

**Susi, Denise**

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**From:** CFROG oil watchdog <cfrogvc@gmail.com>  
**Sent:** Monday, June 08, 2015 3:25 PM  
**To:** Susi, Denise  
**Subject:** CFROG Legal Advisory Board Additional Comments on the appeal of PL13-0150 to the Ventura County Planning Commission.  
**Attachments:** CFROG Legal 1.jpg

Planning Commissioners 6/8/15

PL13-0150 gives us the opportunity to review all of the issues involved in this project that may cause harm to the environment. As County Counsel has been teaching us, a CUP is like a contract. The good news is that the contract is expired. The thirty-year contract is expired! We have the opportunity now to get it right.

There is a clause in the language of the old CUP that allows the permittee to apply for renewal of the CUP, which Vintage, now California Resources Corporation (CRC), has done. However, the renewal application, according to the terms of the contract, was due 18 months prior to the expiration date. Vintage submitted the application 16 months prior to the expiration date. It is CFROG's position that the contract has expired and all conditions and terms of the contract are thus open to renegotiation.

The request to drill 19 new wells is not an entitlement. It too expired --- 23 years ago. When the last extension of time to drill the wells was granted, it was titled "Last Extension." That was in 1992. If CRC wishes to drill 19 new oil wells on this CUP, then that is a new project that requires a new application, and it triggers CEQA.

Thus, we have an opportunity to examine this CUP, to evaluate the potential harm to the environment and to determine if 36 oil and gas wells is an acceptable number in this unique area. The permittee should submit the reason 19 more wells are required to obtain the oil that has still not

been withdrawn. Of special importance is the precise reason the permittee needs to place 5 new wells on drill pad #7 that encroaches on red line Santa Paula Creek. Modern drilling techniques should allow horizontal drilling from any reasonably close location

CFROG agrees that the expiration dates for the CUP (February 7th, 2015) and the expiration date for the well authorization (1992) are clearly different. We also do not disagree that CUP 3344 remains in effect while the new application is being processed. However, the applicant submitted the renewal application two months after deadline determined in the CUP conditions. Additionally, the CUP has been in effect for thirty years, the permitted time for life of the CUP. It can be renewed under any new terms and conditions the County finds necessary to protect the environment and the surrounding endangered species. The expiration date is in the contract for the purpose of review. As staff stated, a CEQA review has no expiration date. However, the permit has expired and the CEQA review on the well drilling operations was completed as a 1978 checklist without any in-depth study of environmental harm. The EIR checklist was an evaluation for a thirty-year time period. There was never any intent to review the potential harm to the environment for a total of 60 years, as the modification would permit. There is nothing that prohibits staff from requesting a new EIR or a targeted EIR to address new information.

The project has substantially changed for two reasons. First it is our understanding that the oil, gas and produced water are no longer being separated onsite. Thus a new environmental review of the transport off-site is necessary.

Secondly this proposed modification permits both drill pad #2 and #7 to increase in size by more than one acre each. Drill pad #7 is now increased to 1.85 acres from the original permitted size of 0.86 acres. This increase in acreage to both drill pads must be evaluated fully to determine the environmental impact.

There are other changed circumstances that require evaluation of environmental consequences.

California is experiencing a water emergency due to the historic drought. We must consider water as the precious resource that it is and thoughtfully place limits on its use for the drilling, operation, and stimulation treatments of oil wells. Thus, the public needs to have an opportunity to evaluate the potential use of water on this CUP. There is evidence in the record that Santa Paula Water Company and agricultural farmers downstream are concerned about the additional use of water both by the oil operator and the College.

Drill pad #7 has a permanent drain that goes from the drill pad itself into the bank of Santa Paula Creek into an area of the creek that is classified as “critical steelhead habitat.” The potential harm from this drain and the quality of water that it drains must be studied. It is a Federal crime to knowingly harm an Endangered species. This drain may contain harmful chemicals that could be directly responsible for killing steelhead trout in the water below the drain. This is new information.

Drill pad #7 is not in accordance with the NCZO. (see Blue Tomorrow study provided to the Commission by CFROG.)

The CUP was approved for the production of oil and gas. The wastewater was permitted to be trucked to a commercial disposal well or disposed of in a wastewater well on the CUP. Conditions have changed and the oil, gas and wastewater are currently being piped to a disposal well and production site up to a mile away on an entirely different CUP. There is no information on the type of pipeline that is transporting this crude oil through an area that is “highly prone to landslides” according to the record. Transporting crude oil in a pipeline is dangerous because there is the fear that in a fire, the unseparated gas will heat up, explode, and cause a wildfire. The environmental consequences of this possibility must be evaluated and explained to the public.

At no time has drill pad #7 been analyzed for the risk to the facilities from landslides. There was a landslide that occurred sometime after the FEIR on the back side of drill pad #7 that buried a dirt road and the old hiking trail and the south side of the fence surrounding the drill pad. The evidence of this landslide is photo documented (see attachment ) and must be evaluated. This is new information and the the placement of five additional oil wells on this pad could increase the potential disaster were a bigger slide to occur in the future.

There must be a CEQA review of the cumulative impacts of 19 new oil wells on this CUP. The study should include such issues: increased run-off from impervious surfaces on the drill pads, air pollution, greenhouse gas pollution, impacts on stream quality in the event of a pipeline break both from the gathering lines on the CUP and the pipeline that crosses the stream to access the production CUP down the road. The review must also examine the “high likelihood of Chumash artifacts of high importance” that may be on the exact route of this pipeline. According to the record, there has never been an archeological review of this area.

The totality of this evidence calls for a full EIR , not the limited original EIR which was done in the last century. We do not gave to demonstrate that environmental harm will certainly take place , only that there is substantial evidence of a fair argument that harm MAY take place. Your staff has said all the evidence is "without merit" we hope you can see that is not the case.

CFROG legal advisory board .



