

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: CAROLYNN PETRU, AICP, ACTING CITY MANAGER 
DATE: OCTOBER 7, 2014
SUBJECT: BORDER ISSUES STATUS REPORT
Project Manager: Kit Fox, AICP, Senior Administrative Analyst 

RECOMMENDATION

Receive and file the current report on the status of Border Issues.

EXECUTIVE SUMMARY

This month's report includes:

- A report on the most-recent meeting of the San Pedro Facility Restoration Advisory Board (RAB) for the Navy's Defense Fuel Support Point (DFSP) on North Gaffey Street in Los Angeles (San Pedro); and,
- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro).

BACKGROUND

The following is the regular bi-monthly report to the City Council on various "Border Issues" potentially affecting the residents of Rancho Palos Verdes. The complete text of the current status report is available for review on the City's website at:

http://palosverdes.com/rpv/planning/border_issues/2014/20141007_BorderIssues_StatusRpt.cfm

DISCUSSION

Current Border Issues

San Pedro Facility Restoration Advisory Board, US Navy/Los Angeles (San Pedro)

The San Pedro Facility Restoration Advisory Board (RAB) held its most recent meeting on August 27, 2014 (see attached cover letter and agenda). The RAB continues to deal only with environmental remediation at the active Defense Fuel Support Point (DFSP) San Pedro, not the former Navy housing sites on Taper Avenue (Mary Star-of-the-Sea

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High School), Western Avenue (*Ponte Vista*) or Palos Verdes Drive North (Rolling Hills Preparatory School, Marymount California University and Volunteers of America).

Unfortunately, Staff was unable to attend the recent RAB meeting, but Rancho Palos Verdes residents and RAB members provided information to Staff after the meeting. The meeting included a tour of DFSP San Pedro. Of particular interest to our residents was the revelation that the Navy may be considering the closure of the facility at some time in the future. Apparently, the fuel storage tanks on the property have been or are now being emptied. The Navy has provided no timeline for the potential closure or decommissioning of DFSP San Pedro. However, Staff anticipates that such action would involve convening a reuse committee to formulate a plan for the disposition of the property (as was done with the former Navy housing sites in the late 1990s).

For the past couple of years, the Navy has been trying to recruit new RAB members and a permanent Community Co-Chair. Public turnout at recent RAB meetings has been much higher than in the past, and many new attendees have joined the RAB. Staff anticipates that the next RAB will be held in the first half of 2015. Staff will continue to monitor this project in future Border Issues reports.

Rancho LPG Butane Storage Facility, Los Angeles (San Pedro)

On September 10, 2014, Congressman Henry Waxman's office hosted a public meeting with senior staff from the Department of Homeland Security (DHS) and the Environmental Protection Agency (EPA) to discuss Federal chemical safety and security programs and issues related to the Rancho LPG facility (see attached flyer and meeting handout). Staff attended the September 10th meeting at Peck Park in San Pedro, as did Mayor Duhovic, Mayor Pro Tem Knight and Councilmember Campbell. In a statement read by a member of her staff, Congresswoman Janice Hahn reiterated her belief that the relocation of the Rancho LPG facility will be "the only permanent solution" to community concerns. She reiterated that she had called for a field hearing of the House Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials regarding the Rancho LPG facility in August 2013. She also stated that she believed that the recent \$260,000 settlement with EPA helped to minimize the risk of the facility to the community.

DHS Staff described DHS' focus on counter-terrorism and stated that the Rancho LPG facility is one of approximately 4,000 facilities nationwide that are required to have approved site security plans under the Chemical Facility Anti-Terrorism Standards (CFATS) program. It was announced that Rancho LPG had had its CFATS inspection just a week or so before the September 10th meeting. For security reasons, however, DHS was not able to discuss any specific measures undertaken to secure the Rancho LPG facility.

EPA Staff described EPA's focus on emergency preparedness and prevention, noting that there are only six (6) EPA inspectors to cover 1,100 EPA-regulated facilities in Region 9 (Arizona, California, Hawaii and Nevada). There was also discussion of Executive Order No. 13650, wherein EPA, DHS and the Occupational Health and Safety Administration (OSHA) are seeking community input about how to make existing chemical

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facilities safer. Finally, EPA Staff reviewed the final outcome of the investigation into the six (6) causes of action listed in the March 2013 “show cause” letter from EPA to Rancho LPG, which resulted in the \$260,000 settlement that was announced earlier this year.

In general, both DHS and EPA indicated that the Rancho LPG facility was operating in compliance with the Federal regulations applicable to the facility. In response to a question posed by City Staff, EPA stated that the two (2) causes of action from the March 2013 letter that were not addressed in the settlement had been effectively “dropped” as a result of additional consultations between EPA and Rancho LPG. Based upon the questions posed by many attendees, it is clear that they were not satisfied with the answers and explanations provided by DHS and EPA (see attached *Daily Breeze* article).

After considering the revocable permit issued by the Port of Los Angeles in 2011 for a segment of the rail spur that serves the Rancho LPG facility on June 19, 2014, the State Lands Commission (SLC) agreed to re-agendize the matter for a future meeting, pending the submittal of additional information from Rancho LPG to determine the liability exposure of the State, the City of Los Angeles and other potentially affected parties. Staff anticipates that the continued discussion of this matter may occur appear on the agenda for the SLC’s meeting of October 14, 2014, which is scheduled to be held somewhere in the Los Angeles area. Staff will keep the City Council and interested parties apprised as we receive more information about the agenda and location of the upcoming SLC meeting.

In the past two (2) months, interested parties have continued to forward items regarding and related to the Rancho LPG facility via e-mail. Copies of these e-mails are attached to tonight’s report. Staff will continue to monitor this project in future Border Issues reports.

New Border Issues

There are no new Border Issues on which to report at this time.

Attachments:

- Cover letter and agenda for San Pedro Facility RAB meeting (dated 8/27/14)
- Flyer and handout for Congressman Waxman’s meeting with DHS and EPA (dated 9/10/14)
- *Daily Breeze* article regarding September 10th meeting with DHS and EPA (published 9/12/14)
- E-mails related to the Rancho LPG facility (miscellaneous dates)

Cover letter and agenda for San Pedro Facility RAB meeting



DEPARTMENT OF THE NAVY

NAVAL WEAPONS STATION SEAL BEACH
800 SEAL BEACH BOULEVARD
SEAL BEACH, CA 90740-8000

RECEIVED

AUG 18 2014

IN REPLY REFER TO:

5090

Ser 45W/0131

14 Aug 2014

Dear Restoration Advisory Board Member:

Naval Weapons Station Seal Beach will hold a Restoration Advisory Board (RAB) meeting for the Defense Fuel Support Point (DFSP) San Pedro on Wednesday, August 27, 2014, from 5:30 to 7:15 PM, at DFSP San Pedro. The enclosed agenda lists the proposed topics and the location/address of the RAB meeting. The DFSP San Pedro RAB meets to review ongoing Installation Restoration Program (IRP) work.

Applications are continuing to be accepted for RAB membership. RAB members serve a two-year term and attend the semiannual RAB meeting. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the IRP at DFSP San Pedro. Members are expected to act as a source of information exchange between the community and the Navy.

If you are interested in RAB membership, please contact Kellie Freeman at (619) 272-7217 or via email at: Kellie.Freeman@ch2m.com.

If you have any questions, you may contact the Navy Remedial Project Manager, Ms. Brenda Reese, at (619) 532-4209 (email: brenda.reese@navy.mil) or the Principal Environmental Scientist, Dr. Margaret Wallerstein at (562) 626-7838 (email: margaret.wallerstein.ctr@navy.mil).

Sincerely,

Pei-Fen Tamashiro
Installation Restoration Coordinator
By Direction of the
Commanding Officer

Enclosure: 1. DFSP San Pedro RAB Meeting Agenda

NAVAL WEAPONS STATION SEAL BEACH
DFSP SAN PEDRO RESTORATION ADVISORY BOARD (RAB)
3171 North Gaffey Street, Building 100
San Pedro, California

Wednesday, August 27, 2014
5:30 pm to 7:15 pm

MEETING AND SITE TOUR
AGENDA

- 5:30 PM Welcome and Safety Briefing
Navy Co-Chair: Mr. Brenda Reese
- 5:35 PM IR Program Overview
Dr. Margaret Wallerstein
- 5:40 PM Board Transportation
- 5:45 PM Tour IR Sites 6, 31, 32 and suspected Tar Dump
Mr. Eric Johansen and Mr. David Bloom
- 6:50 PM Conclude Site Tour and Meet in Building I00 for RAB Meeting
- 6:55 PM Administrative Items
Ms. Kellie Freeman
RAB Membership
Draft RAB Operating Rules
Next Meeting
- 7:05 PM Open Forum for RAB Members and the Public
- 7:15 PM Meeting Adjourned

**NAVAL WEAPONS STATION SEAL BEACH
DEFENSE FUEL SUPPORT POINT SAN PEDRO
NOTICE OF AUGUST 27, 2014 SITE TOUR AND RESTORATION ADVISORY BOARD MEETING**

WHO: Everyone is welcome
WHEN: Wednesday, August 27, 2014, at 5:30 PM
WHERE: Defense Fuel Support Point, San Pedro
3171 N. Gaffey Street, Building 100, San Pedro, CA 90731

The Department of the Navy continues to conduct environmental investigations at Installation Restoration Program (IRP) sites within the Defense Fuel Support Point (DFSP) San Pedro, and at the former Palos Verdes and San Pedro Navy housing areas. In the summer of 1994 the Navy established a Restoration Advisory Board (RAB) for all of the IRP sites. RAB meetings are **OPEN TO THE PUBLIC** and are intended to provide an open forum for the community to participate in all aspects of the investigation and environmental cleanup activities associated with the Navy's DFSP San Pedro IRP. The meeting provides IRP status information.

The Navy will be holding a RAB meeting and site tour for the DFSP San Pedro on Wednesday, August 27, 2014 from 5:30 to 7:15 PM, at DFSP San Pedro. If you plan to attend the site tour and meeting, we recommend you wear sturdy walking shoes and long pants.

Applications are being accepted for RAB membership. RAB members are expected to serve a two-year term and attend the semiannual RAB meetings. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with environmental restoration at the Navy's DFSP San Pedro facility. Members act as a liaison for information exchange between the community and the RAB. If you are interested RAB membership, please contact Kellie Freeman, at (619) 272-7217 or via email at Kellie.Freeman@ch2m.com.

If you have any restoration questions, please contact:

Ms. Brenda Reese
Environmental Project Manager
Department of the Navy
Naval Facilities Engineering Command, Southwest
(619) 532-4209
brenda.reese@navy.mil

Dr. Margaret Wallerstein
Principal Environmental Scientist
Naval Weapons Station Seal Beach
(562) 626-7838
margaret.wallerstein.ctr@navy.mil

**Flyer and handout for Congressman Waxman's
meeting with DHS and EPA**



**Please join
Congressman Henry Waxman's
District Staff
for a
Discussion with the
U.S. Department of Homeland
Security and the U.S. Environmental
Protection Agency for
an Overview of Federal Chemical
Security and Safety Programs**

**Wednesday, September 10, 2014
4:00 PM – 6:00 PM**

**Peck Park Community Center Auditorium
560 North Western Avenue
San Pedro, CA 90732**

**Please RSVP to the Office of Congressman Henry A. Waxman
(323) 651-1040 or Lisa.Pinto@mail.house.gov**

To learn more about Congressman Waxman's work in Congress, please visit:

www.facebook.com/Rep.HenryWaxman
www.Waxman.house.gov

www.twitter.com/WaxmanClimate
<http://democrats.energycommerce.house.gov>



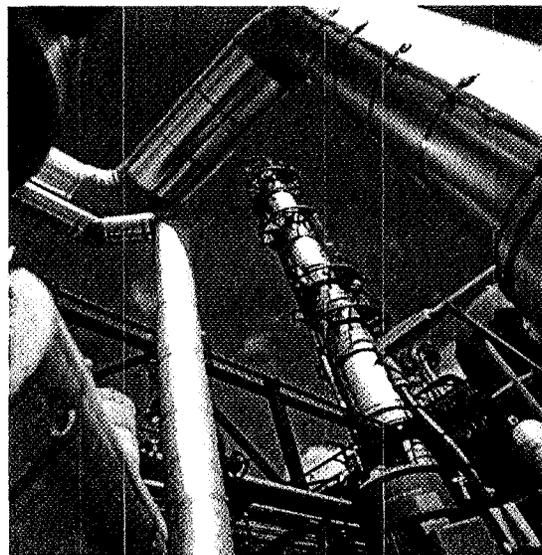
**Homeland
Security**

Chemical Facility Anti-Terrorism Standards

In October 2006, Congress passed Section 550 of the DHS Appropriations Act of 2007, Pub. L. 109-295, authorizing and requiring the Department of Homeland Security (DHS) to regulate security at chemical facilities that DHS determines, in its discretion, are high-risk. To implement this authority, DHS issued the Chemical Facility Anti-Terrorism Standards regulation (CFATS) in 2007. Under CFATS, facilities that have been finally determined by DHS to be high-risk are required to develop and implement Site Security Plans (SSPs) or Alternative Security Programs (ASPs) that meet applicable risk-based performance standards (RBPS).

Facilities that are required to comply with at least some provisions of the CFATS regulation will largely fall into the following categories:

- Chemical manufacturing, storage, and distribution
- Energy and Utilities
- Agriculture and Food
- Paints and Coatings
- Explosives
- Mining
- Electronics
- Plastics
- Universities and Research Institutions
- Healthcare and Pharmaceuticals



What are the Chemical Facility Anti-Terrorism Standards?

CFATS is a risk-based performance program that sets the standards for security at the Nation's highest risk chemical facilities.

- High-risk facilities contain Chemicals of Interest (COI) that give rise to one or more security issues to include: release of toxic chemicals, theft or diversion of chemicals, and chemicals that can be used for sabotage or contamination.
- CFATS-covered facilities are required to have a Site Security Plan that addresses risk-based performance standards (RBPS).

What are Chemicals of Interest?

Appendix A to the CFATS Interim Final Rule contains DHS's COI that give rise to one or more security issues, namely: release, theft/diversion, and sabotage/contamination. Under the CFATS rule, if a facility possesses an Appendix A COI at or above the applicable Screening Threshold Quantity (STQ), the facility must complete and submit a Top-Screen to DHS within 60 calendar days of coming into possession of the COI.

Risk-Based Tiering

Consistent with Section 550, the CFATS regulation follows a risk-based approach that allows DHS to focus its resources on high-risk chemical facilities in accordance with their specific level of risk. First, DHS will examine facility information submitted through the Top-Screen. After analyzing Top-Screen data from facilities, DHS will preliminarily assign high-risk facilities to one of four risk-based tiers. High-risk facilities will receive their final risk-based tiering assignments after DHS reviews their SVAs.

The Risk-Based Performance Standards (RBPS)

Section 550 directed the Department to issue regulations “establishing risk-based performance standards for the security of high-risk chemical facilities.”

CFATS establishes Risk-Based Performance Standards (RBPSs) for security issues such as perimeter security, access control, personnel surety, and cyber security. However, not all high-risk facilities will need to take action to satisfy each RBPS. A facility’s SSP will be tailored to its specific tier level, security issues, risks, and circumstances, as determined by DHS’ review of its SVA.

Inspections Process

The Department will inspect high-risk chemical facilities at regular intervals with higher tiered facilities being inspected first and more frequently.

The Department may also inspect a high-risk facility at any time based on new information or security concerns. A minimum of 24 hours advance notice typically will be provided to facilities unless specific security concerns demand immediate attention.

The DHS staff who will conduct inspections have completed a rigorous training program, incorporating both classroom and on-site facility instruction by experts in chemistry, emergency response, terrorism, and industrial security.

Compliance and Enforcement

The CFATS regulation provides that if DHS believes any facility is in violation of the regulation, the Department may issue an appropriate order to the facility specifying the violation and steps that must be taken to correct the noncompliance. Violation of such a compliance order may result in additional orders assessing civil penalties of \$25,000 per day or to cease operations.

DHS Compliance Assistance and Outreach

DHS has developed a variety of tools to facilitate compliance with CFATS:

- **The CSAT Help Desk** provides timely support to chemical facility owners and operators as well as a CFATS tip-line for anonymous chemical facility security reporting. It can be reached at 1-866-323-2957, or at csat@dhs.gov
- **The CFATS Knowledge Center** is an online repository of Frequently Asked Questions, articles, and documents relating to CFATS and Ammonium Nitrate Programs. It can be found by visiting <http://csat-help.dhs.gov/>.
- **Chemical Security Inspectors and other DHS subject matter experts** are available to provide guidance to facilities through outreach meetings, calls, and other engagements.

Contact Information

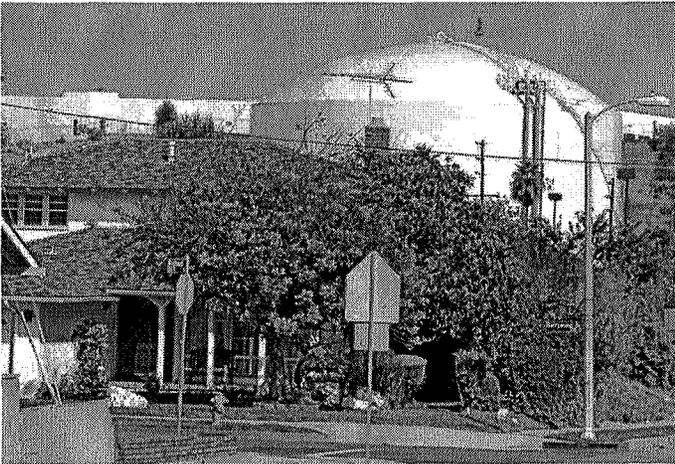
For more information visit: <http://www.dhs.gov/critical-infrastructure>. To ask a Department representative to speak on the Chemical Facility Anti-Terrorism Standards (CFATS) regulatory program, please contact cfats@hq.dhs.gov.

***Daily Breeze* article regarding September 10th
meeting with DHS and EPA**

Critics not satisfied by assurances that Rancho LPG storage tanks in San Pedro meets all federal standards

By Donna Littlejohn, The Daily Breeze

DailyBreeze.com



Tanks at the Plains LPG (formerly Amerigas) site loom in the background of the North San Pedro neighborhood near Mary Star High School. October 2010 file photo. (Scott Varley / Staff Photographer)

Federal officials from anti-terrorism and environmental protection departments assured about 200 San Pedro residents this week that Rancho LPG, a chemical storage tank facility on North Gaffey Street, was in full compliance with U.S. regulations.

But it's not what most in the crowd wanted to hear.

The two-hour meeting Wednesday, on the eve of the 13th anniversary of 9/11, was punctuated by outbursts as several impassioned, sign-toting attendees objected to speakers who said that thorough inspections — followed by more than \$7 million in upgrades made by the facility — have determined that Rancho meets government safety standards.

When the meeting was over, Janet Gunter, the San Pedro resident who has been at the forefront of the battle to force the tanks to move, said the fight would go on.

"This is not over," she said. "This is wrong. It's nine kinds of wrong."

The forum was organized by U.S. Rep. Henry Waxman, D-Manhattan Beach.

Rancho, long a target of residents who believe it poses a grave danger to the surrounding community, has been included among the nation's high-risk facilities being monitored by the U.S. Department of Homeland Security, subjecting it to more stringent regulations and oversight, according to David Wulf, compliance division director for the department established after the 9/11 terrorist attacks on the World Trade Center in New York.

As part that program, Rancho is required to develop and implement a site security plan, which it has done, Wulf said.

"It's not a program that can eliminate all risks, but it can reduce risks," Wulf told the audience of the federal anti-terrorism oversight.

Meanwhile, Kay Lawrence of the Environmental Protection Agency said that agency had spent three years investigating the facility, beginning in April 2010, and settled a claim for risk management violations with the company this summer. She said the company spent \$7.2 million in upgrades and improvements to satisfy the agency's concerns, in addition to paying \$260,000 in civil penalties.

"I can't overemphasize to you enough that we have taken this very seriously and we've invested a lot of time and resources into it," she said of the lengthy investigations that included participation of one of the agency's top investigators.

But many who attended the meeting at Peck Park Recreation Center were in no mood for reassurances, shouting over the speakers several times.

"It's practically a fuse waiting to be lit," said one audience member. "It's only safe if it's in an isolated area."

"Something's going to happen, it's just a matter of time," another man called out from the back of the room. "This is just crazy. Do something!"

Standing in a line, several demonstrators either wore or waved signs that included slogans like "ISIS + RANCHO = DEATH," "Protect Port Workers!" and "People over \$\$\$\$ Profits."

Lawrence and other federal officials said they are bound by government standards and, in Rancho's case, the facility meets those standards. But they encouraged audience members to submit concerns going beyond that to the federal government.

Some critics said the government could do more, adding that more specifics need to be required of the company including copies of its liability insurance documents and a specific seismic figure that the plant could survive.

"Between your two agencies you could make life miserable for Rancho," said one man. "Make life miserable for Rancho."

"Shut the damn thing down," called out Chuck Hart of San Pedro.

Central to opponents' concerns is that the facility, which was established at 2110 N. Gaffey St. under a different operator in the 1970s, is simply in the wrong place.

In case of an earthquake or terrorist attack, opponents argue, much of the area surrounding the volatile butane/propane storage tanks — for miles around — would be vaporized.

Surrounded by homes with several nearby schools, the site should be rezoned by the city of Los Angeles, critics said, which could finally force the business to move to a more remote area.

"Please, understand my limits as a federal regulator," Lawrence told the crowd.

Wulf agreed that chemical plants such as Rancho are "attractive targets" for terrorists, but said the facility is in full compliance with what the government requires.

"We work within the parameters of the regulatory authority given by Congress and we do this to the best of our ability," Wulf said.

Reach the author at Donna.Littlejohn@dailybreeze.com.

- Full bio and more articles by Donna Littlejohn
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E-mails related to the Rancho LPG facility

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Monday, August 25, 2014 8:20 PM
To: caesar.cereceres@lacity.org
Cc: rob.wilcox@lacity.org; jacob.haik@lacity.org; jduhovic@hotmail.com; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; dpettit@nrdc.org; irene@miraclegirlproductions.org; Kit Fox; det310@juno.com; marciesmiller@sbcglobal.net; connie@rutter.us; igornla@cox.net; fbmjet@aol.com; dwgkaw@hotmail.com; darzavalney@aol.com; mandm8602@att.net; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; burling102@aol.com; ljonesin33@yahoo.com; pmwarren@cox.net; konnica@ca.rr.com; lpryor@usc.edu; carl.southwell@gmail.com; rgb251@berkeley.edu; johngoya@westoceanmd.com; jhwinkler@me.com; diananave@gmail.com; efsmith@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net
Subject: Re: Mayor's Office: Response to Office Hours Request to address the Rancho Liquefied Petroleum Gas facility

The question here is whether this absolutely critical issue will have any discussion during the 90 minute session with the Mayor this Friday. There are many people concerned about the issue of Rancho LPG and its 25 million gallon storage of one of the most hazardous commodities known to man, propane and butane gasses. This facility, Rancho LPG, stores the largest volume of this extremely explosive gas in such a densely populated area in the entire United States. The facility stores the energy equivalent of over 50 atomic bombs. It has continued for over 40 years to threaten residents within at least a 3+ mile radius.. and also to seriously jeopardize the ports of LA and Long Beach . The recent Napa 6.0 earthquake...along with the recent seismic activity in San Pedro (3.3 quake 8/24) give added anxiety to us all due to the fact that this ultra hazardous gas storage facility is sitting in the only "**earthquake rupture zone**" in the entire LA Harbor area. An ERZ is a site where there is a convergence of multiple earthquake faults in one specific area. The largest quake fault in this zone registers a potential magnitude of 7.3, and the facility tanks sit on land identified by USGS as "landslide" and "liquefaction" areas. The huge tanks storing this gas were designed to a seismic sub-standard of 5.5-6.0. It is imperative that the Mayor of Los Angeles pay immediate attention to this matter and take measures to ensure the safety of residents of all communities that would be affected. Those communities included in the blast potential are, San Pedro, Wilmington, Harbor City, Lomita, Rancho Palos Verdes, Torrance & Rolling Hills Estates. Also included in the blast radius are both ports of LA and Long Beach. We know that the Mayor of Rancho Palos Verdes, Jerry Duhovic, has requested action of our LA City Councilman Buscaino in addressing this issue. LAUSD School Board President, Dr. Richard Vladovic, has also voiced numerous times his concerns about this situation in relation to the very adjacent schools that would be engulfed in a tragedy. Mayor Garcetti needs to engage himself immediately to ensure all resident of LA and the surrounding communities that their safety is of primary concern. That assurance needs to be followed up with serious action aimed at guarding the public and the economic engine of our City and State, the Port of LA. This is an unacceptable risk that has been perpetrated on an unsuspecting public. There is no excuse for abandoning the safety of the public and ignoring the potential losses that this reckless opportunity presents. For over 4 decades the situation that was initialized by political favor from the Nixon administration for close friend, facility CEO RJ Munzer, has been allowed to trump the safety and security of the people. For over 40 years citizens have sought the political backbone to protect the public interest and have failed. It is time. Geologist Dr. Lucy Jones has been engaged to advise the Mayor on how to circumvent seismic disasters in our City. This facility should have been the first one on her list to be analyzed because it offers the gravest potential of seismic decimation to the City of LA.

Janet Gunter

-----Original Message-----

From: Caesar Cereceres <caesar.cereceres@lacity.org>
To: arriane5 <arriane5@aol.com>
Sent: Mon, Aug 25, 2014 6:54 pm
Subject: Mayor's Office: Response to Office Hours Request

Thank you for your interest in participating in Mayor Eric Garcetti's Office Hours.

Unfortunately, due to a high volume of requests, we have filled the available meeting slots with the Mayor, but we would like to invite you to come in and meet with a member of his staff about your concern or idea at 12:00pm on Friday, August 29th

If you are indeed interested in meeting with a member of the Mayor's staff, please reply to this email that you will be in attendance. Plan to arrive at least 15 minutes in advance of your meeting to allow for parking and to find your way to the Mayor's Harbor District Office, located at 638 South Beacon Street, Los Angeles CA, 90731.

Please note, that parking at the Harbor District Office is limited, however, street parking will be readily accessible as an alternative.

--



Caesar D. Cereceres
Office of External Affairs
Los Angeles Mayor Eric Garcetti
(P) 213.978.0721 | (F) 213.978.0719



Download the City of Los Angeles MyLA311 app for smartphones!



Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Monday, September 08, 2014 2:26 PM
To: lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; jancperry@icloud.com; robb.wilcox@lacity.org; Kit Fox; jacki@southbaycities.org
Subject: EARTHJUSTICE LETTER QUESTIONS EPA ABOUT RANCHO LPG BLAST RADIUS OF IMPACT!!!
Attachments: Earthjustice_Letter_to_EPA_re_Rancho_Faiclity_9-8-2014.pdf

VERY IMPORTANT...PLEASE READ



September 8, 2014

Jared Blumenfeld
Regional Administrator
USEPA, Region 9
75 Hawthorne St.
San Francisco, CA 94105

**RE: RANCHO LPG/PLAINS ALL AMERICAN PIPELINE, SAN PEDRO,
CA**

Dear Mr. Blumenfeld:

I am writing regarding the Risk Management Plan (“RMP”) for the Rancho Liquefied Petroleum Gas (“LPG”)/Plains All American Pipeline (“Rancho Facility”) in San Pedro, California. As the EPA is well aware, facilities that handle LPG can pose serious threats to neighboring communities. Given the dense community adjacent to the Rancho Facility, it is vital that the RMP provide a sufficient approach to protect the community from what could be great harm given the amount of flammable fossil fuels that are stored at this facility.

In particular, I am seeking justification for the inclusion of a ½ mile worst case scenario blast radius in the RMP. It appears that the blast radius calculation for this facility is not based on storing flammable materials, but rather based on the formula for toxics. This substitution of liquefied toxics allows for a much smaller blast radius. It appears EPA has allowed this reduced blast radius because of passive mitigation in the form of an impound basin. It does not appear that this reduced blast radius is justified because of this passive mitigation.

Based on my understanding of the physical properties of LPG, the product is only liquefied under pressure and low temperatures. If this product is released into the ambient air, it would rapidly turn into a vapor and dramatically expand in volume. It appears that the impound basin would be wholly ineffective to catch the entire contents of the facility’s two 12.5 million gallon tanks if there is a rupture. In the event of release of LPG, the product would likely flow into the community in its vaporized form. Any spark could result in ignition, which could lead to great harm to the surrounding community and the port.

This lenience in protection of public safety is further exacerbated because the Rancho Facility does not have to directly notify the neighborhood in the event of an emergency because there are “no toxics” stored at the facility. It only needs to notify the police and fire department. The Rancho Facility tries to have it both ways. On one hand it seeks lenience because it claims it is more like a facility storing liquefied toxics, and on the other hand it says it does not need to

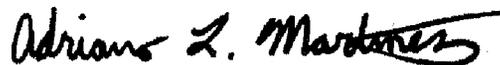
Jared Blumenfeld
September 8, 2014
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notify the public because there are “no toxics” on site. This problematic inconsistency needs to be better justified.

Overall, Earthjustice would like to understand more fully the basis for discounting the blast radius due to the passive mitigation measures. It does not appear to be an effective mitigation measure to protect the community if an accident happens. In my discussions with community members, they are deeply concerned about this facility. Residents should not be afraid to live in their communities, and it is incumbent upon our public agencies to make sure residents feel secure in their neighborhoods.

Given the serious nature of the concerns about this facility, I would appreciate a prompt response about whether the RMP is adequate to protect public and safety. Please do not hesitate to contact me if you have questions about my request.

Sincerely,

A handwritten signature in black ink that reads "Adriano L. Martinez". The signature is written in a cursive style with a prominent flourish at the end.

Adriano L. Martinez
Staff Attorney
Earthjustice

Kit Fox

From:Carolynn Petru
Sent:Wednesday, September 10, 2014 6:58 AM
To:Kit Fox
Subject:Fwd: historic articles on Rancho LPG tanks
Attachments:la_times_apr4_1977.pdf; ATT00001.htm; la_times_jul16_1977.pdf; ATT00002.htm; Rancho_LPG_-_EPA_Show_Cause_Letter.pdf; ATT00003.htm

Hi Kit -

FYI

CP

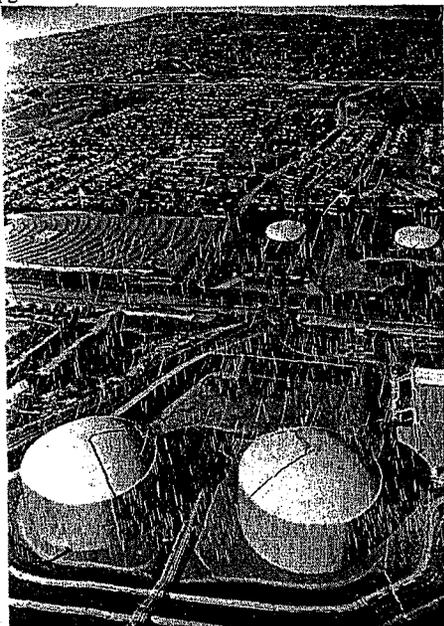
Sent from my iPhone

Begin forwarded message:

From: "Lenée Bilski" <leneebilski@hotmail.com>
To: "CC" <CC@rpv.com>, "PC" <PC@rpv.com>
Subject: FW: historic articles on Rancho LPG tanks

Also FYI:

<http://www.mensjournal.com/magazine/bob-bea-the-master-of-disaster-20130225>
Special emphasis in this article to Professor Bea's concern about San Pedro after reviewing details of Rancho LPG.



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 See full page image or
 microfilm.

'ONE OF OUR GRAVEST CONCERNS' — The two LPG tanks in San Pedro and map showing their close proximity to the Palos Verdes Fault.
Times photo by Steve Fantasia from KMPC helicopter
Times map by John Snyder

Two San Pedro LPG Tanks Worry Officials

Liquefied Petroleum Gas Facility Was Built Without Risk Analysis

BY LARRY PRYOR
Times Staff Writer

Two storage tanks containing a highly hazardous substance, liquefied petroleum gas, are operating near a densely populated area in San Pedro, although the facility was built without a risk analysis or comprehensive safety review, *The Times* has learned.

The \$9 million fuel storage and distribution facility, built by Petrolane, Inc., of Long Beach in 1973, suddenly has come under official scrutiny as a result of increasing controversy over the safety of port operations.

"This facility is one of our gravest concerns," said Los Angeles Fire Marshal John C. Gerard. "LPG has some of the same properties as LNG (liquefied natural gas) and should be treated on the same level of discipline."

But in contrast with the intense review and planning now going into the location of proposed LNG terminals for California, the San Pedro LPG terminal went through a fragmented permit process and much of its operation is unregulated.

As a result, state and local officials now believe the Petrolane facility has serious safety problems. For example:

—The storage tanks, which have a capacity of 25 million gallons, are in the immediate vicinity of a potentially active geological fault, the Palos Verdes Fault. The tanks were built to

The nearest home is about 1,000 feet away from the tanks.

an earthquake design criteria far below that of a proposed LNG terminal for Los Angeles Harbor.

—The Los Angeles Fire Department believes the wooden offloading wharf, where Petrolane intends to bring in as many as 20 LPG tankers a year, is inadequate. The LPG wharf also is within 150 feet of other combustible materials—a lumber yard and an oil-storage area.

—The storage facility is unguarded, and its personnel are unlicensed. No standards are in effect to regulate the 6,000-foot pipeline from the wharf to the storage tanks or the operation of the LPG distribution facility.

The pipeline from the wharf to the storage tanks goes under the Harbor Freeway and along Gaffey St. The storage area at 2110 N. Gaffey is a complex of offices and equipment, including the large, white storage tanks, pressure vessels, compressors

and a loading area for trucks and railroad tank cars.

There is a drive-in movie theater across Gaffey about 500 feet away. The nearest residence is about 1,000 feet to the west. One school is about 2,000 feet from the facility and two others are slightly more than a mile away.

The site is zoned by the city of Los Angeles for heavy industrial use but is adjacent to residential zoning.

"This doesn't make any more sense than building an outhouse upstream," said one fire official. "There should be a general plan for the Harbor District that addresses itself to safety and isolates hazardous cargoes."

Part of Petrolane's predicament is both a growing awareness of hazardous materials and new information that has come to light since the project was conceived.

"We asked ourselves if this was a good safe place for the facility and we believed it was," said John May, an investment officer and spokesman for Petrolane. "We designed it and constructed it in excess of the requirements. That was a voluntary act . . . We complied with the law."

When it comes to hazards, safety experts class LPG—which in its commercially marketable form is mostly propane—in a category of its own. And its use is becoming more widespread.

Since the 1930s, propane has been used as a fuel in rural areas not served by natural gas lines. It is still a favored fuel for cabins and farms. But in recent years, it has been increasingly used in urban areas as a motor fuel and as a supplement for industries faced with natural gas curtailments.

When refrigerated to 44 degrees below zero or kept under pressure, the propane turns into a liquid, which makes it convenient to transport and store.

A state Energy Commission report on LPG estimated that about 570 million gallons were sold in California in 1974 and that demand for the efficient, clean-burning fuel is rising about 5% per year.

But the increased demand means LPG companies no longer can rely on domestic sources of LPG, which so far have met all but about 10% of demand. They are planning to import large quantities from Venezuela and the Middle East.

Some energy analysts predict there will be a worldwide surplus of LPG in 1980, which would tend to drive the price down and make it competitive with fuel oil. Imports would then increase substantially.

The trend toward large-scale im-

portation of LPG in specially designed tankers began on the East and Gulf coasts and has spread westward. Petrolane's San Pedro terminal, the only one in the state capable of storing LPG imports by ship, received its first delivery last November.

A second large distributor, California Liquid Gas Corp., is planning to build a similar facility in Contra Costa County in the Bay Area, although that project has been delayed because of adverse public opinion.

For the most part, Petrolane was able to build and operate its facility with remarkably little attention. Because of the peculiar regulatory status of LPG compared with other substances, the company had to seek a minimal number of permits.

One was from the regional Coastline Commission, which in October, 1973, unanimously voted to approve

LPG is so powerful that the military uses it in concussion bombs.

revisions to the berth and construction of the pipeline. (The storage tanks were outside the coastal zone.)

But the public notice of Petrolane's hearing made no mention of LPG, saying only that the permit involved "installation of a permanently mounted marine arm, with two connecting buried steel pipelines."

The commission's staff, relying on the analysis of the Los Angeles city Engineering Department, recommended approval of the permit. "We didn't have any idea of what that facility was all about," one staff member said.

Petrolane also needed, and received, the approval of the Los Angeles Harbor Commission to build the terminal. An environmental impact report filed with the commission as part of the permit process made no mention of the existence of the Palos Verdes Fault and avoided discussing hazardous aspects of LPG.

"Control measures are so stringent during ship unloading operations that a large-quantity spill is extremely unlikely," the EIR said. "If by chance liquid propane contacted harbor area water, intense boiling action would occur converting the propane into gaseous form which would then quickly disperse."

But interviews with safety specialists and a review of the literature on LPG accidents failed to confirm such a prediction.

LPG is such a powerful explosive

that it is used by the Defense Department in concussion bombs. These weapons were employed in Vietnam to create, among other things, instant helicopter pads in the jungle and are now being sought by the Israeli government because they are the only bomb that can penetrate Egypt's underground jet hangars.

So far, the largest events involving commercial LPG have been a result of accidents to 10,000-gallon tank trucks and railroad cars. The fires and explosions from these incidents are among the worst industrial accidents on record.

What would happen if 25 million gallons of LPG were released to the atmosphere or were subjected to intense heat while still in their storage tanks is not known.

LPG is more easily stored and transported than LNG because it does not have to be kept as cold. But unlike LNG, which is mostly methane and tends to rise when it vaporizes, LPG is a heavy gas and hugs the ground, making it difficult to disperse.

LPG is highly flammable and there is evidence that an unconfined propane air cloud will explode. LPG tanks exposed to fire can detonate with enormous force, a phenomenon known as a "BLEVE," which is pronounced "blayvey" and stands for "boiling liquid expanding vapor explosions."

One such explosion in Kingman, Ariz., in 1973, for example, involved the rupture of a railroad tank car that killed 13 persons and injured 85 others. The fireball rose several hundred feet in a mushroom cloud and was 800 to 1,000 feet in diameter.

One evaluation of fragments from 84 LPG tank car accidental explosions showed that at least 20% of the fragments traveled more than 1,000 feet. Another study showed that 41% of the tank car accidents involving a release of LPG resulted in an explosion and 25% in a fire.

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Gas Tanks Worry Officials

Continued from First Page

Data on the accident rate of fixed storage facilities is sparse because no federal agency has responsibility for these facilities, and accident reports are not required. One study done last year by the IIT Research Institute of Chicago concluded: "There are as many explosions and/or serious fires at fixed installations as there are LPG transportation accidents."

There also is evidence of an increase of accidents involving fixed facilities. An article in Fire Command pointed out that "in the five years since 1970 there has been a dramatic increase in the number of fatalities and injuries as the result of BLEVEs." Twelve incidents reported resulted in the death of 18 fire fighters and six civilians, with injuries to 300 persons.

The January issue of LP-Gas, a trade journal, said "several major accidents over the past two years, resulting in extraordinary claims, have left the insurance companies jittery and skeptical of the risks involved in issuing LPG dealers coverage."

As a result, the journal said, liability insurance costs have escalated sharply, amounting to 29.5% of one dealer's total 1977 projected costs and only two major insurance companies are now quoting a price for LPG liability.

Petrolane's spokesman, John May, said the company had been handling LPG for 50 years and "we can't see propane as an onerous material. It isn't unusually difficult to handle and we've been handling it safely."

The safety of the Petrolane facility in San Pedro has been questioned at the state and local level recently for a number of reasons, not the least being the explosion of the oil tanker Sasinena last fall, which reminded the public that the Port of Los Angeles was indeed there.

An application by Pacific Lighting Corp. to locate an LNG terminal in the harbor has stirred further interest in port safety, including an investigation by a multiagency Hazardous Cargo Task Force.

But Petrolane, itself, is forcing the issue by proposing to import about 120 million gallons per year of propane through its San Pedro facility, starting the third quarter of next year. The company expects to offload a large LPG tanker in the harbor every 19 to 23 days.

The main customer for this fuel would also be Pacific Lighting, which plans to take the propane to Wilmington by pipeline, put it in a proposed air-mixing plant and inject it into its gas system. This propane would be about 2% of Southern California's gas supply.

To do this, Pacific Lighting's subsidiary, Southern California Gas Co., applied to the state Public Utilities Commission for a certificate to build the mixing facility, a step that would ordinarily require an environmental impact report.

The examiner in the case, however, concluded that safety questions involved were "insignificant" and proposed issuing a "negative declaration," which would exempt the gas company from having to prepare an EIR and address questions of vessel safety or the operation of the storage facility.

However, on March 15, the state Coastline Commission filed an exception to the proposed PUC action, expressing "strong concerns" about the safety of the LPG terminal complex.

The Coastline Commission said the examiner's decision appeared to have been due "primarily to the unfamiliarity with the potential

hazards involved" and a reliance on other regulatory bodies to handle safety problems.

Among concerns raised by the coastal commission's staff:

—The increase in LPG vessel traffic that will result from the project.

—The suitability of the berth at the terminal.

—The potential land use conflicts and safety hazards presented by the project's "proximity to open flame sources, lumber storage yards, petroleum storage and residential activities."

Although the Los Angeles Fire Department initially approved the Petrolane project in 1973, an internal department memorandum dated January 26 raises a number of problems connected with the marine terminal and recommends that the wharf be rebuilt, this time out of concrete.

It also pointed out that all electrical installations in the terminal should be surveyed by the Department of Building and Safety's electrical division.

The Petrolane terminal, because of the way the city's building-safety and fire codes are written, received piecemeal inspection from the Department of Building and Safety. The two large storage tanks, for example, were built without a city building permit, according to public records.

The building code exempts a storage tank for flammable fluids from the permit and inspection

Published maps show the fault running adjacent to the San Pedro property.

process if the tank is built with a dike around it. The dike is supposed to contain the fluid if the tank ruptures.

The storage tanks at the Petrolane facility are not diked, but a section of the National Fire Protection Assn.'s (NFPA) LPG code says that a dike is not necessary "where spillage of hydrocarbons can be adequately contained by topography."

Therefore, the Petrolane tanks, if ruptured, would flow into a catchbasin built below them. But both the NFPA code and the city Fire Code state that the capacity of the basin need only be sufficient for the contents of one tank.

Although the Petrolane tanks can hold 25 million gallons of LPG, documents show that the basin below the tanks has a capacity of 13 million gallons. One fire official explained that it was considered highly unlikely that both tanks would rupture simultaneously.

Petrolane's May pointed out that the nature of the storage tanks provide a conservative measure of protection, since they are double-walled and have a layer of insulation between the two shells.

Storage tanks also are known for their ability to withstand destruction during severe earthquakes. This was proved during the Alaska quake of 1964 and the San Fernando earthquake of 1971.

Since no risk analysis was done on the Petrolane facility, there is no way to determine the likelihood of various events in addition to earthquakes, such as the effects on the storage tanks from a fire or "BLEVE" in a nearby tank truck or railroad tank car.

A seismic study was done for Petrolane in

1973 by Converse, Davis & Associates, but the study was not made part of the public record by the regional Coastline Commission, the Harbor Department or the PUC.

Robert A. Reid, manager of engineering services for Petrolane, said the consulting firm calculated that the Palos Verdes Fault was about a mile to the north of the facility. It was therefore built to withstand an earthquake of 6 magnitude on the Richter scale and a peak ground force acceleration of .35 of the force of gravity.

Reid said these values were considerably above what was required by the city's Uniform Building Code and the company had decided to use conservative assumptions on seismic activity.

Moreover, Reid said, the storage site, which is carved into a hill below a Union Oil Co. refinery, had "foundation conditions that are the best in the South Coast Basin. That is San Pedro sandstone, which is a very hard structure and had construction advantages."

But published maps by the U.S. Geological Survey, the state Division of Mines and Geology and the Los Angeles Planning Department indicate the fault is closer to the Petrolane facility than one mile. Although the scale of these maps is not precise enough to be site-specific, they show the fault running immediately adjacent to the property.

The fault does not break the surface at this point and slopes at an angle about 2,000 feet down. Geologists therefore refer to it as a fault zone and the Petrolane facility is shown on the city's seismic map as lying within that zone.

The Palos Verdes Fault is considered "potentially active," which means it has showed no sign of movement in recent times, or within about the last 11,000 years.

Geologists, nevertheless, treat it with respect. Pacific Lighting's proposed LNG plant also would lie within the Palos Verdes Fault zone, but Dames and Moore, the seismic consultants for the LNG project, have recommended anticipating a 6.5 magnitude earthquake on the Palos Verdes Fault and ground accelerations totaling .7 of the force of gravity, counting both vertical and horizontal movement.

One seismic consultant, Dr. Jim Slosson, former state geologist and now with Engineering Geology Consultants, Inc., of Van Nuys, considers the maximum credible earthquake for the Palos Verdes Fault to be 7 magnitude. On a project he worked on recently, Slosson estimated peak accelerations to be .6 Gs at three-fourths of a mile from the fault.

"This (Slosson's prediction) is a credible event," said Dr. Roger Sherburne, a seismologist with the state Division of Mines and Geology.

Because of the way state laws and regulations are written, an existing facility not subject to a seismic safety review and containment of hazardous materials has been given a low priority.

"The state is just getting into this whole business," said Peter Stromberg, a seismic safety specialist with the state Seismic Safety Commission. "For some reason, we just haven't gotten into the energy field."

Each local, state or federal agency contacted by The Times said it had either no jurisdiction over the Petrolane facility or jurisdiction over only a particular aspect of it.

An official with the federal Office of Pipeline Safety, for example, said the 6,000-foot pipeline from the wharf to the storage area did not fall under federal jurisdiction because it carried liquefied propane. If the propane were in its gaseous form, it would be covered by federal regulations, he said.

The U.S. Coast Guard has jurisdiction over the facility from the time the LPG tankers enter U.S. territorial waters to the point they are

unloaded. A Coast Guard spokesman said the agency does not now consider that it has jurisdiction over the inland storage facility.

The Coast Guard is circulating a draft of a permit procedure for marine terminals handling hazardous materials. This procedure would regulate all aspects of new LPG tidewater facilities, including inland storage areas. It also would apply retroactively to facilities such as Petrolane's if "reasonable improvements" were required "at the discretion of the commandant."

Under the proposed permit procedure, the Coast Guard would inspect the design, construction and operation of terminal facilities and require that operators and supervisory personnel be required to hold licenses.

A terminal applicant would have to supply a chart of all areas within 5,000 feet showing various structures such as schools, hospitals, buildings with more than 100 persons, recreation areas and other facilities handling flammable, explosive or toxic materials.

"No specific guidelines are implied in this listing of structures and zones of human activity," the Coast Guard said, "but the applicant would have the burden of proof using professional risk analysis techniques to show that the site and waterway route chosen presents no more risk than (the) population is exposed to in that area from such natural risks as hurricanes, earthquakes, fatal heart attack and death by cancer."

Gas Facility Quake Safety Questioned in PUC Report

LARRY PRYOR

Los Angeles Times (1923-Current File); Jul 16, 1977;

ProQuest Historical Newspapers Los Angeles Times (1881 - 1987)

pg. A1

Gas Facility Quake Safety Questioned in PUC Report

BY LARRY PRYOR

Times Staff Writer

A liquefied petroleum gas (LPG) storage facility in San Pedro was not designed to withstand the maximum credible earthquake from two nearby fault zones, the staff of the Public Utilities Commission said in a draft safety report.

The facility, which can hold up to 25.2 million gallons of the hazardous fuel, was built on the assumption that the maximum earthquake on the Newport-Inglewood Fault would be 5.5 magnitude and the Palos Verdes Fault would be 6.0 magnitude.

Recent studies, the report said, indicate a maximum earthquake for the Newport-Inglewood of 7.0, and for the Palos Verdes, 7.0 to 7.2 on the Richter scale. Both are considered by geologists to be active faults.

The conclusion that could be drawn, the PUC draft report said, is:

"Within their lifetime, the LPG tanks may experience an earthquake of such magnitude as to severely

damage both tanks, spilling their contents.

"The actual effects of such an occurrence . . . depends on a number of factors, but mostly upon the amount of LPG actually in the tanks at the time of rupture and whether the escaping liquid vaporizes and is ignited.

"Certainly if the tanks were empty, little impact would result other than the loss of the tanks, but if both were full or nearly full and both ruptured, the impact could be disastrous, especially since the catch basin can only hold the contents of one tank."

The PUC staff recommended that the reservoir at the base of the LPG tanks be expanded to hold the volume of both tanks. If the impoundment were deepened, the report said, the chance of spillage of LPG onto nearby Gaffey St. "would be minimized in the event the dike cracked."

The report said that if the LPG

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Gas Facility Safety Questioned

Continued from First Page

tanks rupture while full, the propane-based liquid would flow into an adjacent drainage channel and exceed its capacity.

"The liquid would flow southward along Gaffey St. and would accumulate in a large pool around the intersection of Gaffey and Battery Sts.," the report said. "From there it would enter the storm sewers which flow into the harbor about 800 feet away."

Unlike liquefied natural gas (LNG), which is liquefied methane that is kept at minus 260 degrees, LPG is stored at minus 45 degrees, or even higher temperatures if it is under pressure. When it turns into a gas, however, LPG hugs the ground and is more volatile than LNG vapors which rise.

The PUC report declined to speculate on the possibility of ignition or explosion of an LPG spill at San Pedro, noting that results from experiments by federal agencies are not available.

A spokesman for the U.S. Coast Guard said further experiments with large-scale LPG spills would be carried out at China Lake in about four weeks, but he said a great deal of research on LPG spills already had been done.

"It's a matter of confirmation of the behavior (of propane vapor clouds) rather than going into a new area," he said.

Numerous reports by the National Transportation Safety Board (NTSB) document open-air detonations of LPG in transportation accidents, several with devastating results.

An explosion of unconfined vapor from a railroad tank car at Decatur, Ill., in 1974, for example, set off a

Some accidents have resulted in devastating LPG explosions.

shock wave that was felt 40 miles away, damaged 700 homes and 11 schools. Losses totaled \$18 million. Seven railroad employees were killed.

Another explosion in Franklin County, Mo., in 1970, caused by a ruptured LPG pipeline, "extensively damaged 13 homes within a 2-mile radius, sheared telephone poles, snapped tree trunks, smashed windows 12 miles away, and registered on a seismograph in St. Louis, 55 miles distant," the NTSB report said.

The fatality rate would have been high, the NTSB said, except the rural area had been swiftly evacuated.

The San Pedro LPG facility, operated by Petrolane, Inc., of Long Beach, is on industrially zoned land but is within 1,000 feet of a residential street. The adjacent area also has schools, apartment houses and a drive-in theater.

A spokesman for Petrolane said Chicago Bridge and Iron, Inc., which built the plant for Petrolane, is reviewing its specifications to see if the tanks can withstand greater shaking than anticipated.

"The preliminary numbers they are willing to stand by indicate the tanks will not fail even if a .7g force is exerted on them," said Frank Maple vice president of the LPG Gas Division of Petrolane.

The plant was designed to sustain a peak acceleration of .45g, or slightly less than half the force of gravity.

Maple said these studies would be turned over to the PUC. "If somebody said those tanks were not safe, we wouldn't want to operate them," he concluded.

The facility is coming under increasing scrutiny because the Southern California Gas Co. has proposed buying 5 to 6 million barrels per year of propane from Petrolane, mixing it with air in a facility in Wilmington and injecting the gas into its distribution system.

This requires approval of the PUC. An examiner in the case initially recommended that an environmental impact report, which would include a safety analysis, was not necessary. This ruling is being contested by a number of agencies, including the state Coastal Line Commission and the city of Los Angeles.

The city attorney's office has filed a petition with the PUC pointing out that compressors at the Petrolane facility are creating noise and vibration problems in the adjacent residential area in violation of the city noise ordinance.

Petrolane's Maple said the company had installed a muffler on one of three compressors and was evaluating the results.

Critics of the facility argue that noise, seismic and other problems—such as the adequacy of the design of a 6,000-foot pipeline from the harbor to the storage facility—should be evaluated.

The LPG demand created by the gas company project would require 21 to 23 shiploads of LPG into the inner Los Angeles Harbor per year, but the Coastline Commission staff has argued that a risk analysis and risk management plan for Petrolane's operations should be done "before another LPG tanker is permitted to berth at the LPG terminal."

"The existing unloading and transfer facility appears to be poorly sited and equipped for receiving LPG tankers," the Coastline Commission staff said in comments in the PUC study. It said the terminal is adjacent to petrochemical transport and storage facilities and to a large lumber yard.

"An LPG accident with major consequences could result not only from direct LPG operations, but also from accidents occurring at these nearby

facilities," the Coastline Commission staff said.

A recent report by the city's Hazardous Cargo Task Force commended the safety procedures at the facility as being "very adequate," but recommended that the offloading berth "be considered for relocation to the outer harbor."

The task force said the city's Building and Safety Department had "evaluated the seismic design of the storage facility and found design and construction to be adequate and is in the process of issuing permits approving the installation."

Although the storage tanks were put in operation in 1974, they were built without a building permit. Petrolane officials said they applied for permits but were told by the city the tanks were exempt.

The Building Department revised that ruling after a story appeared in the April 4 edition of *The Times*

City evaluations of facility found seismic design adequately safe.

pointing out that the tanks had been built without a building permit.

John Robb, a seismic safety specialist with the department, said the original consultants in the project, Converse Davis Dixon Assn., had been asked to reevaluate the Petrolane project on the basis of more complete seismic data.

Considerable study has been devoted to the Palos Verdes and Newport-Inglewood faults recently because of a proposal to put an LNG facility on Terminal Island, which is in the same area.

The PUC staff also said the seismic safety design of the storage tanks "should be reviewed in light of recent studies indicating the potential activity of the Palos Verdes Fault."

This leaves open the possibility that the \$9 million facility will be found to be obsolete only three years after it started operations.

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Thursday, September 18, 2014 11:48 AM
To: lawrence.kathryn@epa.gov; lisa.pinto@mail.house.gov; leonido-john.steven@epa.gov; helmlinger.andrew@epa.gov; Lara.Larramendi@mail.house.gov; laurie.saroff@mail.house.gov; rachel.zaiden@mail.house.gov; david.wulf@hq.dhs.gov; wesling.mary@epamail.epa.gov; amartinez@earthjustice.org; don.holmstrom@csb.gov; dan.tillema@csb.gov; Rafael.Moure-Eraso@csb.gov
Cc: rgb251@berkeley.edu; jones@usgs.gov; jancperry@icloud.com; rob.wilcox@lacity.org; Brian Campbell <b.camp@cox.net>; jduhovic@hotmail.com; Jim Knight <knightjim33@gmail.com>; Kit Fox; johngoya@westoceanmd.com; mwilson@dir.ca.gov; gsolomon@calepa.ca.org; mark.stormes@lacity.org
Subject: To members of EPA & DHS and Congressional Reps present at: Rancho LPG Meeting of Sept. 10th
Attachments: Earthjustice_Letter_to_EPA_re_Rancho_Faicity_9-8-2014.pdf

Dear Lisa, Ms. Lawrence, Mr. Wulf, Mr Helmlinger, and all others involved in the meeting of Sept. 10th in San Pedro-

I'm sure that most of you were displeased (to say the least) with the less than warm reception that many of us gave you at the meeting. And, I can understand your feelings about that. However, I think that it is important to explain the "why" of that situation.

I and a number of others have been up front actively fighting this ultra hazardous LPG facility for well over 10 years now. We have achieved little, if any, progress. Over this past decade there have been multiple admissions of the extreme risk posed by this LPG facility, on a number of levels, by a long line of politicians and public officials. However, none have exhibited the strength or commitment necessary to remove the hazard and protect the people. Considering the incredible magnitude of disaster potential and its ability to not only kill thousands but to decimate the the combined ports of LA and Long Beach, it is impossible to understand the lethargy of government. However, we do understand the immense power of the energy industry and its control over the political arena. Certainly, that has been proven in this instance and references all the way back to the Nixon administration's helpful hand to RJ Munzer (CEO Petrolane LPG) in the introduction of this facility in the early 1970's.

Those of us still engaged in this battle to protect our Harbor area have been very disappointed in numerous public officials which now include Congressman Waxman. While we were elated to initially find his interest and concern about this issue, his follow up on that concern proved to be weak and far less than any response needed to resolve it. Our hopes were bolstered when he chose not to run for office again as we realized that he would not need the money of the energy industry to fund any next campaign. But, alas....any interest in creating a means to draft responding legislation, question the fallacy of the EPA's acceptance of an "impound basin" as a mitigation measure of safety for butane gas, address the Port's revocable permit for use of the rail for transport, scrutinize the liability insurance situation, or identify the extraordinary vulnerability for terrorism and earthquake disaster at Rancho LPG, were never pursued. Instead, the office provided this Sept. 10th meeting which was designed to allow the EPA and DHS to rally around their existing "programs" and attempt to defend regulations that have no real ability to ensure public safety at this specific facility. Also, the set up of the meeting was to respond to "pre-written" questions at the "end" in an effort to diffuse any public intercourse on a matter that is "life threatening" to those in attendance. I'm hoping that you are

beginning to understand the outrage. But, more than understanding our outrage, it is imperative that you find within yourselves the interest in addressing the violations of public safety that persist through time unreasonably and irresponsibly.

The Chemical Safety Board has been very up front about how deficient existing regulations (particularly in California) are as they pertain to these types of facilities and the protection of the public. The meeting the other night was just a continuation of attempts to "justify" and to "defend" the "indefensible". I requested that Lisa pass out to you the comments of Professor Bob Bea (at UC Berkeley) who has grave concerns about this facility. Known as the "Master of Disaster", Bea has answered the question of whether this facility is "Safe" with a resounding "No". Considering that Bea has been the forensic risk expert hired by the US government on almost every major catastrophe in this Country, one would assume that his words of caution would carry great weight. Instead, we witness even his words being ignored. So, we ask...what will it take to prompt action on this? Answer; Sadly, the devastation itself.

One of our activists was recently asked by a naive public official, "What do you want me to do about Rancho LPG?" Her answer, "I want you to do what you will have *wished* you would **have done** after the catastrophe has occurred." Every one of you has the potential here to impact action in this situation that can save lives. This note is being written in hopes that you might find the sheer will to pursue that action. **You** could make the difference. Meanwhile, our fight will continue as the probability of an event at Rancho increases daily. Whether it is an earthquake, a terrorism attack, it's antiquated 40 yr. old infrastructure, or simple human failure, it is simply a matter of "when" not "if". If you listen closely, even you will hear the clock on that bomb needlessly ticking.

Thank you so much for your time, and also for your patience in reading and hearing our words.

Sincerely,
Janet Gunter



September 8, 2014

Jared Blumenfeld
Regional Administrator
USEPA, Region 9
75 Hawthorne St.
San Francisco, CA 94105

**RE: RANCHO LPG/PLAINS ALL AMERICAN PIPELINE, SAN PEDRO,
CA**

Dear Mr. Blumenfeld:

I am writing regarding the Risk Management Plan (“RMP”) for the Rancho Liquefied Petroleum Gas (“LPG”)/Plains All American Pipeline (“Rancho Facility”) in San Pedro, California. As the EPA is well aware, facilities that handle LPG can pose serious threats to neighboring communities. Given the dense community adjacent to the Rancho Facility, it is vital that the RMP provide a sufficient approach to protect the community from what could be great harm given the amount of flammable fossil fuels that are stored at this facility.

In particular, I am seeking justification for the inclusion of a ½ mile worst case scenario blast radius in the RMP. It appears that the blast radius calculation for this facility is not based on storing flammable materials, but rather based on the formula for toxics. This substitution of liquefied toxics allows for a much smaller blast radius. It appears EPA has allowed this reduced blast radius because of passive mitigation in the form of an impound basin. It does not appear that this reduced blast radius is justified because of this passive mitigation.

Based on my understanding of the physical properties of LPG, the product is only liquefied under pressure and low temperatures. If this product is released into the ambient air, it would rapidly turn into a vapor and dramatically expand in volume. It appears that the impound basin would be wholly ineffective to catch the entire contents of the facility’s two 12.5 million gallon tanks if there is a rupture. In the event of release of LPG, the product would likely flow into the community in its vaporized form. Any spark could result in ignition, which could lead to great harm to the surrounding community and the port.

This lenience in protection of public safety is further exacerbated because the Rancho Facility does not have to directly notify the neighborhood in the event of an emergency because there are “no toxics” stored at the facility. It only needs to notify the police and fire department. The Rancho Facility tries to have it both ways. On one hand it seeks lenience because it claims it is more like a facility storing liquefied toxics, and on the other hand it says it does not need to

Jared Blumenfeld
September 8, 2014
Page 2 of 2

notify the public because there are “no toxics” on site. This problematic inconsistency needs to be better justified.

Overall, Earthjustice would like to understand more fully the basis for discounting the blast radius due to the passive mitigation measures. It does not appear to be an effective mitigation measure to protect the community if an accident happens. In my discussions with community members, they are deeply concerned about this facility. Residents should not be afraid to live in their communities, and it is incumbent upon our public agencies to make sure residents feel secure in their neighborhoods.

Given the serious nature of the concerns about this facility, I would appreciate a prompt response about whether the RMP is adequate to protect public and safety. Please do not hesitate to contact me if you have questions about my request.

Sincerely,

A handwritten signature in black ink that reads "Adriano L. Martinez". The signature is written in a cursive style with a prominent horizontal line at the end.

Adriano L. Martinez
Staff Attorney
Earthjustice

Kit Fox

From: Janet Gunter <arriane5@aol.com>
Sent: Tuesday, September 23, 2014 6:18 PM
To: lisa.pinto@mail.house.gov; rachel.zaiden@mail.house.gov;
Lara.Larramendi@mail.house.gov; annette.mcdonald@mail.house.gov;
amartinez@earthjustice.org; noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; CC; Kit
Fox; melamed@gmail.com; Rafael.Moure-Eraso@csb.gov; don.holmstrom@csb.gov;
dan.tillema@csb.gov
Subject: EPA Appeal Letter of Janet Gunter for "Exempted" FOIA Request
Attachments: epa_appeal_letter_sept_22_2014.docx; epa_appeal_addendum_sept_2014.docx

Janet Schaaf-Gunter

PO Box 642 – San Pedro, CA 90733
(310) 251-7075 – Email: arriane5@aol.com

September 22, 2014

Nat'l Freedom of Information Officer
US EPA, FOIA and Privacy Branch
1200 Pennsylvania Avenue, N. W. (2822T)
Washington, DC

RE: APPEAL ON EPA FOIA REQUEST REGARDING 25 MILLION GALLON BUTANE AND PROPANE GAS FACILITY: RANCHO LPG LLC/ PLAINS ALL AMERICAN PIPELINE

#EPA-R9-2014-009135

To Whom It May Concern:

On August 25, 2014, the EPA responded to my FOIA request of August 4th for all correspondence engaged in between the EPA and a highly explosive operation, Rancho LPG/Plains All American Pipeline/Plains Mid-Stream Canada, and their lobbyist, Rudy Svorinich. While I was provided some information, the communication of greatest concern was related to the negotiations between the EPA and the Rancho facility in resolving the series of potential violations listed below issued in an EPA Cause letter of March 2013. The consent agreement was issued in late July of this year. The bulk of this information was not provided and determined to be "exempt" from disclosure. The information requested was integral to the public's understanding of the EPA's rationale in its perception of the facility's safety and its issuance of a compromise with a penalty fee of \$260,000 to settle the potential violations. Please keep in mind that this facility, which stores the energy equivalent of **over 50 atomic bombs** continues to operate within 1,000 ft. of pre-existing homes, schools, and recently built busy stores.

Allegations of original EPA letter included the following as succinctly described:

1. The companies failed to identify and assess its rail storage area as a process for inclusion in its Risk Management Plan.

2. The companies failed to adequately identify potential seismic stresses on the support structure for the emergency flare in accordance with design codes.
3. The companies did not properly address the consequences of a loss of the city water system for fire suppression in the event of an earthquake.
4. The companies failed to inspect tank 1 according to a timetable set forth in the API standard 653.
5. **(verbatim)** The facility's response plan identified the facility as a responding facility in which the employees will take response action in the event of a release, per 40 C.F.R. 68.90(a). However, the facility's emergency response plan developed under paragraph (a)(1) of that part was not coordinated with the community emergency response plan developed under 42 U.S.C. 11003. In addition, the facility manager and employees stated to EPA that they are not emergency responders for the facility, but are only authorized to take life safety and evacuation actions. The companies failed to develop and implement an emergency response program for the purpose of protecting public health and the environment, including at a minimum, procedures for informing the public and emergency response agencies in the event of a release. The facility failed to clearly indicate to their own employees whether they would be emergency responders or would evacuate. This is in violation of Section 112®(7) of the CAA, 42 U.S.C. & 7412®, and 40 C.F.R. & 68.95(a)(1)(i), which requires an owner or operator to develop and implement an emergency response program including a plan that shall be maintained at the stationary source and contain procedures for informing the public and local emergency response agencies about accidental releases.
6. The companies failed to ensure that the drain pipe located in the base of the containment basin and the valve located near Gaffey Street were included in the mechanical integrity program.

This particular facility is of extreme concern, due to its massive volume of liquefied petroleum gasses, and has been ever since its introduction in 1973 under the heavy political favor of the Nixon administration for his friend and then CEO of Petrolane LPG, RJ Munzer. The facility was exempted from many regulations at that time and sits in an earthquake rupture zone on land identified as "liquefaction" and "landslide" areas. An ERZ is a location where multiple EQ faults intersect. This is the only ERZ in the LA harbor area. The largest of these three faults, the Palos Verdes Fault has a magnitude potential of 7.3. The two 12.5 million gallon butane tanks were built over 42 years ago without LA City Building permits at the time to a seismic sub-standard of 5.5-6.0!

There are many unanswered questions regarding the EPA Settlement with Rancho LPG.

One of the statements made by the EPA include that Rancho LPG has invested \$7.2 million into facility improvements since purchasing it in 2008. The FERC filings for parent company Plains All American Pipeline/ Rancho LPG LLC do not back this up. Also the FERC filings and the Rancho LPG website state that Rancho LPG is owned by "Plains-Midstream Canada", so there is a question as to why "Plains midstream Canada" was not also cited by the EPA along with Rancho LPG. The signatory on the EPA consent document for Rancho LPG is Scott Sills, the Vice President of Plains Mid-Stream Canada, yet that company is not identified anywhere in the legal filings. Where is the authority cited in the settlement which states that the Plains Midstream Canada (already under criminal investigation by the Canadian officials for two massive oil spills in 2011) has the right, power, or authority to act on behalf of Rancho LPG? Also, why was the parent company of Plains Midstream Canada, "Plains All American Pipeline, LLP", not included as part of the settlement or the charges?

Other significant points to be made are the following:

1. Rancho did not evaluate seismic stresses on the emergency support system of the facility until August 2011 ; (Count I)
2. Rancho failed to inspect the drain from the secondary containment basin until March 2012 (Count IV); In the case of butane any basin is not effective in its capture since the “liquefied” butane gas will turn into a vapor when warmed by ambient air temperature;
3. Rancho did not even inspect Tank 1 until July 2012 Four years after facility purchase.(Count III) ;
4. Rancho failed to analyze the consequences of the loss of fire suppression of water supply until May 2013, (water will not extinguish a butane fire anyway); (Count II);

So it took between 3 and 5 years for Rancho to conduct these very basic functions.

Now let’s look at what EPA left out (i.e. failed to negotiate or prosecute) thereby leaving the public still at risk if Rancho failed to cure these deficiencies.

The consent omits all reference to two of the alleged violations:

- (A). Failure to incorporate within its Risk Management Plan a hazard assessment of the rail storage area; and
- (B) Failure to develop an emergency response plan which is coordinated with a local emergency response plan, which provides for procedures to report to the public and local government in the event of an accident, and which further specifies how Rancho’s employees are to act in the event of an accident (e.g.whether the employees would evacuate or be emergency responders).

Aside from the foregoing significant omissions (other than in Paragraphs 11 and 12 on pages 2-3 of the Consent Agreement) relating to the absence of a Risk Management Plan, the failure to incorporate the rail storage area within the ambit of the rail storage plan (this ‘area’ constitutes the railroad tracks fronting the Rancho facility which are (after-acquired) tidelands trust assets, which Rancho uses as free storage for its own commercial purpose (which puts the Port in violation of the Tidelands Trust law; exposes the State (who owns the tidelands trust assets) at risk of liability in the event of an accident; provides an unlawful subsidy to Rancho in the form of being able to (unlawfully) use public (tidelands trust) assets for its own private use, exposes the Port to liability for mismanagement and to develop an emergency response plan which incorporates the actions of its employees and states how the government and the public are going to be informed of accidents or accidental releases .

1. The EPA fails to note or to deal with Rancho’s financial insolvency. Plains All American Pipeline should have been included in this matter. This demonstrates the inadequacy, administrative negligence, and regulatory capture of the EPA by this industry, and this entity. This is what it took 15 months to negotiate? EPA had an opportunity here to require Rancho to provide better financial assurances to the public. I am assuming here the EPA has the power to insist on insurance or better protection of the public. The EPA certainly had an opportunity here to take a much closer look at this facility and completely and utterly failed to do so. Why not? Why not investigate the economic condition of Rancho? EPA could subpoena Rancho’s

insurance and insist that Plains All America Pipeline, LP be responsible for Rancho's operations (See Section F (Paragraphs 41-44 of the Consent Agreement, including the statement that Plains Mainstream Canada is authorized to act on behalf of Rancho. This is inconsistent with Rancho's FERC filings which state that Rancho is 100% owned by Plains LPG Services, LP Why can't EPA do its job and inquire into this? Answer: The EPA is either incompetent, lazy, or administratively captured by Rancho and the other oil entities it regulates. Should there be an accident at this facility (heaven-forbid), this action by the EPA will stand out as yet another in a long series of incomplete and incompetent acts by our government in ignoring the core underlying issue of whether a facility is "safe.

The EPA callously, irresponsibly, negligently, and conveniently ignored its responsibilities to public safety while the core of the problem still exists. The risk being run here by inaction is so large relative to the benefits as to shock the conscience and common sense of anyone looking at this objectively.

2. The issue of Rancho's facilitation of the violation of the Port's Operating Agreement with Pacific Harbor rail service is ignored. Another lost opportunity. PHL (the short-line railroad) may feel impelled and compelled to take Rancho's shipments of propane and butane as a licensed carrier under Federal regulations; in effect, PHL cannot say no. But the issue of the use of tank cars to transport the butane and propane through the Port (does the Port know when? Does LA Fire know when?) was implicated within the scope of the alleged violation (which EPA ignores) of Rancho's failure to consider the loaded railroad tank cars as the functional equivalent of a 'storage tank' for purposes of preparing an RMP (Risk Management Plan). To be noted is that PHL is acting contrary to its duties under its Operating Agreement with the Port because the Operating Agreement does not allow the rail spur or the railroad tracks fronting Rancho's facility to be used for the transport of butane or propane ('hazardous materials' under the Operating Agreement). The solution? EPA could have used this situation as a way to either renegotiate the Operating Agreement or prosecute Rancho with the object of shutting Rancho down until the public is adequately protected. This silence is an abdication of EPA's public responsibilities and runs contrary to the broader public interest. It is shameful. Should there be an accident, what will EPA say? It resolved the problem by this paltry \$260,000 fine?

3. Note the careful language in Paragraph 1 of the EPA's Consent Agreement. Presumably Rancho negotiated this and it is false by omission (it is incomplete) because it does not state that Rancho is a wholly owned subsidiary of Plains LPG Services, LP, which is operated by Plains Midstream Canada. Nor does it state where Rancho is headquartered, although the last page certificate of service lists Rancho's address as being in Houston. In this case, they don't even use the company address in Shafter, California only referencing that Rancho is 'registered to conduct business in California'. So the EPA countenances a misrepresentation to the public about Rancho's status, something which is of vital importance to the public, something which Rancho wants to conceal from the public; and something which (apparently) the EPA is content to permit.

Hopefully, this description of the problem will help you to understand the reason why the information related to the negotiations in this case are so vitally important. "Why" was the EPA convinced that the facility is now "safe"? What was said or done by Rancho LPG that reassures our Environmental Protection Agency that our environment, within this community, is any safer? Item number 5 in the complaint, as it relates to the community awareness/ emergency plan, has never been implemented by the owners of Rancho LPG. In the case of a tank rupture at that facility, the butane gas will explode within minutes if not seconds. How is an emergency plan in that particular case ever addressed? It is critical for the public to understand the reasons why the EPA has cleared the way for the Rancho operators to continue storing and transporting this ultra-hazardous product. We don't have to look far to see the disasters caused by a lack of proper attention paid to such hazardous operations. The catastrophes of West, TX, San Bruno, Richmond, Katrina, the Gulf and a laundry list of others give us great cause for concern, and shine a spotlight on a glaring problem of deficient oversight. This facility, a facility that should have never been placed in this vastly populated area and hub of commerce (the Ports of LA and Long Beach), is in the wrong location. Those of us sitting in its shadow deserve every opportunity to understand the reasons why our government (the EPA) deems it "safe".

I hope that you will re-consider granting us this appeal and provide the information for our review to better understand how and why the EPA has come to its decision.

Sincerely,



Janet Schaaf-Gunter
Member: San Pedro and Peninsula Homeowners United

cc. Congresswoman Janice Hahn
Congressman Henry Waxman
Carol Melamed, First Amendment Coalition
Adrian Martinez, Earthjustice
Anthony Patchett, Atty
Noel Weiss, Atty
Rancho Palos Verdes City Council
Rafael Moure Eraso, Chemical Safety Board
Don Holmstrom, Chemical Safety Board
Dan Tillema, Chemical Safety Board

Janet Schaaf-Gunter

PO Box 642 – San Pedro, CA 90733
(310) 251-7075 – Email: arriane5@aol.com

September 23, 2014

Nat'l Freedom of Information Officer
US EPA, FOIA and Privacy Branch
1200 Pennsylvania Avenue, N. W. (2822T)
Washington, DC 20004

RE: **ADDENDUM ON APPEAL OF SEPTEMBER 22, 2014:**
APPEAL ON EPA FOIA REQUEST REGARDING 25 MILLION GALLON BUTANE AND
PROPANE GAS FACILITY: RANCHO LPG LLC/ PLAINS ALL AMERICAN PIPELINE
#EPA-R9-2014-009135

To Whom It May Concern:

In my appeal, I failed to include a very critical point. This addendum is meant to be added to my original correspondence.

In the submitted RMP for “Worst Case Blast Radius Scenario” by Rancho LPG and their operators, Plains Mid-stream Canada, Plains All American Pipeline, they use a reduced formula for calculating that radius. Apparently, the EPA was being threatened in the late 1990's by a lawsuit from the American Petroleum Industry if the EPA did not offer a “reduced” worst case formula for a hazardous facility that had performed a safety mitigation measure. In the case of this LPG facility (then under the ownership of Amerigas) the EPA acquiesced by allowing a completely “non-responsive” impound basin as a method of capturing the “liquid” contents of butane upon tank rupture to be considered as mitigation. Of course, this is a completely illogical concept as “liquid” butane gas is ONLY “liquid” under the refrigeration of the tank. Once that “liquid” meets ambient air temperature it immediately vaporizes and will expand over 200 times its volume. The vapor is heavier than air and will overflow any basin seeking an ignition source. However, the EPA “granted” this reduced formula to the LPG facility for establishing their worst case blast radius! So, rather than use the proper calculation for “flammables”, the facility is allowed to use the worst case blast calculation for “toxics”. This affords the advantage of Rancho LPG to report in their RMP a 1/2 mile blast radius from ONE of their 12.5 million gallon butane tanks, as opposed to the more accurate radius from “flammables” at 3.1 miles! The facility has reported that within that ½ mile radius, 750 people will be affected. In that number of casualties, the facility “excludes” the hundreds of children attending the two schools that fall within the ½ mile radius due to the fact that they are not “permanent residents”. Also excluded in that radius is the Home Depot, the Target store, the business center and the industrial complex. All of this is unmentioned and not considered in the population to be affected. What is perhaps

more astonishing than that, is that directly due north of the Rancho LPG facility, approximately ¼ mile from the 300,000 gallon bullet propane tanks of Rancho's facility, sit the most hazardous butane tanks of the abutting Phillips 66 refinery. Propane tanks are noted for their ability to "bleve" and explode and shoot shrapnel from these bullet tanks for miles. The "bullet" propane tanks are never to be "aimed" at anythingparticularly anything "explosive". However, these tanks are directly aimed at the two 5 million gallon butane tanks of Phillips 66 and the smaller ones to the north of them. In this case, however, we are only thinking of the fact that the RMP worst case from the rupture of the single 12.5 million gallon butane tank ALSO encompasses the two 5 million gallon butane tanks of the Phillips 66 refinery in their ½ mile blast radius! THAT point is carefully circumvented in the reporting of what is impacted in Rancho's worst case. Does this omission not seem to be irresponsible? Certainly, the inclusion of those tanks would greatly impact the overall resulting event. It also seems highly irresponsible that the EPA, as a rule, does not look at the "cumulative" impact, nor the potential for "cascading failure events" as a means of establishing safety!

It is clear that the EPA and other regulatory agencies have significant problems with oversight and management in their protection of the public. As simple citizens, we recognize the void of common sense employed in analysis of these extremely dangerous situations. There have been enough catastrophes witnessed recently that all have a direct tie to this sad reality. It is time to re-assess. It is time for the government to begin the process of acting proactively instead of simply reacting to the carnage and destruction that this ambivalence of safety delivers.

Please grant our appeal to review the correspondence and negotiations that were responsible for the EPA's compromise with the operators of Rancho LPG. It is important that our public is allowed to inspect and understand the actions of our public representatives and agencies.

Thank you again,

Janet Schaaf-Gunter
Member: San Pedro Peninsula Homeowners United INC.

Kit Fox

From: Fred Millar <fmillarfoe@gmail.com>
Sent: Tuesday, September 23, 2014 8:00 PM
To: Janet Gunter
Cc: lisa.pinto@mail.house.gov; rachel.zaiden@mail.house.gov;
Lara.Larramendi@mail.house.gov; annette.mcdonald@mail.house.gov;
amartinez@earthjustice.org; noelweiss@ca.rr.com; AGPatchett; CC; Kit Fox;
melamed@gmail.com; Rafael. Moure-Eraso; Don. Holmstrom; Dan Tillema
Subject: Re: EPA Appeal Letter of Janet Gunter for "Exempted" FOIA Request

Way to go, Janet! Hope some of your officials support your appeal. Any media support also?

I'm still busy with crude oil by rail issues.... Commenting on new NPRM by DOT by Sept 30.
Best,
Fred

On Tue, Sep 23, 2014 at 9:17 PM, Janet Gunter <arriane5@aol.com> wrote:

--
Fred Millar
915 S. Buchanan St No. 29
Arlington VA 22204
703-979-9191

Kit Fox

From: Joseph Puerta <joethedoor@sbcglobal.net>
Sent: Tuesday, September 23, 2014 9:35 PM
To: Janet Gunter; lisa.pinto@mail.house.gov; rachel.zaiden@mail.house.gov; Lara.Larramendi@mail.house.gov; annette.mcdonald@mail.house.gov; amartinez@earthjustice.org; noelweiss@ca.rr.com; MrEnvirlaw@sbcglobal.net; CC; Kit Fox; melamed@gmail.com; Rafael.Moure-Eraso@csb.gov; don.holmstrom@csb.gov; dan.tillema@csb.gov
Subject: Re: EPA Appeal Letter of Janet Gunter for "Exempted" FOIA Request

Janet, another well researched, well written letter. I can't believe with all that is going on in the world with terrorist threats against the US unabated and even intensifying that the people in charge of our safety seem to be so detached from this potential reality. I can only hope that this reaches them and a real, serious look is given to this problem. I am in Milwaukee until Sunday. When I get back let me know if there is anything I can do. All the best, Joe Puerta

On Tuesday, September 23, 2014 8:17 PM, Janet Gunter <arriane5@aol.com> wrote: