breeds near wetlands, lakes, rivers, or other water on high cliffs, banks, dunes, and mounds. Its nest is usually on a ledge in an open site. There is no nesting potential for peregrine falcon at the 36 lots. The 36 lots proposed for sale do not provide suitable breeding habitat for California least tern, which breeds in areas relatively free of human or predatory disturbance.

The project involves the sale of 36 lots. The DEIR adequately addresses cumulative impacts regarding impacts on nesting areas for species identified. The DEIR reviewed cumulative projects described in DEIR Section 3.6. DEIR pages 4.C-18 through 4.C-19 state, "[o]n the assumption that the sale of the property would result in residential development and loss of habitat, implementation of mitigation measures would reduce substantial adverse effects on these species. The potential loss of nesting, breeding, and foraging habitat for globose dune beetle, and potentially for monarch butterfly and avian species (e.g., red-tailed hawk, great blue heron) protected under the Migratory Bird Treaty Act and/or Sections 3503 and 3503.5 of the Fish and Game Code, would not contribute considerably to cumulative impacts on animals in the larger Los Angeles County coastal region.…None of the Clusters provide habitat for or support plants or animals protected by FESA or CESA. Potential impacts would be reduced to less than cumulatively considerable through implementation of mitigation measures."

Because the timing of future development is unknown, the DEIR makes assumptions on future impacts based on the existing zoning of the lots and recommends measures to protect sensitive biological resources. Future development of the 36 lots proposed for sale would require and would be subject to subsequent environmental review. The DEIR identified reasonably foreseeable impacts based on assumptions of existing

zoning of the lots, which is mostly residential and one commercial lot (Cluster 5). The DEIR recommended measures that would be applicable to mitigate future impacts.

D2-4 The commenter states that the DEIR is flawed because it does not address historical problems with SCG operations in the area. As discussed in Master Response, *Project Description*, the purpose and scope of this analysis is to consider the proposed project, which is the sale of 36 lots currently owned by SCG. Furthermore, the DEIR presents information and analysis in a number of places (including DEIR Chapter 3, *Project Description* and DEIR Sections 4.F, *Public Health* and 4.G, *Public Safety*) that detail the operational history of the SCG Playa del Rey Gas Storage Facility. The April 2003 incident mentioned by the commenter did not occur near any of the 34 PDR lots immediately adjacent to the SCG Playa del Rey Gas Storage Facility[15].

D2-5 This comment will be considered by the CPUC prior to approval or denial of SCG's application. The "No Project" Alternative (DEIR pages 5-2 through 5-4) addresses the issue of not selling the project lands as required by CEQA Guidelines Section 15126.6. The DEIR examines a reasonable range of alternatives to the project that would avoid or lessen environmental impacts while still accomplishing the major project objectives. Dedicating the land for open space purposes would not accomplish SCG's objectives. As such, it is not a feasible project alternative. See DEIR pages 5-1 and 5-2 for a more detailed explanation of the alternatives screening methodology. Please see response D1-40.

D2-6 All comments received at the public meeting held on June 28, 2004 at the Westchester Municipal Building Community Room are summarized and responses to these comments are provided in this FEIR. Please see responses PM-1 through PM-47.

[15] On April 2, 2003 at 6:10 a.m., the SCG Playa del Rey Gas Storage Facility suffered a mechanical valve failure which triggered a 25-minute venting of gas mixed with some accumulated oil. This release broadcast oil over homes and cars in the nearby Playa del Rey neighborhood. For a half-hour. a black vapor cloud shot up into the air approximately 40 to 100 feet high according to the Los Angeles Fire Department and local residents. What appeared to be smoke was billowing out of an area near 79th Street, Veraga Drive, and Zayanta Drive in Playa del Rey. While residents found a sticky layer of oil pasting their property and a stench of natural gas and petroleum in the air, the Los Angeles City Fire Department reported there were no injuries from the incident. The venting of the gas and oil was the result of a safety mechanism that was triggered when a compressor broke down. Crude oil, in the transport pipes to act as a lubricant, was mixed in with the leaking natural gas. SCG brought in a private hazardous waste cleanup firm to close off 79th Street and start working on the homes' exteriors. SCG indicated that this was the first such incident in the facility's 60- year history (Peterson, 2003).

E. APPLICANT'S COMMENTS ON THE DRAFT EIR

E1 Southern California Gas Company July 19, 2004

Letter E1

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July 19, 2004

Michael Rosauer
California Public Utilities Commission
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Re: Comments of Southern California Gas Company to Draft Environmental Impact Report for Sale of Surplus Property at Play del Rey and Marina del Rey (A.99-05-029)

Dear Mr. Rosauer:

Southern California Gas Company ("SCG") has read the Draft Environmental Impact Report for its application to Value and Sell Surplus Property at Playa del Rey and Marina del Rey ("DEIR") and has only a few comments on that document.

Initially, SCG would like to commend the CPUC and its consultant, ESA, on the very thorough analysis conducted in the DEIR. We cannot recall a draft environmental document in recent history that was based on so much independent study and careful and thoughtful analysis. *E1-1*

Our comments follow.

Pages 5-1 through 5-6, "Alternatives": The Alternatives discussion should explain that Alternatives 2 and 3[1] do not meet project objectives and will not result in the desired mitigation of environmental impacts. Both of these two alternatives would result in certain lots being excluded from the sale and remaining in their existing condition (the "Excluded Lots"). *E1-2*

[1] Alternative 2, which would exclude Cluster 9 from the sale to ostensibly avoid potential adverse impacts to the monarch butterfly habitat, and Alternative 3, which would exclude Cluster 12 from the sale to purportedly avoid potential adverse impacts to the globose dune beetle habitat.

Keeping the excluded lots in their existing conditions will not necessarily benefit the monarch butterfly habitat or the globose dune beetle and, in fact, could cause more harm than if the lots were sold. These lots have been subject to considerable trespass, which has resulted in certain undesired and unplanned alterations to the lots. For example, a garden appeared in Cluster 12 and Cluster 9 was used for unauthorized vehicle parking and recreational purposes. These lots are surrounded by development and it is difficult to keep people, domestic animals, and vehicles off. The monarch butterfly and globose dune beetle would be better served by reducing any potential impacts to a "less than significant" level through the mitigation measures, rather than leaving their fate to the whims of trespassing gardeners and vehicles, dog walkers, and vandals. *E1-2 cont.*

Further the alternatives will not achieve the project objective of removing all lots that are no longer necessary or useful from SCG's asset base. If either of the two alternatives was adopted, certain lots would remain as SCG assets and ratepayers would be denied their portion of the gain on sale.

Page 4.F-4 and Table 4.F-1, "Reported Leaking Wells: Southern California Gas Company": It is important to include in this section that all of the gas well leaks were detected through SCG's routine monitoring program, and that all of the leaks were repaired soon after discovery. *E1-3*

Page 4.F-4, "Gas Responsibility and Rights": This section contains two inaccuracies. First, it implies that because SCG owns certain mineral rights, it is responsible for any gas leaks originating from the facility. This is incorrect. Liability is not determined by mineral rights ownership. SCG, or its successor in interest, is responsible for any leak or damage caused by the gas storage operations. Second, this section mentions that the state assumes financial responsibility if a well leaks 15 years after it was properly abandoned. This is not entirely correct. Financial responsibility for the wells relevant to the proposed project would transfer to the state 15 years after the well was properly abandoned only if the leak was unrelated to the gas storage operations. SCG, or any successor in interest, would continue to have liability for any well leak that could be shown to be related to storage operations. *E1-4*

Pages 4.F-1 through 4.F-13, "Public Health": This section implies that the exposure to carcinogens and toxic air contaminants, albeit below all levels of significance, are due to the presence of natural gas. This is incorrect. The significant contribution of other nearby sources, as well as ambient air in the South Coast basin should be explained. For example, based on the data collected for the MATES II study, the "carcinogenic risk in the [South Coast] basin is about 1400 per million people."[2] *E1-5*

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[2] Multiple Air Toxic Exposure Study in the South Coast Air Basin, MATES- II, March 2000, South Coast Air Quality Management District, Page ES-3.

Pages 6-2, 6-3, "Cumulative Impacts Summary": We suggest that the cumulative impacts discussion be clarified by including guidance from the CEQA Guidelines that impacts which do not result in part from the project evaluated in the EIR should not be discussed.[3] We believe that that there may be some confusion concerning the role of impacts from other projects. *E1-6*

SCG's application was filed five years ago, and the environmental review of the proposed sale has taken far longer than the time allowed by both the CEQA Guidelines[4] and the Commission's own Rule 17.1. We understand and appreciate the Commission's desire to be cautious and to conduct thorough studies into issues that certain individuals have raised. Now that those issues have been determined to have no significant environmental consequence, we hope that the remainder of the CEQA process will be completed expeditiously. *E1-7*

Sincerely,

Gregory Healy

[3] 14 Cal. Code of Regs. §15130 (a) (1).
[4] 14 Cal. Code of Regs. §15108.

LETTER E1 – SOUTHERN CALIFORNIA GAS COMPANY

E1-1 This comment does not state a specific concern or question regarding a significant environmental impact or adequacy of the DEIR. The commenter expresses its support of the adequacy of the DEIR.

E1-2 The commenter states that the DEIR should include a discussion explaining that Alternatives 2 and 3 would not meet project objectives and would not result in desired mitigation of environmental impacts. A reasonable range of alternatives, which "would feasibly attain most of the basic objectives of the project but which would avoid or substantially lessen any of the significant effects of the project," must be included in an EIR (CEQA Guidelines Section 15126.6). Because CEQA states that alternatives must meet *most* of the project objectives, alternatives are not necessarily eliminated from consideration simply because one project objective would not be attained.

With respect to the commenter's statement that the proposed project may be environmentally superior as compared to implementation of Alternatives 2 and 3, the text of Alternatives 2 and 3 on DEIR page 5-5 is revised as follows:

> Similar to the proposed sale, Alternative 2, Exclusion of Cluster 9 would avoid potential impacts to the monarch butterfly in Cluster 9. Mitigation measures proposed for the project could mitigate these potential impacts to globose dune beetle habitat. While the potential for trespass or other unauthorized use may exist at Cluster 9, impacts to biological resources under Alternative 2 would still be less than under the proposed sale because ~~monarch butterfly habitat would remain undisturbed~~ future development construction activities would not occur, and thus, it is likely the monarch butterfly would be less impacted.
>
> …
>
> Similar to the proposed sale, Alternative 3, Exclusion of Cluster 12 from the proposed sale, would result in potential disturbance to the monarch butterfly because this option would include the sale and development of Cluster 9. However, this alternative would avoid potential impacts to the globose dune beetle in Cluster 12. Mitigation measures proposed for the project could mitigate these potential impacts to the monarch butterfly. While the potential for trespass or other unauthorized use may exist at Cluster 12, impacts to biological resources under Alternative 3 would still be less than under the proposed sale because the globose dune beetle habitat would ~~remain undisturbed~~ not be eliminated by future development.

E1-3 Tables 4.F-1 and 4.G-1 are amended to include the following note:

Note: All gas well leaks described in this table were detected through SCG's routine monitoring program; these leaks were repaired after their discovery.

E1-4 The third full paragraph of DEIR page 4.F-4 is changed to read:

SCG, or its successor in interest ~~owns most mineral rights in the PDR gas storage field and~~ is ~~therefore~~ responsible for any gas leaks or damage originating from gas storage operations at the PDR Gas Storage Facility (both aboveground facility and associated operating wells)~~from thermogenic sources~~. ~~California Public Resources Code, Section 3251.5 states that if an abandoned well leaks and requires remedial work 15 or more years after it was properly abandoned according to all requirements at the time of abandonment, the state must assume financial responsibility for the remedial work.~~ Financial responsibility for the wells relevant to the proposed sale would transfer to the State 15 years after the well was properly abandoned only if the leak was unrelated to gas storage operations. SCG, or any successor in interest, would continue to have liability for any well leak that could be shown to be related to storage operations.

E1-5 The commenter states that the DEIR implies that exposure to toxics are due to the presence of natural gas and that the contribution of other sources should be explained. The commenter further suggests that other sources of toxic risk exist within the Los Angeles basin and that this risk is 1400 in 1 million. For CEQA purposes, the incremental risk from the 36 lots represents the specific change that must be considered not the total toxic risk existent with the Los Angeles basin. Consequently, the DEIR considered risks to public health from the properties from all contaminants identified on the 36 lots, not just natural gas as is stated at the bottom of DEIR page 4.F-10 which reads:

> "Public health risks associated with the proposed sale and future development include the carcinogenic or adverse non-carcinogenic health effects in the community that result from exposure to TACs. Cancer risk is defined as the lifetime probability of developing cancer from exposure to carcinogenic substances, and is expressed as the increased chance of contracting cancer. More than one exposure pathway (i.e., inhalation, dermal contact, ingestion of contaminated soil, etc.) is incorporated in a health risk assessment. As stated above, the CEQA significance threshold for cancer risk is established at 10 in 1 million. The risk assessment, which uses the maximum detected concentration as the exposure level, is designed to overestimate the potential risk so that an actual risk, if any is present, would be less than the calculated risk."

E1-6 The commenter suggests that additional discussion related to the definition of cumulative impacts be added to the text of the DEIR. DEIR page 6-2 adequately defines a cumulative impact pursuant to CEQA Guidelines Sections 15355 and 15130 as:

"CEQA Guidelines 15130 requires an EIR to include an analysis of cumulative impacts when the project's incremental effect is cumulatively considerable. As defined in CEQA Guidelines 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The CEQA Guidelines defines a cumulative impact as one resulting from the combined effect of the proposed project plus all other reasonably foreseeable projects. In general, and as defined in CEQA Guidelines 15130, CEQA requires that:

- Cumulative impacts be discussed when they may be significant;
- The discussion may be more general than that for the individual project impacts, but that the discussion should reflect the potential extent, severity, and probability of the impact;
- The cumulative impact analysis can be based on a list of reasonably foreseeable projects or projections from a General Plan or a regional planning agency; and,
- Reasonable options for mitigating or avoiding any significant cumulative impacts be proposed, noting that for some cumulative impacts the only feasible mitigation may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

The key characteristics of a cumulative impact analysis are:

- A project impact (significant or not), plus
- Impacts from other projects of the same type as that of the project

The interaction of these impacts to create a cumulative impact affecting the same geographic unit of analysis as that of the proposed project."

E1-7 This comment does not state a specific concern or question regarding a significant environmental impact or adequacy of the DEIR. The commenter expresses its support for expeditious completion of the CEQA process.

F. COMMENTS ON THE DRAFT EIR FROM THE JUNE 28, 2004 PUBLIC MEETING

PLAYA DEL REY DIVESTITURE PROJECT
PUBLIC MEETING
June 28, 2004 – Los Angeles

Project Description
Southern California Gas Company (SCG) submitted its application to the California Public Utilities Commission (CPUC) to sell surplus land associated with 36 undeveloped lots in Playa del Rey and Marina del Rey with an approximate total acreage of 4.7 acres. All of the lots proposed for sale overlie the existing SCG Playa del Rey Gas Storage Field, which lies approximately 6,000 feet below ground surface and had an extensive history of oil exploration and extraction activity during the 20th century. CPUC has prepared a Draft Environmental Impact Report to review the sale of these properties.

Introduction
On June 28, 2004, CPUC hosted a public meeting to hear comments on the Draft Environmental Impact Report (EIR) for SCG's application to value and sell surplus properties at Playa del Rey and Marina del Rey. Approximately 40 people attended the meeting. Groups represented at the meeting included Grassroots Coalition, Wetlands Action Network, Sierra Club, Spirit of Sage, and Southern California Gas Company. The following summarizes the material that was presented during the meeting and the discussion and comments received from participants. Comments and questions are organized by topic.

Presentation
Charles Gardiner, of Public Affairs Management, opened the meeting and introduced the representatives from CPUC and representatives of the environmental review team. He reviewed the agenda and introduced a set of ground rules for the meeting.

Tim Morgan, of Environmental Science Associates, reviewed the project area and scope. He noted that the lots that are in the project area are currently in escrow and will remain in escrow until the completion of the environmental review and a decision on the application by the CPUC.

Mike Rosauer, of CPUC, explained that CPUC is responsible for the review of the potential sale of these properties by SCG. He noted that the focus of this meeting is to discuss the environmental review process. Heidi Vonblum, of Environmental Science Associates, reviewed the environmental review process as required by the California Environmental Quality Act (CEQA). She explained that the environmental review team assessed the potential environmental impacts and published the findings in a Draft EIR along with recommended mitigation measures. The next step is providing the public with an opportunity to review and comment on the report. Following the public review period, the team will address comments in the Final EIR.

Tim Morgan reviewed the findings published in the Draft EIR, which focused on the sale of the property and potential environmental impacts of future development of the properties. He explained that CEQA requires reviewing reasonably foreseeable activities on the property. He noted that the major concerns surrounding this application are the public health and public safety

issues. Tim reviewed the field studies that were completed to determine any risk to the public. He reported that the Draft EIR determined that the sale of the properties (or transfer of title) will not cause significant adverse impacts to human health or the environment. He also explained that it is reasonably foreseeable that these properties will be developed, so the Draft EIR recommends mitigation measures for their future development.

Participants provided comments and asked questions throughout the meeting. Meeting participants were primarily concerned with the health and safety issues associated with the oil field gases present in the area. Some expressed concern that the Draft EIR does not evaluate all the constituents that could be harmful to humans. Some participants noted concern about the properties that have previously been sold and developed. A few participants requested a larger study to evaluate the movement of gas in the entire Playa del Rey and Marina del Rey areas. Other participants were concerned that the biological reviews of the properties did not capture all the endangered species and critical habitats. Many requested that SCG consider not selling the lots and instead maintain the properties as open space or recreational areas.

The following is a summary of the comments and questions organized by topic.

Comments / Discussion

Project Scope

- The original application submitted by SCG proposed the sale of 82 properties and this Draft EIR only reviews the sale of 36 lots. Have those lots not included in this Draft EIR already been sold and developed? ***PM-1***
- Is the cost of the properties that are currently in escrow public information? ***PM-2***
- Before a public agency can sell surplus land, they must offer the land to other public agencies. Did other agencies have an opportunity to acquire these properties? ***PM-3***
- Some of the zoning descriptions provided might be inaccurate. Review the zoning designations for these properties with the County. ***PM-4***
- Review oil field boundaries shown on maps. The boundaries shown do not seem to be accurate. ***PM-5***

CEQA Document Process

- Under CEQA, projects are supposed to be reviewed before "an action" is taken. Is the fact that the properties are in escrow considered an action? ***PM-6***
- If the CPUC approves this EIR, will that decision retroactively approve the sale and development of the lots previously divested? ***PM-7***

Draft Environmental Impact Report

- Information provided in previous reports is not included in the Draft EIR. Use and refer to reports prepared by MHA Environmental Consulting and SCG (e.g., information from MHA about an undocumented well). ***PM-8***
- One of the firms hired to complete field studies has worked with SCG in the past. There is concern surrounding the objectivity of that research. ***PM-9***

- Instead of a report on specific lots in the area, the public needs to see a whole oil field study that evaluates movement of oil gas throughout the area. How much would a comprehensive study cost? ***PM-10***

Biological Review

- The biological studies completed omit some endangered species that are present on these lots. The Chambers biological report does not consider species using non-native habitat. Review the determinations made in that report. ***PM-11***
- The studies need to include protocol surveys completed for all species that have been identified in the area. ***PM-12***
- The EIR should include an analysis of migration pathways in the entire area. Specifically, the California Least tern habitat area is near the Marina del Rey lots. The EIR should consider how development of these properties could affect the fly-zone for terns. ***PM-13***
- When will the Section 7 consultation with US Fish & Wildlife Service be complete? ***PM-14***

Cultural Review

- Consult with local Native American representatives to further review the cultural resources. There are known burial sites in the area that are not identified in the Draft EIR. ***PM-15***
- The Draft EIR must specify what will happen if a cemetery/burial ground is found and include required mitigation measures. ***PM-16***

Field Studies

- Some of the information provided in the soil analysis descriptions is misleading (e.g. bio/thermogenic descriptions). ***PM-17***
- Review and clarify field measurements, including equipment used and detection limits. (e.g. flame ionization detector [FID] in parts per million or parts per billion). ***PM-18***
- Provide back-up information about the FID tests – did they comply with industry standards? ***PM-19***
- Provide documents with the actual data from soil analyses that was used to make conclusions. Specifically interested in the hydrogen sulfide data collected. ***PM-20***

Potential Impacts

- Future development will cause impacts to traffic. Review and incorporate the traffic study completed by Crane and Associates. ***PM-21***
- Residents have witnessed episodic releases of hydrogen sulfide gas in the project area that need to be reviewed to address public health and safety concerns. ***PM-22***
- The conclusion made that the sale of these lots would not cause impacts is inaccurate. The sale of the property does cause impacts because the well would not be accessible for monitoring or testing. ***PM-23***
- Past studies have documented leaks from wells. The impacts from these potential leaks must be addressed. ***PM-24***

Cumulative Impacts

- Review cumulative impacts in comparison to the Community Update Plan, which includes recommendations to rezone some of the lots in this area. ***PM-25***
- The Draft EIR does not include some adjacent projects that are important to the review of cumulative effects. (e.g. West Bluffs and Playa Vista Phase II) ***PM-26***

Mitigation Measures

- Review the suggested mitigation measures using underground membranes to prevent leaking gas from rising to the surface where permanent structures may be built. What studies were completed to demonstrate that these membranes would not simply transfer gas to a neighbor's property? ***PM-27***

Alternatives Review

- These properties have an important open space value. Consider not selling these lots and instead creating conservation easement areas. ***PM-28***
- Consider preserving the properties as mitigation for what residents have endured from the presence of the storage field. ***PM-29***
- Incorporate recreational facilities into any plans for the properties. Meet the "return to public assets" project purpose by dedicating property for recreation and/or open space. ***PM-30***
- The Park to Playa program includes a plan to preserve continuous areas in the Playa del Rey and Marina del Rey area. Review this plan to see how these properties would fit into this regional plan. ***PM-31***
- Use health concerns, biological analysis, and open space opportunity to build a "No Project" case. Sell the land to the public or a public agency like the Coastal Conservancy. ***PM-32***
- Do not sell the properties. Maintain these wells and continue/implement a program monitoring gas movement. ***PM-33***

"No Project" Alternative

- What happens to properties in escrow if choosing "No Project" alternative? Could a good faith buyer sue as a result of a negative decision by CPUC? ***PM-34***
- Spend equal time reviewing the "No Project" alternative as compared to review of other alternatives. ***PM-35***

Los Angeles City Ordinance

- Methane is not the only constituent of concern for the public. Studies need to include oil field gases that have public health and safety impacts. The membranes required under the ordinance would not scrub out these other oil field gases, which are more harmful to the public. In fact the ordinance allows for other oil field gases to vent to the open air unmitigated. ***PM-36***

Property Liabilities

- The public is concerned about the transfer of responsibility and environmental liability to new owners. ***PM-37***
- Just because the City of Los Angeles has the methane ordinance in place, SCG should not be able to transfer responsibility for these properties. SCG should be held accountable for any future impacts caused by these high-pressure wells. ***PM-38***

Restrictions on Future Development

- Include restrictions on permanent buildings in the Draft EIR and on the property deeds (from Los Angeles Building Code). The Los Angeles County Building Code maintains that permanent buildings must be 50 feet away from fuel casings to allow access for maintenance. ***PM-39***
- The Draft EIR should specify how wells will be maintained with development or without development. Include restrictions to limit what buyers can build on top of wells. ***PM-40***

Decision Making

- Will the final decision made by CPUC go through the Energy Division or Health & Safety? ***PM-41***

Opportunities for Public Input

- Will there be a formal public hearing before the Commission decision? ***PM-42***
- Notify all participants when the Final EIR is available for review. ***PM-43***

Additional Studies Recommended

- Consider conducting a complete oil field study to determine lateral oil gas movement. The field loses 100 million cubic feet of gas annually. The study should determine where this gas is going. ***PM-44***
- Include a professional sociological review/analysis using oral interviews to record public perceptions of risk and concerns. ***PM-45***

Other Comments

- The properties have been thoroughly tested and evaluated over the past 5 ½ years. Potential buyers are comfortable with the tests that have been completed and the results of those tests. The Draft EIR provides a complete and thorough evaluation. ***PM-46***
- Consider the U.S. Department of Justice review of the land exchange that resulted in the development of Marina del Rey. The well field and wells in that area are operated in conflict with Congressional authorization from the 1940s. When did CPUC give permission for gas storage in Marina del Rey? ***PM-47***

PUBLIC MEETING COMMENTS

PM-1 Please see Master Response, *Project Description*.

PM-2 SCG's application contains copies of the purchase agreements for the 36 lots. The purchase agreements contain the sale price for the lots. The application containing this information is part of the public record and can be reviewed upon request at the CPUC. The total sale amount for all 36 lots is approximately $11.1 million dollars. This purchase price is not an environmental issue and therefore is outside the scope of this CEQA document.

PM-3 California Government Code Section 54222 does require that any agency of the state and any local agency disposing of surplus land, prior to disposing of that property, send a written offer to sell or lease the property. SCG is not an agency of the state or a local agency; rather it is a public utility regulated by the CPUC. Therefore, SCG is not subject to Government Code Section 54222. This comment does not address an environmental issue, and therefore, it is outside the scope of this CEQA document.

PM-4 Upon reviewing the zoning designations for the 36 project lots, the following revisions will be made to the text of pages H-5 and H-6 of DEIR Appendix A:

> Thirty-five of the 36 lots proposed for sale are zoned for residential use. The lots are clustered into 12 groups, as many of the lots are contiguous as shown on Figure 3 and Figure 4 in the Project Description. Table H-1 shows zoning, assessor parcel numbers (APN), nearest addresses, and specific plans for each cluster of lots. Of the 33 residentially-zoned lots located in Playa del Rey (PDR), 30 lots are zoned R1-1, Low Density Residential in an established area for single-family residential neighborhoods. Three of the lots are zoned R3-1, Medium Density Residential. One lot proposed for sale is zoned ~~CR-1~~C1.5, Limited Commercial. This lot is located in Playa del Rey, south of Manchester Avenue on Saran Drive. The lot is located in a transition area where surrounding properties are zoned for Residential and Commercial uses (Los Angeles County, 1984). The two-residentially zoned lots located in Marina del Rey (MDR) are zoned R3-1, Medium Density Residential ~~multi-family residential~~.
>
> The R1 zone is a single-family residential zone. Permitted uses include single-family dwellings, government-owned parks, playgrounds, community centers, and permitted accessory uses. The R1 zone allows 3 to 7 dwelling units per gross acre.

TABLE H-1
ZONING AND SPECIFIC PLAN DESIGNATION

Well #	Lots	Well Name	Nearest Address	APN	Zoning	Specific Plan
1	3	Merrill 1	7851 West Manchester Avenue	4115024805	R3-1	LACTC[a]
2	5	13-1	7912 West 83rd Street	4115024805	R1-1	LACTC
3	8	23-1	7966 West 79th Street	4115028806	R1-1	LACTC
4	2	Joyce 1	7737 West 82nd Street	4114022800	R1-1	LACTC
5	3	Lormar-1	7726 West 83rd Street	4114023801	R1-1	LACTC
6	1	Anglo American	7565 81st Street	4114019801	R1-1	LACTC
7	2	O and M 1	7714 West 83rd Street	4114023800	R1-1	LACTC
8	4	Samarkand 1	8244 West 83rd Street	4115012800	R1-1	LACTC
9	3	29-2	8219 Falmouth Avenue	4115014800	R1-1	LACTC
10	2	29-1	8103 Falmouth Avenue	4115014801	R1-1	LACTC & CB[b]
11	1	Hisey-1	8600 South Saran Drive	4119001800	~~CR-1~~C1.5	LACTC
12	2	Troxel 1	5107 Ocean Front Walk, MDR	4294006019	R3-1	LACTC

[a] LACTC: Los Angeles Coastal Transportation Corridor Element;
[b] CB: Coastal Bluffs Element

SOURCE: Chambers Group (2000); Environmental Science Associates (2004)

The R3 zone is a multiple dwelling zone. Permitted uses include single-family dwellings, two-family dwellings, group dwellings, multiple dwellings, or apartment houses. R3-1 Medium Density Residential allows 24-40 dwelling units per gross acre.

The ~~CR~~C1.5 zone is a limited commercial zone. Permitted uses include but are not limited to ~~churches,~~ government-owned parks, public parking areas, any single- or two-family dwellings, apartment houses, mini-shopping centers, restaurants, and uses wholly conducted within an enclosed building such as a hotel, bank, or office. ~~There is a six-story height limit in the CR zone. In addition, no merchandise is to be displayed, sold, or serviced and all activities are to be conducted wholly within an enclosed building.~~

PM-5 The commenter suggests that the boundaries of the gas storage field (referred to as "the oil field" by the commenter) (as shown in DEIR Figures S-2, S-3, 3-3, and 3-4) do not seem to be accurate. The basic figures presented in the DEIR that depict the limit of the SCG Playa del Rey gas storage field boundaries were prepared by SCG. The boundary as shown is adequate for the purposes of understanding the relationship between the project lots and the gas storage field.

PM-6 The 36 lots proposed for sale are (and have been for approximately the past five years) currently in escrow. This means that the buyers' money has been deposited with a third party; however, that money has not yet been transferred to SCG. It is true that projects must be reviewed before an "action" is taken; however, the proposed sale has not yet actually taken place as the buyers have not taken ownership of the lots and SCG has not received compensation for the lots.

PM-7 Please see Master Response, *Project Description*.

PM-8 Please see responses C1-2 and C1-3.

PM-9 The commenter refers to a potential conflict of interest by the consultants hired by the CPUC to prepare the EIR. Please see response C1-1.

PM-10 The commenter requests to know the cost of a suggested report on movement of oil [and] gas for the whole oil field within the Los Angeles basin. This question is beyond the scope of this CEQA analysis for the 36 lots proposed for sale and any answer would be highly speculative. Accordingly, no meaningful answer can be provided in response to this comment.

PM-11 The DEIR adequately addresses the environmental setting to gain an understanding of the significant effects of the proposed project. The DEIR evaluated 46 plant and animal species that could potentially occur in the project vicinity and within the limits of the project lots using the California Natural Diversity Data Base (an electronic database maintained by the California Department of Fish and Game) and the California Native Plant Society Electronic Inventory. The DEIR preparer used these databases to update the list of special-status species identified by the Chambers Group (2000). The DEIR preparer conducted a reconnaissance survey of the sites in March 2003 to evaluate the habitat condition of the lots for special-status species, including endangered species. The DEIR preparer also consulted with California Department of Fish and Game on February 11, 2004 to discuss special-status species potentially breeding at the 36 project lots. See response PM-12 below.

The Chambers Group (2000) report does evaluate species that typically use non-native habitats. All of the lots support non-native habitats, thus, the report determined that "Those [species] detected and expected at the site are representative of the urban landscaping that covers the project sites. These sites are not expected to sustain native wildlife species because they are covered by nonnative and landscaping [plant] species….[However] larger trees on the project sites may provide nesting habitat for local species….Mammals that may inhabit the sites included black and Norway rat… and the house mouse…." The Chambers Group report also discussed the potential presence of burrowing owl, which can use non-native habitats. The DEIR considered the conclusions in the Chambers Group report and formed its own conclusions

regarding an evaluation of species that typically use urban non-native habitats (see DEIR pages 4.C-1 through 4.C-2 and 4.C-9 through 4.C-10).

PM-12 The DEIR does not omit any critical information and includes all necessary surveys. Additional studies are not required under CEQA. In a CEQA document, analysis of environmental effects need not be exhaustive, but is judged in the light of what is reasonably feasible (CEQA Guidelines Section 15151). CEQA does not require a lead agency to conduct every recommended test to evaluate the impacts of a proposed project.

The DEIR evaluated 46 plant and animal species that could occur on the site per the California Natural Diversity Data Base (an electronic database maintained by the California Department of Fish and Game) and the California Native Plant Society Electronic Inventory. Based on that evaluation, the DEIR further analyzed the project's potential to impact avian species, the monarch butterfly, and globose dune beetle due to potential future development. The DEIR includes reconnaissance survey results of all special-status invertebrates that have the potential to occur on the lots (see DEIR Appendix B). The DEIR also includes species-specific survey results of special-status invertebrates with high potential occurrence on the lots (i.e., monarch butterfly and globose dune beetle). The DEIR recommends mitigation measures (Mitigation Measures C.1 through C.3) that would require additional species surveys when the future projects are implemented.

PM-13 The DEIR adequately addresses the environmental setting of the proposed project. The description of the environmental setting is no longer than what is necessary to gain an understanding of the significant effects of the proposed project. The project involves the sale of 36 lots currently owned by SCG. An analysis of the migration corridors was discussed in the Initial Study to the extent of understanding of the significant effects of the proposed project. The Initial Study determined that "[n]o wildlife movement corridors are present on any of the sites and no long-term significant impacts are expected to local and/or regional wildlife movement corridors as a result of the proposed project. The proposed project would not adversely affect the ecological connectivity of the El Segundo dune ecosystem and the Ballona wetlands. None of the sites provide wildlife movement corridors to either the El Segundo Dunes or the Ballona wetlands." The lots are isolated, highly-disturbed, and surrounded by urban development. Thus, their potential to act as a substantial movement corridor is low. Except the potentially occurring and present special-status species identified in the DEIR, the condition of the lots, including the Marina del Rey lots, precludes breeding and stopovers by migrating birds, including California least tern, which breeds in areas relatively free of human or predatory disturbance. Please see response D2-3.

PM-14 The proposed project does not require Section 7 consultation with the U.S. Fish and Wildlife Service. Section 7 of the Federal Endangered Species Act requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to

jeopardize the continued existence of any species listed under the Federal Endangered Species Act, or to result in the destruction or adverse modification of its habitat. The project applicant (SCG) is not a federal agency nor does the project have a federal connection or requirement. The project does not have the potential to impact a species listed under the Federal or California Endangered Species Acts. Please see also response PM-13.

PM-15 Consultation with local Native Americans is ongoing. Please see response B4-1.

PM-16 Recommended Mitigation Measure D.1 adequately addresses the potential discovery of human remains per CEQA Guidelines Section 15064.5 (e)(1).

PM-17 Please see response C1-21.

PM-18 The specific question raised by the commenter pertained to the measurement range of the FID used for field sampling. The instrument range used for the FID during the field sweeps of the 36 lots was 0-50 parts per million.

PM-19 Please see response C1-19.

PM-20 Please see response C1-14.

PM-21 The commenter is correct that potential future development would cause traffic impacts. Discussion of DEIR Impacts J.1, J.2, J.5, and J.6 address traffic impacts and recommended mitigation measures are included to address these impacts. The commenter states that a traffic study by Crane and Associates be reviewed and incorporated into the DEIR. Without further detail, the referenced traffic study cannot be identified and therefore, this comment cannot be responded to. However, as the DEIR has indicated in Section 4.A, *Approach to Analysis* and Section 4.J, *Transportation and Traffic*, future development would be required to undergo subsequent environmental review, and at that time, any necessary traffic analysis specific to the future development would be conducted.

PM-22 Comments from residents regarding hydrogen sulfide releases observations in the project area are acknowledged in the DEIR beginning on page 4.B-23:

> "Historically, odors related to methane have been reported as noticeable in the PDR area and have, at times, been attributed to PDR Gas Storage Facility operations because the PDR Gas Storage Facility does release gas on an as-needed basis from its vent systems, and experiences fugitive leaks from valves, flanges, and other piping at the facility. However, other potential sources can include naturally-occurring hydrogen sulfide from decaying biomass; hydrogen sulfide gas from sewers, sewer vents, and storm drains; and naturally-occurring hydrogen sulfide gas from the nearby wetlands (Ballona Wetlands).

> Historically since 1998, the SCAQMD has investigated 60 odor complaints in the vicinity of the PDR Gas Storage Facility (SCAQMD, 2003). According to SCAQMD, a significant odor impact is defined as odors that are perceptible to more than 10 residents from any single source (Krause, 2003). Odor complaint frequency in the PDR area is strongest downwind of the PDR Gas Storage Facility during light morning on-shore breezes (Krause, 2003)."

While historical data considered in the DEIR show that hydrogen sulfide is present in the background environment within the project area and can occur from a number of different sources, studies of hydrogen sulfide conducted for this proposed sale have shown that the 36 lots are not significant sources of hydrogen sulfide.

Please see also response B2-4.

PM-23 Please see responses C1-12, C1-39, and C1-59.

PM-24 The history of the 12 wells located on the project lots was considered in this analysis and was presented in DEIR Tables 4.F-1 and 4.G-1. Potential impacts from future well leaks are considered in the discussions of Impacts E.1, F.1, and G.1 in the DEIR. Please see responses C1-12 and D1-28.

PM-25 DEIR page 6-2 includes a description of the Westchester Community Plan Update and this project was included in the DEIR cumulative impacts analysis. In addition, for additional information regarding cumulative projects, please see also responses C1-9 and D2-1.

PM-26 Please see responses C1-9 and D2-1.

PM-27 Please see responses C1-42 and C1-59.

PM-28 Please see response D2-5 and PM-35.

PM-29 Please see response D2-5 and PM-35.

PM-30 Please see responses D2-5 and PM-35. Recreational facilities or in-lieu recreational fees will likely be provided as part of the ultimate residential development of the properties.

PM-31 This comment addresses the issue of project consistency with the "Park to Playa" project. The Park to Playa project, when completed, will create a recreational path that would provide a connection for bicyclists and pedestrians between the Baldwin Hills and Ballona Creek areas. Because the 36 lots proposed for sale are located within an already-developed area, future development of the project lots would not interfere with the Park to Playa project. Future development of the lots would occur within the

existing lot lines of the properties and the existing right-of-way would still be available for recreational trails/paths.

PM-32 Not selling the 36 lots is considered in the DEIR as the "No Project" Alternative. Please refer to DEIR pages 5-2 through 5-4. Please see also responses D2-5 and PM-35.

PM-33 Regarding the No Project Alternative, please see responses D2-5 and PM-35. Regarding maintenance of the wells that are located on the project lots, all wells on the lots have been abandoned in accordance with current requirements and standards and are no longer used to monitor SCG's gas storage facility. Off-site operational wells are used by SCG for monitoring of its gas storage facility operations. CEQA considers impacts of a proposed project on the environmental baseline (i.e., the preexisting conditions of the project site). Therefore, it would not be appropriately within the scope of this EIR to consider restoring the sites to the prior environmental condition of operational monitoring wells, since these wells have in fact, been abandoned.

PM-34 This comment questions whether prospective buyers of the 36 lots could file lawsuits if the "No Project" Alternative was adopted by the CPUC. This is not an environmental issue and is therefore outside the scope of this CEQA analysis.

PM-35 The "No Project" Alternative was analyzed in equal depth to other alternatives identified in the DEIR. The "No Project" Alternative is analyzed in DEIR Chapter 5, *Alternatives*. Specifically, please see DEIR pages 5-2 through 5-4. Please see also, responses D2-5 and PM-33.

PM-36 Please see responses C1-11 and C1-12. The HHRA considered the combined total risk of all 36 lots and found no significant impact from pathways, including soil gas. While methane mitigation measures such as membranes and vents do not scrub out soil gases, the measures ensure that a buildup of soil gases does not occur within confined spaces, such as buildings, by venting soil gases to the atmosphere.

PM-37 Please see responses D1-28 and E1-4.

PM-38 Please see responses D1-28 and E1-4.

PM-39 The methane mitigation standard contained in the City of Los Angeles Building Code limits building within 50 feet of wells; this limitation pertains to "active" oil well casings. DOGGR and the City of Los Angeles policy regarding abandoned wells requires vent cones to be installed if a well is under or within 10 feet of being under new construction, including a substantial concrete slab that is connected to a building. Please see responses C1-41 and C1-42.

PM-40 DEIR Appendix F includes DOGGR regulations for maintenance of the abandoned wells. Both DOGGR policies and City of Los Angeles Building Code methane

mitigation standards already address the kinds of structures that can be built on top of the abandoned wells. Please also see responses C1-41, C1-42, C1-71, D1-28, and PM-39.

PM-41 The CPUC Energy Division manages all CEQA analysis for the CPUC. The Commission, at a public hearing, will decide whether or not to certify the EIR. The decision of whether or not to approve or deny SCG's application is an issue that the assigned Administrative Law Judge and the Commission will address in the general proceeding for the application once the FEIR has been certified. Please see also Master Response, *CPUC and CEQA Process*.

PM-42 The CPUC will hold a public hearing at which time it will decide whether or not to certify the Final EIR. That meeting will be a formal proceeding before the Commission and the meeting will either be recorded or transcribed. Please see also Master Response, *CPUC and CEQA Process*.

PM-43 CEQA does not require a public review period for the FEIR (CEQA Guidelines Section 15089). However, Public Resources Code Section 21092.5 does require the lead agency to provide a written proposed response to each public agency which commented on the DEIR. The proposed response must be provided to the pertinent public agency at least 10 days prior to the lead agency's certification of the FEIR. While not required by CEQA, the CPUC will notify all parties that were on the DEIR mailing list of the completion of the FEIR. In addition, the CPUC will provide copies of the FEIR to all agencies, organizations, and individuals who submitted comments on the DEIR. Notification of the FEIR will be made at least 10 days prior to the FEIR certification hearing. Notice regarding the date, time, and location of the public hearing, at which the FEIR will be considered for certification, will also be given at least 10 days in advance of the actual hearing date. Please see also Master Response, *CPUC and CEQA Process*.

PM-44 As discussed in Master Response, *Project Description*, the proposed project includes the sale of 36 lots currently owned by SCG. Please see response PM-10.

PM-45 The comment states that the EIR should include a sociological review using oral interviews to record public perceptions of risk and concern. Such purely social or economic effects cannot be treated as significant effects on the environment (CEQA Guidelines Section 15131). Further, such analysis would be irrelevant because it would not constitute "substantial evidence" of significant environmental impacts (Public Resources Code Section 21080(e)). By comparison, the substantial evidence in the record, i.e., the human health risk assessment, supports the DEIR's conclusion that the project's public health impacts would be less than significant.

According to CEQA Guidelines Section 15002, the purpose of CEQA is to inform governmental decision-makers and the public about the potential, significant

environmental effects of proposed activities; identify ways that environmental damage can be avoided or significantly reduced; prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and to disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. As an EIR has been prepared that took into consideration many studies that related to the physical environment, the CPUC has fulfilled the purpose of CEQA for this project. CEQA does not require a sociological review of members of the public for inclusion in the environmental analysis of the EIR.

PM-46 This comment does not state a specific concern or question regarding a significant environmental impact or adequacy of the DEIR. The comment expresses support of the adequacy of the DEIR.

PM-47 The commenter suggests that U.S. Department of Justice policies pertaining to the land exchanges that resulted in development of Marina del Rey communities and Congressional authorizations about well operation from the 1940s be reviewed. It is unclear what the relationship of this comment is to the proposed sale. While there may be some unknown potential gas storage field operational issues related to these comments, these specific issues should be addressed in the CPUC General Proceedings on A.99-05-029 as there are no apparent CEQA-related environmental impact issues associated with this comment. Please see Master Response, *Project Description*.

Although SCG operated a compressor station for the federal government during World War II, SCG bid for and took ownership of the Playa del Rey Gas Storage Facility on December 1, 1953 (Chambers Group, 2000).

Storage of gas in the Playa del Rey oil field (including Marina del Rey) began when the federal government condemned the property and took possession of it on September 29, 1942 for use in the war effort for World War II. Thus, the federal government first granted itself permission to store gas in the Playa del Rey oil field; the permission was not by the CPUC as the commenter suggests. The federal government declared the property surplus in 1953, after which it was purchased by SCG (Chambers Group, 2000) and became regulated by the CPUC.

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CHAPTER IV

REVISIONS TO THE DRAFT EIR

A. INTRODUCTION

In accordance with Section 15132 of the CEQA *Guidelines*, this section presents the changes that were made to the Draft EIR to clarify or amplify its text in response to comments. Such changes are insignificant as the term is used in Section 15088.5(b) of the State CEQA *Guidelines.*

The following text changes are made to the Draft Environmental Impact Report (DEIR). The changes are grouped by DEIR chapters and are then shown by page number in the DEIR and identified as to the location of the change in the body of the text or table.

Where changes are shown inserted in the existing DEIR text, revised or new language is underlined, deleted language is indicated by ~~strikethrough~~, and the original text is shown without underline or strikethrough. Where not ambiguous, new or replacement text is shown without markings.

B. CHANGES TO DEIR CHAPTER 1, INTRODUCTION

Page ***Identification* / Text Change:**

1-2 *The second sentence of the fourth full paragraph on page 1-2 is changed to read:*

> **Table 1-1** provides a chronological summary of the studies that were conducted by independent consultants under contract to the CPUC in support of the environmental analysis for A.99-05-029; the results of which were used to evaluate potential environmental impacts in this Draft EIR.

1-2 *The following text is added to the bottom of DEIR page I-2 under Section 1.3*:

> …this EIR identifies potential impacts that could occur and provides recommended mitigation measures that could and should be applied to other responsible agencies during subsequent environmental review and approval processes for specific future project on the lots proposed for sale as they occur. In a motion filed by Paragon Communities, Inc. on June 29, 2004, Paragon has agreed to incorporate all of the mitigation measures recommended in the DEIR that are pertinent to lots 14 through 17 in Cluster 7 and lots 22 through 25 in Cluster 8, into the project plans for any future development of those lots. However, it will be under the jurisdiction of

other agencies to adopt, implement, and enforce any mitigation measures ultimately imposed on potential development projects on the lots in question.

C. CHANGES TO DEIR CHAPTER 2, SUMMARY

Page ***Identification* / Text Change:**

2-7 *Recommended Mitigation Measure D.1a is added before Recommended Mitigation Measure D.1 and Recommended Mitigation Measure D.1 is changed to Recommended Mitigation Measure D.1b in the Mitigation Measures column for Impact D.1 on DEIR page 4.D-9 as follows:*

D.1a: Future developers of the lots shall retain a qualified archaeologist to conduct monitoring during ground-disturbing activity in the lots proposed for sale. The archaeologist shall meet the Secretary of the Interior's professional standards (36 CFR Part 61) for archaeology. In addition, in consultation with the Native American Heritage Commission, future developers shall appoint a Native American representative to monitor the ground disturbing activity. Both the on-site archaeologist and the Native American monitor shall determine, based on relevant information in the field (e.g. culturally sterile soils or fill material), whether full-time monitoring is required or necessary after initial ground disturbance is conducted. If cultural resources, *such as chipped or ground stone, large quantities of shell, historic debris, building foundations, or human bone*, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 50 feet of the find and an avoidance, evaluation, or mitigation plan shall be formulated by the on-site archaeologist and in consultation with the Native American monitor before construction can continue.

D.1b: …

2-12 *The text of the Mitigation Measures and Level of Significance after Mitigation columns for Impact F.1 on DEIR page 2-12 is changed to read:*

Mitigation Measures

~~**Mitigation:** None required. Los Angeles City Building Code requires additional mitigation for methane and other gases be implemented when construction occurs at these sites. These additional measures include the installation of membrane barriers and vent piping as well as trench dams and electrical seal offs for each of these properties. Since these measures are already required by regulation, they are not mitigation measures according to CEQA, and the public health impacts at these clusters would be less than significant.~~

Recommended Mitigation Measure F.1: If contaminated soils are encountered during future site construction activities, the future developer shall seek regulatory oversight either from the Department of Toxic

Substances Control or the LARWQCB through their voluntary clean-up programs.

Level of Significance after Mitigation

Less than significant. Los Angeles City Building Code requires additional mitigation for methane and other gases be implemented when construction occurs at these sites. These additional measures include the installation of membrane barriers and vent piping as well as trench dams and electrical seal offs for each of these properties. Since these measures are already required by regulation, they are not mitigation measures according to CEQA

D. CHANGES TO DEIR CHAPTER 3, PROJECT DESCRIPTION

Page ***Identification* / Text Change:**

3-1 *The following text is added to DEIR page 3-1 after the second sentence of third paragraph:*

All of the 36 lots proposed for sale in Playa del Rey and Marina del Rey are located within the City of Los Angeles.

E. CHANGES TO DEIR CHAPTER 4.A, APPROACH TO ANALYSIS

Page ***Identification* / Text Change:**

4.A-1 *The fourth line of the second full paragraph on page 4.A-2 is changed to read:*

Table 4.A-1 provides a chronological summary of the studies that were conducted by independent consultants under contract to the CPUC in support of the environmental analysis for A.99-05-029; the results of which were used to evaluate potential environmental impacts in this Draft EIR.

4.A-3 *Table 1-1 on DEIR page 4.A-3 is changed to read:*

Table 1-14.A-1

F. CHANGES TO DEIR CHAPTER 4.D, CULTURAL RESOURCES

Page ***Identification* / Text Change:**

4.D-5 *The text of DEIR page 4.D-5 is revised as follows:*

Twenty-eight archaeological sites have been recorded within a one-mile radius of the project area 34 Playa del Rey lots. Of these, 23 are prehistoric archaeological sites and six are historic archaeological sites. One of these sites is listed as a City of Los Angeles Historic-Cultural Monument No. 490, CA-LAN-47. It is

designated as the Gabrielino village of *Sa-Angna*, placing it approximately one-mile from the project area.

Six prehistoric sites are located within the boundaries of the PDR portion of the project area: CA-LAN-63, CA-LAN-64, CA-LAN-65, CA-LAN-203, CA-LAN-204, and CA-LAN-206. These sites are summarized below in **Table 4.D-1**. All six sites are situated in the northern half of this portion of the project area, between Gulana Avenue on the west and Hastings Avenue on the east, placing some of these known site locations within a quarter-mile of the 36 lots proposed for sale. CA-LAN-63 and LAN-64 were identified approximately 1/2 mile east of the lots. The locations of the 36 lots were compared with the mapped locations of these prehistoric sites, and none of the parcels are within the boundaries of the prehistoric sites. None of the known sites were identified within the footprints of the lots.

Many of the sites listed, LAN-63, 64, and 206, have been extensively investigated (Van Horn, 1987 and Altschul, 1997). On the basis of CEQA criteria (see below), CA-LAN-206 was found to be too degraded to be considered an important cultural resource. LAN-63 and 64 were found to meet the CEQA criteria and were scientifically investigated to a level that reduced adverse effects of the proposed West Bluffs development (Planning Consultants Research, 1998). Given this information and the distance of these sites to the Playa del Rey lots (at approximately 1/2 mile from the recorded boundaries of LAN-63 and 64), further impacts to these sites is not anticipated. Although the locations given for sites CA-LAN-65, 203, and 204 do not correspond to the lot footprints, they were recorded with ambiguous or uncertain information regarding their exact location; however, the sites were small and have been likely destroyed due to development and natural erosion since their original recordation.

The Westchester Bluffs, which overlook the Ballona Creek drainage to the north, would have served as an optimal location for exploiting Ballona Creek wetland resources. However, these sites have been largely destroyed as a result of bluff erosion and housing development. Thus, the sale and future development of these parcels would not result in adverse impacts on any of these known resources. However, previously unrecorded subsurface archaeological resources could be present within the individual parcels.

4.D-6 *The last portion of the first paragraph on DEIR page 4.D-6 is modified to read:*

One response was received from Samuel Dunlap, a representative of the Gabrielino Indians Tribal Council, who recommended that monitoring be conducted during ground disturbance of the lots. Further, a comment was received from the Gabrielino/ Tongva Tribe requesting that the lots be donated for preservation and be kept in trust by the tribal council. Further consultation between the lead agency and the Gabrielino/ Tongva Tribe is recommended. ~~No~~

~~responses have been received as of the writing of this document. If, as planning proceeds, further information or concerns relevant to the project are presented from a NAHC contact, further consultation between the lead agency and the contact is recommended.~~

4.D-9 *Recommended Mitigation Measure D.1a is added before Recommended Mitigation Measure D.1 and Recommended Mitigation Measure D.1 is changed to Recommended Mitigation Measure D.1b on DEIR page 4.D-9 as follows:*

Recommended Mitigation Measure D.1a: Future developers of the lots shall retain a qualified archaeologist to conduct monitoring during ground-disturbing activity in the lots proposed for sale. The archaeologist shall meet the Secretary of the Interior's professional standards (36 CFR Part 61) for archaeology. In addition, in consultation with the Native American Heritage Commission, future developers shall appoint a Native American representative to monitor the ground disturbing activity. Both the on-site archaeologist and the Native American monitor shall determine, based on relevant information in the field (e.g. culturally sterile soils or fill material), whether full-time monitoring is required or necessary after initial ground disturbance is conducted. If cultural resources, *such as chipped or ground stone, large quantities of shell, historic debris, building foundations, or human bone*, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 50 feet of the find and an avoidance, evaluation, or mitigation plan shall be formulated by the on-site archaeologist and in consultation with the Native American monitor before construction can continue.

Recommended Mitigation Measure D.1b: …

4.D-10 *The first paragraph of Impact D.1 on DEIR page 4.D-10 is revised as follows:*

Although the present survey and previously conducted surveys did not reveal new cultural resources at the proposed lots, these surveys may not conclusively demonstrate the nonexistence of subsurface cultural resources on the project site. Traditional foot survey methods are constrained due to variation in the natural landscape, such as grass cover and grazing that can obscure surface evidence. Moreover, the Westchester bluffs and the surrounding area have experienced a long period of human occupation and landscape change. The proximity of a number of previously recorded archaeological sites, e.g. CA-LAN-63, 64, 203, 204, and 206, also lends to the area's importance prehistorically. In addition, Native American representatives have indicated that the bluff area was a prominent village site called *Sa'anga.* Significant artifactual, ecofactual (i.e., plant and animal remains), and geofactual (i.e., soils, sediments, and minerals) evidence of this occupation may be revealed whenever subsurface activity takes place. If historical resources, unique archaeological resources, or traditional cultural properties do exist on the project

site, grading and other construction-related activities could cause significant impacts to the scientific value of those resources.

G. CHANGES TO DEIR CHAPTER 4.E, GEOLOGY AND SOILS

Page ***Identification* / Text Change:**

4.E-15 *The first full paragraph on DEIR page 4.E-15 is changed to read:*

Brown and Caldwell conducted soil gas surveys and subsurface exploration studies to support the analysis for this EIR (Brown and Caldwell, 2004). Results of Brown and Caldwell's recent soil gas sampling verify the absence of processed natural gas ~~soil gas~~ in the shallow soils on the project parcels indicating that there is no leakage occurring from the project site well casings and surrounding geology. Methane was detected in soil gas samples at Cluster 11 and one sample at Cluster 12 (see page 4.G-3 for a full description of these samples). As discussed above, the migration of gas to the surface would only be an impact if that gas represented an adverse health hazard to the public on the associated lots. (Refer to Section 4.F, Public Health and Section 4.G, Public Safety for additional discussion and analysis on human health and safety impacts associated with exposure to subsurface gas sources.)

H. CHANGES TO DEIR CHAPTER 4.F, PUBLIC HEALTH

Page ***Identification* / Text Change:**

4.F-1 *The third and fourth paragraphs of DEIR page 4.F-1 are modified as follows:*

TYPES OF GASES

There are three types of gas that may exist within the geological and soil units underlying the project area: biogenic (sometimes called bacterial or swamp) gas, thermogenic (field) gas, and processed natural gas (also called storage gas or piped gas). Biogenic gas is primarily methane with carbon dioxide and sulfide gases formed in shallow depths and low temperatures that result from anaerobic bacterial decomposition of organic material in former lagoon deposits or other sources. Biogenic gas contains mostly methane and carbon dioxide with smaller amounts of ethane, propane, and butane. These biogenic gases are not toxic at low (ppm) levels; however, they act as asphyxiants at high concentrations. ~~Biogenic gases contain trace quantities of other chemicals which are toxic at low levels (in the ppm range), including benzene, toluene, ethyl benzene, and xylene (BTEX). These (BTEX) are addressed in the human health risk assessment (HHRA) that was conducted for this project (see Appendix E).~~ Methane and other asphyxiants are considered in Section 4.G, *Public Safety*. If there is sulfur present in the

decomposing organic matter, these gases may also contain trace quantities of hydrogen sulfide.

Thermogenic gas is generated at great depth when increased temperatures and pressures alter organic material. ~~Similar to biogenic gas,~~ Thermogenic gas contains a broad range of gas components including methane, ethane, propane, and butane, as well as trace amounts of toxic gases, including hydrogen sulfide. Unlike biogenic gases, thermogenic gases contain trace quantities of other chemicals which are toxic at low levels (in the ppm range), including benzene, toluene, ethyl benzene, and xylene (BTEX). These (BTEX) are addressed in the human health risk assessment (HHRA) that was conducted for this project (see Appendix E). The HHRA addresses the trace toxic gases, and Section 4.G, *Public Safety*, deals with the other gases which act as asphyxiants or present safety risks (explosion or fire).

4.F-4 *The third full paragraph of DEIR page 4.F-4 is changed to read:*

SCG, or its successor in interest ~~owns most mineral rights in the PDR gas storage field and~~ is ~~therefore~~ responsible for any gas leaks or damage originating from gas storage operations at the PDR Gas Storage Facility (both aboveground facility and associated operating wells)~~from thermogenic sources~~. ~~California Public Resources Code, Section 3251.5 states that if an abandoned well leaks and requires remedial work 15 or more years after it was properly abandoned according to all requirements at the time of abandonment, the state must assume financial responsibility for the remedial work.~~ Financial responsibility for the wells relevant to the proposed sale would transfer to the State 15 years after the well was properly abandoned only if the leak was unrelated to gas storage operations. SCG, or any successor in interest, would continue to have liability for any well leak that could be shown to be related to storage operations.

4.F-5 *The description of the Troxel 1 gas leak on Table 4.F-1 of DEIR pages 4.F-5 is modified as follows:*

Troxel 1	**Native (Marsh) Gas Bubbles**	**<1000**	**1994**	**Union Jack Street and between Speedway Avenue and Venice Beach**

4.F-5 *Table 4.F-1 is amended to include the following note:*

Note: All gas well leaks described in this table were detected through SCG's routine monitoring program; these leaks were repaired after their discovery.

4.F-6 *The text of DEIR page 4.F-6 is changed to read:*

There were 21 groundwater samples taken from five wells at Cluster 12. BTEX and/or TPH were detected in most of the samples. The results of the sampling are given in Table 5 of Appendix A of the Human Health Risk Assessment conducted by Brown and Caldwell (see Appendix ~~D~~E). Table 5 shows that the measured levels of all of the BTEX species are well below California action levels for drinking water standards, except for benzene (see Appendix ~~D~~E). Four of the 21 samples of benzene were slightly above the action level, and the other 17 samples were below the detection limit. However, these action levels are established for drinking water, and the groundwater at Cluster 12 is brackish that is heavily influenced by the tides and cannot be used for human consumption. Thus, there are no health risks to humans from these measured benzene levels in the groundwater.

4.F-12 *The following recommended mitigation measure and revised text is added under Impact F.1 on DEIR page 4.F-12:*

~~**Mitigation:** None required. Los Angeles City Building Code requires additional mitigation for methane and other gases be implemented when construction occurs at these sites. These additional measures include the installation of membrane barriers and vent piping as well as trench dams and electrical seal offs for each of these properties. Since these measures are already required by regulation, they are not mitigation measures according to CEQA, and the public health impacts at these clusters would be less than significant.~~

Recommended Mitigation Measure F.1: If contaminated soils are encountered during future site construction activities, the future developer shall seek regulatory oversight either from the Department of Toxic Substances Control or the LARWQCB through their voluntary clean-up programs.

Significance after Recommended Mitigation: Less than significant. Los Angeles City Building Code requires additional mitigation for methane and other gases be implemented when construction occurs at these sites. These additional measures include the installation of membrane barriers and vent piping as well as trench dams and electrical seal offs for each of these properties. Since these measures are already required by regulation, they are not mitigation measures according to CEQA

I. CHANGES TO DEIR CHAPTER 4.G, PUBLIC SAFETY

Page ***Identification* / Text Change:**

4.G-2 T*he description of the Troxel 1 gas leak on Table 4.G-1 of DEIR pages 4.G-2 is modified as follows:*

Troxel 1	**Native (Marsh) Gas Bubbles**	**<1000**	**1994**	**Union Jack Street and between Speedway Avenue and Venice Beach**

4.G-2 *Table 4.G-1 is amended to include the following note:*

Note: All gas well leaks described in this table were detected through SCG's routine monitoring program; these leaks were repaired after their discovery.

4.G-3 *The fourth paragraph on DEIR page 4.G-3 is changed to read:*

A helium sample was taken from Cluster 11 for laboratory analyses to determine the signature of the observed methane. To determine the methane signature (i.e., is it biogenic, thermogenic, or storage gas), an isotope analysis of the helium sample was carried out ~~to determine the origin of the gas (i.e., is it biogenic, thermogenic, or storage gas)~~. The ratio of the two stable isotopes of helium are He^3 (atomic weight three) and He^4 (atomic weight four) (He^3 / He^4) ~~and the ratios~~ in the helium sample were used to ~~of these isotopes in the measurements would~~ confirm the source of the detected gas, since methane ~~gases of~~ from different origins have distinct isotopic helium "signature" ratios. The helium isotope analysis confirmed that the origin of the gas found at the Cluster 11 was not the same as storage gas, but more likely is a residual gas that is present naturally (mostly thermogenic) from the decomposition of contaminated soils from historical oil exploration activities (Methane Specialists, 2004).

4.G-5 *To clarify DOGGR policy, the second full paragraph on DEIR page 4.G-5 is changed to read:*

DOGGR has adopted regulations for well abandonment to ensure that it is done safely and effectively. These regulations provide well abandonment procedures that ensure abandoned wells are leak-free at the time of abandonment and require gas field operators, while the gas field is in operation, to monitor and maintain abandoned wells to prevent future migration of oil or gas from the producing zone and the upper zones, as well as protect groundwater. Furthermore, DOGGR is charged with ensuring public safety. DOGGR has the expertise and authority to require whatever steps are deemed necessary to protect public safety. Well abandonment is discussed in more detail in Section 4.E, *Geology and Soils*.

J. CHANGES TO DEIR CHAPTER 5, ALTERNATIVES ANALYSIS

Page ***Identification* / Text Change:**

5-5 *The text of Alternatives 2 and 3 on DEIR page 5-5 is revised as follows:*

Similar to the proposed sale, Alternative 2, Exclusion of Cluster 9 would avoid potential impacts to the monarch butterfly in Cluster 9. Mitigation measures proposed for the project could mitigate these potential impacts to globose dune beetle habitat. While the potential for trespass or other unauthorized use may exist at Cluster 9, impacts to biological resources under Alternative 2 would still be less than under the proposed sale because ~~monarch butterfly habitat would remain undisturbed~~ future development construction activities would not occur, and thus, it is likely the monarch butterfly would be less impacted.

…

Similar to the proposed sale, Alternative 3, Exclusion of Cluster 12 from the proposed sale, would result in potential disturbance to the monarch butterfly because this option would include the sale and development of Cluster 9. However, this alternative would avoid potential impacts to the globose dune beetle in Cluster 12. Mitigation measures proposed for the project could mitigate these potential impacts to the monarch butterfly. While the potential for trespass or other unauthorized use may exist at Cluster 12, impacts to biological resources under Alternative 3 would still be less than under the proposed sale because the globose dune beetle habitat would ~~remain undisturbed~~ not be eliminated by future development.

K. CHANGES TO DEIR APPENDIX A

Page ***Identification* / Text Change:**

Appendix A
Page H-5, H-6 *Upon reviewing the zoning designations for the 36 project lots, the following revisions will be made to the text of pages H-5 and H-6 of DEIR Appendix A:*

Thirty-five of the 36 lots proposed for sale are zoned for residential use. The lots are clustered into 12 groups, as many of the lots are contiguous as shown on Figure 3 and Figure 4 in the Project Description. Table H-1 shows zoning, assessor parcel numbers (APN), nearest addresses, and specific plans for each cluster of lots. Of the 33 residentially-zoned lots located in Playa del Rey (PDR), 30 lots are zoned R1-1, Low Density Residential in an established area for single-family residential neighborhoods. Three of the lots are zoned R3-1, Medium Density Residential. One lot proposed for sale is zoned ~~CR-1~~C1.5, Limited Commercial. This lot is located in Playa del Rey, south of Manchester Avenue on Saran Drive. The lot is located in a transition area where surrounding properties are zoned for Residential and Commercial uses (Los Angeles County, 1984). The two-residentially zoned lots located in Marina del Rey (MDR) are zoned R3-1, Medium Density Residential ~~multi-family residential~~.

The R1 zone is a single-family residential zone. Permitted uses include single-family dwellings, government-owned parks, playgrounds, community centers, and permitted accessory uses. The R1 zone allows 3 to 7 dwelling units per gross acre.

TABLE H-1
ZONING AND SPECIFIC PLAN DESIGNATION

Well #	Lots	Well Name	Nearest Address	APN	Zoning	Specific Plan
1	3	Merrill 1	7851 West Manchester Avenue	4115024805	R3-1	LACTC[a]
2	5	13-1	7912 West 83rd Street	4115024805	R1-1	LACTC
3	8	23-1	7966 West 79th Street	4115028806	R1-1	LACTC
4	2	Joyce 1	7737 West 82nd Street	4114022800	R1-1	LACTC
5	3	Lormar-1	7726 West 83rd Street	4114023801	R1-1	LACTC
6	1	Anglo American	7565 81st Street	4114019801	R1-1	LACTC
7	2	O and M 1	7714 West 83rd Street	4114023800	R1-1	LACTC
8	4	Samarkand 1	8244 West 83rd Street	4115012800	R1-1	LACTC
9	3	29-2	8219 Falmouth Avenue	4115014800	R1-1	LACTC
10	2	29-1	8103 Falmouth Avenue	4115014801	R1-1	LACTC & CB[b]
11	1	Hisey-1	8600 South Saran Drive	4119001800	~~CR-1~~C1.5	LACTC
12	2	Troxel 1	5107 Ocean Front Walk, MDR	4294006019	R3-1	LACTC

[a] LACTC: Los Angeles Coastal Transportation Corridor Element;
[b] CB: Coastal Bluffs Element

SOURCE: Chambers Group (2000); Environmental Science Associates (2004)

The R3 zone is a multiple dwelling zone. Permitted uses include single-family dwellings, two-family dwellings, group dwellings, multiple dwellings, or apartment houses. R3-1 Medium Density Residential allows 24-40 dwelling units per gross acre.

The ~~CR~~C1.5 zone is a limited commercial zone. Permitted uses include but are not limited to ~~churches,~~ government-owned parks, public parking areas, any single- or two-family dwellings, apartment houses, mini-shopping centers, restaurants, and uses wholly conducted within an enclosed building such as a hotel, bank, or office. ~~There is a six-story height limit in the CR zone. In addition, no merchandise is to be displayed, sold, or serviced and all activities are to be conducted wholly within an enclosed building.~~

L. CHANGES TO DEIR APPENDIX E

Page ***Identification* / Text Change:**

Appendix E Page 2 The last paragraph on page 2 of DEIR Appendix E is changed to read:

Methane and **hydrogen sulfide** are two gases that are included in investigations conducted by other members of the ESA team that are not included in the human health risk assessment. ~~**Methane** and **hydrogen sulfide** are two gases that were sampled for in the investigations but not included in this human health risk assessment.~~ Both of these gases are evaluated in separate reports. In the case of hydrogen sulfide, measurements taken of hydrogen sulfide in the air at each parcel did not find concentrations above levels of concern. The 315 measurements were taken at two different heights; 203 measurements immediately above ground surface and 112 measurements at 4 to 6 feet to represent a breathing zone. The concentrations of hydrogen sulfide measured in these samples were compared to California Reference Exposure Levels of 0.03 ppm for acute exposure (1 hour) and long term chronic exposure of 0.007 ppm. None of the samples at ground level exceeded either standard. At breathing zone level, 2 samples exceeded the level of 0.007 and 0.03 ppm for acute effects. However, additional samples were taken immediately following these detections and concentrations dropped to at or below 0.003 ppm within a short time (less than 15 minutes). Also, because these concentrations were not detected at ground surface, it is likely that the source of the hydrogen sulfide is not emissions from the parcels. At this time, there is no evidence that hydrogen sulfide in outdoor air is elevated due to releases from the vapors at the property clusters. ~~And~~ Therefore, hydrogen sulfide was not included in the risk assessment. Methane is not included in this risk assessment because the primary effects are as an asphyxiant (replaces oxygen) and explosive at high concentrations. A separate evaluation was conducted to evaluate the risks associated with high concentrations of methane. Methane was not included in this risk assessment for lifetime exposure because concentrations below the levels of concern as an asphyxiant or explosive are not known to have long term health effects.

Appendix E Page 8 *The last paragraph on page 8 of DEIR Appendix E is changed to read:*

In the case of hydrogen sulfide, measurements taken of hydrogen sulfide in the air at each parcel did not find concentrations above levels of concern. The 315 measurements were taken at two different heights, 203 measurements immediately above ground surface and 112 measurements at 4 to 6 feet to represent a breathing zone. The concentrations of hydrogen sulfide measured in these samples were compared to California Reference Exposure Levels of 0.03 ppm for acute exposure (1 hour) and long term chronic exposure of 0.007 ppm. None of the samples at ground level exceeded either standard. At breathing zone level, 2 samples

exceeded the level of 0.007 and 0.03 ppm for acute effects. However, additional samples were taken immediately following these detections and concentrations dropped to at or below 0.003 ppm within a short time (less than 15 minutes). Also, because these concentrations were not detected at ground surface, it is likely that the source of the hydrogen sulfide is not emissions from the parcels. Therefore, ~~H~~hydrogen sulfide was not included in the risk assessment because there is no evidence that hydrogen sulfide in outdoor air is elevated due to releases from the vapors at the lots. This evidence is documented in a report by Gary Boettcher (Methane Specialists and Sullivan Consulting, 2003~~4~~).

CHAPTER V

AGENCIES, ORGANIZATIONS, AND PERSONS THAT RECEIVED THE DRAFT EIR

Print copies of the DEIR were made available to the public at the California Public Utilities Commission. Print copies of the DEIR were also available for review at the Lloyd Taber-Marina del Rey Library in Marina del Rey and the Westchester – Loyola Village Branch Library in Los Angeles. In addition, the DEIR was available for review on the project website at http://www.playadivest.com.

The Notice of Availability of the DEIR was provided to the following agencies, departments, organizations, and individuals for review and comment:

- Isao Kumada
- Bruce Resnick
- Michael McLaughlin, American Indian Resource Center – Huntington Park Library
- Kathy Knight Ballona, Wetlands Forever, et al.
- Hal Bopp, California Department of Conservation
- Robert Hight, California Department of Fish and Game
- Charles F. Raysbrook, California Department of Fish and Game – South Coast Region
- William Keese, California Energy Commission
- Terry O'Brien, California Energy Commission – Systems Assessment & Facility Siting Division
- Grantland Johnson, California Health and Human Services Agency
- Rosauer Michael, California Public Utilities Commission
- Zee Z. Wong, California Public Utilities Commission
- Carol A Brown, California Public Utilities Commission
- Matthewson Epuna, California Public Utilities Commission
- Fadi Daye, California Public Utilities Commission
- Richard McCarthy, California Seismic Safety Commission
- Mary Nichols, California State Resources Agency
- Detrich B. Allen, City of Los Angeles – Environmental Affairs Department
- Jonathan Kevles, City of Los Angeles – Office of Economic Development
- Carlos Jackson, Community Development Commission / Housing Authority
- Andrew Beath, Earthways Foundation
- Peter Rooney, Environmental Protection Agency
- Dallas Jones, Governor's Office of Emergency Services
- Finney Tal, Governor's Office of Planning and Research
- Bernard Endres, Grass Root Coalition, et al.
- Patricia McPhearson, Grass Root Coalition/Friends of Animals
- Eugene Zeller, Long Beach Department of Planning & Building
- Ray Chan, Los Angeles Building and Safety Department

- Ilan Israely, Los Angeles Building and Safety Department
- Andrew A. Adelman, Los Angeles Building and Safety Department
- Rocky Gordon, Los Angeles Building and Safety Dept
- Con Howe, Los Angeles City Planning Department
- Los Angeles City Planning Department
- Michael Antonovich, Los Angeles County Board of Supervisors
- Yvonne Brathwaite, Burke Los Angeles County Board of Supervisors
- Don Knabe, Los Angeles County Board of Supervisors
- Gloria Molina, Los Angeles County Board of Supervisors
- Zev Yaroslavsky, Los Angeles County Board of Supervisors
- John Longoria, Los Angeles County Board of Supervisors
- John Kelly, Los Angeles County Department of Public Works
- Jim Noyes, Los Angeles County Department of Public Works
- John Squier, Los Angeles County Department of Public Works
- David Yamahara, Los Angeles County Department of Public Works
- James Sparks, Los Angeles County Department of Public Works
- Ellen Stein, Los Angeles County Department of Public Works
- James A. Gibson, Los Angeles County Department of Public Works
- L Thakar, Los Angeles County Department of Public Works – District Offices
- C Sjoberg, Los Angeles County Department of Public Works – Environmental Programs Division
- H Bordas, Los Angeles County Department of Public Works – Environmental Programs Division
- Shari Afshari, Los Angeles County Department of Public Works – Environmental Programs Division
- Fred Rubin, Los Angeles County Department of Public Works – Geotech & Materials Engineering Division
- Richard Sessinghaus, Los Angeles County Department of Recreation and Parks
- Ron Fitzpatrick, Los Angeles County Department of Recreation and Parks
- Bill Jones, Los Angeles County Health Hazardous Materials Division
- Mark Finucane, Los Angeles County Health Services Administration
- Jonathan Fielding, M.D., Los Angeles County Health Services Administration – Public Health Programs and Services
- Leroy Baca, Los Angeles County Sheriff
- James A. Di Giovanna, Los Angeles County Sheriff – Aero Bureau
- Michael G. Savidan, Los Angeles County Sheriff – Carson Station
- Natalie Salazar, Los Angeles County Sheriff – Community Law Enforcement Partnership
- Los Angeles County Sheriff - Emergency Operations Bureau
- Richard A. Adams, Los Angeles County Sheriff – Lenox Station
- Tom G. Martin, Los Angeles County Sheriff – Malibu / Lost Hills Station
- Samuel Dacus, Los Angeles County Sheriff – Marina Del Rey Harbor Patrol
- Darryl W. Young, Los Angeles Department of Conservation
- Tony Cardenas, Los Angeles District 6
- P. Michael Freeman, Los Angeles Fire Department
- William R. Bamattre, Los Angeles Fire Department
- John Gee, Los Angeles Fire Department - Planning Division
- Esther L. Valadez, Los Angeles Regional Planning Commission
- Leslie G. Bellamy, Los Angeles Regional Planning Commission
- Harold V. Helsley, Los Angeles Regional Planning Commission

- Wayne Rew, Los Angeles Regional Planning Commission
- Pat Modugno, Los Angeles Regional Planning Commission
- James Hartl, Los Angeles Regional Planning Commission
- Craig Ewing, Malibu Planning Department
- Richard Thompson, Manhattan Beach Community Development Department
- Larry Myers, Native American Heritage Commission
- Patricia Temple, Newport Beach Planning Department
- John Tennant, Office of State Fire Marshall
- Brian Catadle, Paragon Communities, Inc.
- William Meeker, Redondo Beach Planning Division
- Suzanne Frick, Santa Monica Planning & Community Development Department
- Joseph A. Vaccaro, Sempra Energy
- David J. Gilmore, Sempra Energy
- Barry Wallerstein, South Coast Air Quality Management District
- Jack Broadbent, South Coast Air Quality Management District – Local Commercial and Community Health
- Elaine Chang, South Coast Air Quality Management District – Planning and Policy
- George Ichiyama, South County Community Services Agency
- Mark Pisano, Southern California Association of Governments
- Marcel Hawiger, The Utility Reform Network (TURN)
- Marcia Hanscom, Wetlands Action Network
- Los Angeles County Clerk
- Claudia Fishler, Lloyd Taber-Marina del Rey Library
- James Anquiano, St. Bernards High School
- Ronni Ephraim, Los Angeles Unified School District Local District D
- John Tommy Roses, Gabrailino-Tongva Indians of California Tribal Council
- Edward W. O'Neill, Davis Wright Tremaine, LLP

In addition, Notice of Availability of the DEIR was published in the *Argonaut* on June 17, 2004 and June 24, 2004, and in the *Daily Breeze* and the *Los Angeles Times* on June 15, 2004 and June 24, 2004.