



**MEMORANDUM**

**TO:** HONORABLE MAYOR & CITY COUNCIL MEMBERS  
**FROM:** GABRIELLA YAP, DEPUTY CITY MANAGER *GY*  
**DATE:** DECEMBER 1, 2015  
**SUBJECT:** BORDER ISSUES STATUS REPORT  
**REVIEWED BY:** DOUG WILLMORE, CITY MANAGER *DW*  
Project Manager: Kit Fox, AICP, Senior Administrative Analyst *KF*

**RECOMMENDATION**

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

**EXECUTIVE SUMMARY**

This month's report includes:

- An update on recent issues and events related to the Rancho LPG butane storage facility in Los Angeles (San Pedro);
- An update on the proposed closure of the Defense Fuel Support Point (DFSP) San Pedro;
- A report on the County's construction of proposed "observation stations" in Friendship Park within Rancho Palos Verdes; and,
- A report on the Palos Verdes Peninsula Unified School District's (PVPUSD) Energy Conservation Facilities Project that would involve the installation of solar panel arrays at eight (8) school sites in Rancho Palos Verdes.

**FISCAL IMPACT**

There is no fiscal impact associated with the bi-monthly review of Border Issues.

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**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://www.rpvca.gov/781/Border-Issues-Status-Report>

**DISCUSSION**

**Current Border Issues**

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

On November 7, 2015, there was a flaring incident at the Rancho LPG butane storage facility in San Pedro. A report forwarded to the City via e-mail indicated that the incident lasted about seven (7) minutes, and also involved the dousing of the butane and propane tanks with water (see attached photos). On November 9, 2015, Staff contacted Rancho LPG for information about the incident. Rancho LPG provided the attached response to Staff on November 16, 2015. The flare and the water dousing of the butane and propane tanks were the result of a brief electrical "blip" that triggered an automatic shutdown of the facility.

On November 15, 2015, the City received an e-mail containing a copy of a request from the Rancho LPG opponents' attorney to the Building and Safety Department of the City of Los Angeles, asking for a public hearing to initiate nuisance abatement proceedings against the owner of the Rancho LPG facility (see attachments). It should be noted that the original owner of the facility (Petrolane) was unsuccessfully sued on both public and private nuisance theories in a case that was decided in 1980 (*Don Brown v. Petrolane* (1980) 102 Cal.App.3d 720).

In the past two (2) months, interested parties have continued to forward items regarding and related to the Rancho LPG facility and its owner/operator 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.

*Closure of Defense Fuel Support Point San Pedro, Los Angeles (San Pedro)*

As a follow-up to the teleconference in which City Staff participated on September 17, 2015, the attached letter was sent to Representative Ted Lieu. On November 19, 2015, the Navy announced that it would accept additional comments on the Draft Environmental

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Assessment (EA) until December 9, 2015 (see attachments). The Draft EA—which has not been revised since it was originally released for public review in August 2015—is available for review on-line at the following link:

[http://www.cnrc.navy.mil/regions/cnrsw/installations/nws\\_seal\\_beach/om/environmental\\_support/dEA-DFSP.html](http://www.cnrc.navy.mil/regions/cnrsw/installations/nws_seal_beach/om/environmental_support/dEA-DFSP.html).

Additional comments on the Draft EA may be e-mailed to [nwssbpao@navy.mil](mailto:nwssbpao@navy.mil) or mailed to the following address:

NAVFAC SW  
ATTN: Code JE20.TB  
1220 Pacific Hwy., Bldg. 131  
San Diego, CA 92132

Staff will continue to monitor this project in future Border Issues reports.

New Border Issues

*Friendship Park Observation Stations, Rancho Palos Verdes/Los Angeles (San Pedro)*

On October 27, 2015, Staff learned from residents in the *El Prado Estates* neighborhood that the County was constructing an observation station in Friendship Park near homes at the southerly end of Tarapaca Drive. The project is apparently funded by a Proposition 84 grant from the State that the County applied for in July 2010. The County initially met with the neighborhood in 2013 to discuss this project, but no notification was ever provided to the City. Based upon neighborhood concerns, the County halted construction of the observation station and held another meeting with neighbors on October 28, 2015. At this meeting, neighbors expressed their concerns about this project, particularly its close proximity to homes and the likelihood of it becoming an attractive nuisance due to nighttime activities and trespassing. The County agreed to keep the construction on hold, review options for addressing neighborhood concerns, and hold a follow-up meeting with the neighbors. The grant that is funding this project requires it to be completed by July 2016.

The follow-up community meeting was held on November 18, 2015. At the meeting, the County announced that the second observation station would be relocated much further away from nearby homes, which appeared to satisfy most meeting attendees. The County also committed to replacing and installing fences and other barriers to prevent unauthorized nighttime access to the park from 25<sup>th</sup> Street and from Calle Aventura. Staff will continue to monitor this project in future Border Issues reports.

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*Energy Conservation Facilities Project, PVPUSD Campuses Citywide*

On November 16, 2015, Staff learned that the PVPUSD Board of Education was holding a public hearing on November 18, 2015 to consider the Energy Conservation Facilities Project (see attached public notice and draft resolutions). The project proposes to install solar panels on new “shade structures” to be constructed on sixteen (16) PVPUSD campuses, eight (8) of which are located in Rancho Palos Verdes. As permitted under State law (Government Code Section 53094(b)), the project is exempt from the City's land use and zoning regulations, and PVPUSD, acting at the lead agency pursuant to the California Environmental Quality Act (CEQA), has determined that the project is categorically and statutorily exempt from further environmental review. As such, the City has no legal role or authority over the review of this project.

At the November 18<sup>th</sup> Board meeting, the resolutions approving the CEQA determination and the contract with PFMG Solar, LLC (PFMG) were adopted. PVPUSD Staff have indicated that, with the execution of the contract with PFMG, the design phase of the project will take 90-120 days, during which there will be public outreach to the neighborhoods surrounding the school sites. If any individual site (or the entire project) is determined to be infeasible—for technical reasons or due to strong community opposition—it can be eliminated from the project at any time. PVPUSD committed to keeping all of the Peninsula cities informed of the progress of this project, and Staff will continue to monitor it in future Border Issues reports.

**Attachments:**

- Photos of flare at Rancho LPG (dated 11/7/15) (page 5)
- Response from Rancho LPG (received 11/16/15) (page 7)
- Request for nuisance abatement at Rancho LPG (dated 11/15/15) (page 11)
- E-mails related to the Rancho LPG facility (miscellaneous dates) (page 20)
- Letter to Rep. Lieu regarding DFSP San Pedro (dated 9/22/15) (page 37)
- Notice of re-released Draft EA for DFSP San Pedro (received 11/19/15) (page 40)
- Plans of Friendship Park observation station (received 10/28/15) (page 41)
- PVPUSD notice and resolutions (dated 11/18/15) (page 43)

## Flaring Incident at Rancho LPG Saturday, November 7, 2015





**From:** [Ronald Conrow](#)  
**To:** [Kit Fox](#)  
**Cc:** [Doug Willmore](#); "Hon. Rudy Svorinich, Jr."; [renee@svorinich.com](mailto:renee@svorinich.com)  
**Subject:** Rancho Flare Event  
**Date:** Monday, November 16, 2015 10:15:13 AM  
**Attachments:** [Rancho\\_SCAQMD Permit to Flare.pdf](#)

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Kit,

Here is Rancho's response sent to NWSPNC President Ray Regalado and CD 15 staff the same day (11/07/2015) of the recent flaring incident. As stated, unlike the refineries in the Harbor Area which emit toxics and sulfur compounds during flaring incidents, Rancho is not required to report these events to any regulatory agency. However, in keeping with our concern for public safety, Rancho does in fact provide an explanation to the SCAQMD, LAFD Station 36, NWSPNC, and CD 15.

Attached is the news article from several years ago in which both federal and local agencies clearly declare Rancho is permitted to flare and not required to report any such incident. Also, attached is the blast radius map presented at the RPV City Council meeting on 05/20/2014 showing the EPA approved "worst case" scenario using mandated EPA software and methodologies. We understand Rancho is a "Border Issue" for RPV, however, as shown our "worst case" scenario does not impact any RPV residents, including those of Eastview. Per law, Rancho's EPA vetted Risk Management Plan (RMP) is on file for public review at the LAFD/CUPA office located at 200 North Main Street in downtown Los Angeles.

Please advise should you require additional information.

Regards,

**Ron Conrow** | Western LPG District Manager  
Plains LPG Services L.P. | 19430 Beech Avenue | Shafter, CA 93263  
P: 661.368.7917 | C: 661.319.9978 | F: 661.746.4037  
[www.plainsmidstream.com](http://www.plainsmidstream.com)

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**From:** Ronald Conrow  
**Sent:** Saturday, November 07, 2015 11:20 PM  
**To:** Ray  
**Cc:** 'Hon. Rudy Svorinich, Jr.'; [renee@svorinich.com](mailto:renee@svorinich.com); [ryan.ferguson@lacity.org](mailto:ryan.ferguson@lacity.org); jacob haik  
**Subject:** FW:

Ray,

Just an FYI, Rancho had a flaring event this afternoon which lasted approximately 7-minutes. There was no emergency at the facility which caused the event. There was a electrical blip resulting in a loss of power which automatically triggers a shutdown of the facility, When this occurs, fail safe control systems automatically engage. These systems include pressure controls to open to the flare and all fire water suppression systems automatically engage on top of the 2-large refrigerated butane tanks, the 5-horizontal pressure vessels, the truck loading racks, and the rail racks as a precautionary measure.

Bottom line, the fail safe systems activated as designed, the power was restored, and the facility was safe restarted.

The Facility Supervisor notified the SCAQMD and LAFD Station 36 of the flaring event and that no emergency occurred at the facility This was a curtesy notice as Rancho's flare is permitted by the SCAQMD for such burn off as we do not emit toxic or sulfur compounds.

Apologies for the late notice as I was out of town for a family event today. Please advise should you require additional information. As usual, plan to attend the Monday night meeting of the NWSPNC Board.

*Regards,*

*Ron Conrow*

*Western LPG District Manager*

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## NEWSBriefs

### Rancho LPG Flaring Event Underscores Community Concerns

Details are belatedly coming out regarding an initially unreported flaring event at Rancho LPG on Wednesday, January 30. The incident was brought to our attention by long-time homeowner activist Andrew Mardesich, who took smart-phone photos of the event early that morning. In response to inquiries from community activist Janet Gunter, Environmental Protection Agency administrator Mary Wesling contacted Rancho regarding the event, and forwarded the response they received. Ron Conrow, the Western District Manager for Rancho's corporate parent, Plains All American wrote, "The flaring event occurred at approximately 04:30 on 01/30/2013 and lasted approximately 10-minutes. A transmitter on (butane) storage tank T-1 malfunctioned resulting in a pressure control valve release from the tank to the flare."

He went on to say, "Another review of our permits our environmental and operations staff confirmed Rancho is not required to report a flaring event and we are not aware of any Rule requirement for LPG facilities to do so."

Wesling confirmed that there was no federal duty to report, but noted that state regulations differ. She in turn notified the AQMD and the LA Fire Department. There was also unrelated maintenance work on Naval Fuel Depot pipelines going on that same week.

"They had a flare. It's permitted by AQMD for use in emergencies, to safely burn excess propane gas," AQMD spokesman Sam Atwood told Random Lengths. "They did not notify us, and they are not required to notify us," he said, explaining that the notification rule specifically targets sulfur emissions.

"Ensuring the safety of the residents of the 15th District is my top priority," said Councilmember Joe Buscaino. "The Chief Legislative Analyst has been compiling a comprehensive report in response to questions raised by myself and other members of the Public Safety Committee, which I expect it to be complete in late February, and discussed in an upcoming Committee meeting in March. I look forward to advancing this investigation, and I encourage residents to stay engaged and participate in this open, transparent and public process."



San Pedro Terminal  
2110 N. Gaffey Street  
San Pedro, CA 90731  
0.5 mile impact zone - west of Cape Release

Rancho Palos Verdes  
(Eastview)

## Kit Fox

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**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Sunday, November 15, 2015 9:58 AM  
**To:** rick.jacobs@lacity.org; jacob.haik@lacity.org; rob.wilcox@lacity.org;  
lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; heather.hutt@sen.ca.gov;  
brian.mineghino@asm.ca.gov; John.S.Lee@lacity.org; Kit Fox; cc.sanchez@lacity.com;  
noelweiss@ca.rr.com; amartinez@earthjustice.org; learlaw@earthlink.net; oespino-  
padron@earthjustice.org; mgoldenkrasner@biologicaldiversity.org; rgb251  
@berkeley.edu; carl.southwell@gmail.com; alan.gordon@treasurer.ca.gov;  
david.wulf@hq.dhs.gov; dan.tillema@csb.gov; don.holmstrom@csb.gov;  
richard.vladovic@lausd.net; jennifer.lucchesi@slc.ca.gov; helmlinger.andrew@epa.gov;  
det310@juno.com  
**Cc:** rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org;  
darlenezavalney@aol.com; sarahnvaldez@gmail.com; diananave@gmail.com;  
conni.palinni-tipton@lacity.org  
**Subject:** "Request for Nuisance Abatement Hearing Rancho LPG.pdf"

Please find in the drop box link below; the formal request for a public hearing with Los Angeles Building and Safety on the Plains All American Pipeline / Rancho LPG facility located on No. Gaffey Street in San Pedro/Wilmington adjacent the Port of LA. This package includes articles of foundation for the hearing request.

In 1978 this facility (then under the name "Petrolane LPG") was issued LA Building permit "certification" to "legalize" two 12.5 million gallon tanks used to store highly explosive butane / propane. This was 5 years **after** construction of these tanks that were originally built "without" proper building permits to construct.

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

From: Anthony via Dropbox <no-reply@dropbox.com>  
To: arriane5 <arriane5@aol.com>  
Sent: Fri, Nov 13, 2015 2:21 pm  
Subject: Anthony Patchett sent you "Request for Nuisance Abatement Hearing Rancho LPG.pdf"



Anthony shared a file with you on Dropbox



Request for Nuisance Abatement Hearing  
Rancho LPG.pdf

View  
file

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© 2015 Dropbox, PO Box 77767, San Francisco, CA 94107



"...and justice for all."

LAW OFFICES OF ANTHONY G. PATCHETT, SBN: 090985  
P.O. Box 5232, Glendale, CA 91221-1099  
mrenvirlaw@sbcglobal.net  
Phone: 818-243-8863  
Fax: 818-243-9157

November 14, 2015

Raymond Chan  
General Manager  
Department of Building & Safety  
City of Los Angeles  
201 N Figueroa 4<sup>th</sup> Floor  
Los Angeles, California 90012

**VIA CERTIFIED MAIL**

**RE: REQUEST FOR PUBLIC HEARING UNDER SECTION 12.27.1 ADMINISTRATIVE NUISANCE ABATEMENT PROCEEDINGS AGAINST PLAINS ALL AMERICA (RANCHO LPG) 2110 NORTH GAFFEY STREET, SAN PEDRO, CA 90731**

Dear Mr. Chan,

I represent the San Pedro Peninsula Homeowner's United Inc, John Tommy Rosas, Tribal Administrator, and Tongva Ancestral Territorial Tribal Nation in their request for a public hearing by your department to determine if under Section 12.27.1 LAMC, Rancho LPG:

1. **jeopardizes or adversely affects the public health, peace, or safety of persons residing in the surrounding area; or**
2. **constitutes a public nuisance; or**
3. **has resulted in repeated nuisance activities**

"The mission of the Department of Building and Safety is to protect the lives and safety of the residents and visitors of Los Angeles, preserve the City's quality of life, and contribute to the City's economic development. This is accomplished through the implementation and enforcement of the Zoning, Building, Plumbing, Mechanical and Electrical Codes, as well as Engineering, Energy, and Disabled Access Regulations, and local and State laws for construction and maintenance of commercial, industrial, and residential buildings."

Rancho does not comply with the basic API Standard (2510) for LPG storage. Specifically, they fail the set back requirements of 200 feet from neighboring land use. This specific standard applies to the facility on the south, east and northeast. Had this facility received a proper city permitting process review, this deficiency would have been identified and the permit would have been denied. The L.A. City permit was only issued under "permitted as built" five years after its construction and installation of operation.( see attached exhibit 6)

Also, when the facility was sold to AMERIGAS and then to Plains, the required Risk Management Plan **was never** filed. The plan that current owners, Plains All America/Rancho LPG, produced was simply a "roll over" plan from Amerigas with a number of the deficiencies noted in the EPA Complaint. This illustrates a company that is indifferent to laws and in particular to safety.

There is little disclosure about Rancho LPG's storage of 25 million gallons of butane on a site that is a known liquefaction, landslide and tsunami zone. Butane burns hotter than other fuels- in excess of 3200 degrees!- and this makes these safety concerns of even greater urgency because fires will be inextinguishable.

Professor Robert Bea, at the UC Berkeley Center for Catastrophic Risk Management, stated to Rancho LPG Manager Ron Conrow in a letter dated April 20, 2015: (Exhibit 1)

"I have reviewed a QRA performed by Quest Consultants Inc. I do not think there is sufficient valid and validated information (qualitative and quantitative) to inform the residents of San Pedro and the responsible local, State and Federal government agencies regarding the "public safety" and risks of major accidents associated with the Rancho LPG facilities. I think it is incumbent upon Rancho LPG Holdings LLC to provide the residents of San Pedro and the responsible government agencies the scientifically based information on the "public safety" and risks (likelihoods and consequences) associated with major accidents involving the Rancho LPG facility."

"My statement is based on the information contained in the series of "risk analysis" documents I cited earlier. My synthesis of that information led to my qualitative assessment of "high risk". That assessment included an assessment of the likelihoods of major accidents due to the multiple categories of hazards (earthquakes, severe storms, ground instability, terrorist activities, and operating and maintenance activities) and the consequences (deaths, severe injuries, property and productivity damages, and direct and indirect monetary costs."

"During the past 45 years, I have been involved as an originator, contributor and reviewer of more than one hundred QRA's involving "High Risk Systems." This work has been associated with design, construction, maintenance, and operation of onshore and offshore industrial oil and gas exploration, production, transportation, and refining systems. Several of these QRA's were associated with oil and gas production and transportation facilities located onshore and offshore southern California near the Rancho LPG facilities. I have written three books, contributed chapters in 4 other books, written several hundred referred technical papers and reports, and taught university undergraduate and graduate courses on system Risk Assessment and Management (SRAM) of engineered systems for more than 20 years. This work has been closely associated with my forensic engineering work as a primary investigator on more than 30 major accidents and disasters that have primarily involved oil and gas exploration, production, transportation, and refining systems. This work has been involved with more than 40 major national and international joint industry-government sponsored research projects that addressed SRAM of complex engineered systems."

"Deficiencies found in previous formal quantitative QRA's and PRA's: 1) omission of important categories of uncertainties, 2) systematic incorporation of optimistic human and organizational "biases", 3) assumptions integrated into the risk analysis that were not validated, 4) systematic underestimate in the consequences of major accidents, 5) omission of important interactions between infrastructure components and systems, and 6) application of inappropriate risk "acceptability" and "tolerability" criteria. All of these deficiencies in the existing formal QRA's that have been performed for the Rancho LPG facilities."

"The equation for Disaster is:  $A+B=C$ . "A" are natural hazards like hydrocarbons, corrosion, metal fatigue, earthquakes, tsunamis, hurricanes, and instability of ground. "B" are human hazards including hubris, arrogance, greed, complacency, ignorance, and indolence. "C" are disasters sooner or later. At this point in my review of the documentation associated with the Rancho LPG facilities, I have detected plentiful evidence of the presence of ALL of the "B" human hazards in the "Equation for Disaster." In addition, there is ample valid evidence available to characterize the multiplicity of significant natural hazards at and in the vicinity of these facilities. I conclude it is time for Rancho LPG Holdings LLC to take effective actions to avoid the "C" results associated with the facilities it owns and operates."

There is no evidence that Rancho LPG has complied with the GUIDANCE FOR CALARP SEISMIC ASSESSMENTS. The objective of a California Accidental Release Prevention Program (CALARP) seismic assessment is to provide reasonable assurances that a release of Regulated Substances (RS) as listed in California Code of Regulations (CCR) Title 19 Division 2 Chapter 4.5 having offsite consequences (caused by a loss of containment or pressure boundary integrity) would not occur as a result of an earthquake. An acceptable alternate approach is to perform a

probabilistic risk assessment that provides estimates and insights on the relative risks and vulnerabilities of different systems and components from the impact of an earthquake.

If exhibit #9, Reno, Sparks and Washoe County Hazardous Materials Risk Assessment report indicates that a release of 30,000 lbs of propane would result in a LOC radius of greater than 6 miles, what is the risk at Rancho LPG?

Environmental expert and consultant, Charles Lamoureux's conclusion, "in my opinion, the location of this facility is a grave danger to the residents that are located in the immediate area surrounding this facility. In addition to the possible loss of life and private property damage, there is an above average chance of devastating damage to the ports facilities on the south east side of the plant." (Exhibit 3 page 2)

Carl Southwell, riskandpolicy.org, concluded "the facility should be condemned if there is a continued need for such a facility." (Exhibit 4 page 13).

We had a meeting with former Los Angeles City Attorney Carmen Trutanich in his office in 2011 where he informed me he believed this facility was no different in potential danger than a gasoline station. I responded with a letter dated October 2, 2011, (Exhibit 8) to City Attorney Trutanich but never received a reply. History from previous butane explosions across the world show otherwise.

The enclosed City Council exhibits infer by circumstantial evidence that no one within the City is aware of the tremendous danger presented to both residents and the Port infrastructures from the Plains/Rancho LPG operations. Emphasis is completely absent on "prevention" or protection and focused primarily on the justification of "doing nothing."

With such vivid illustrations as the horrific disasters of Tianjin, China, the BP Gulf disaster, San Bruno and Fukushima, Japan, it is appalling that political leaders and public agencies alike would continue to be so willing to turning a blind eye to a potential so devastating in its scope of opportunity.

#### EXHIBIT LIST

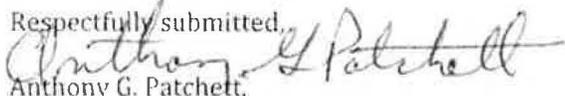
1. Letter from Professor Robert Bea, Center For Catastrophic Risk Management, Department of Civil & Environmental Engineering, Berkeley to Mr. Ronald Conrow, Rancho LPG Holdings LLC dated April 20, 2015 5 pages
- (a) An Instrument of Risk Management: The Law by Professor Robert Bea Draft 1 2pages
2. Los Angeles Times article by Larry Pryor July 16, 1977 "GAS FACILITY QUAKE SAFETY REPORT QUESTIONED IN PUC REPORT"
3. Quantative Risk Analysis for Amerigas Storage, 2110 N Gaffey Street, San Pedro Ca. 90731 September 2010 by Charles Lamoureux, Environmental Consultant, President, Environmental Compliance Management Group, Garden Grove, Ca 92840 2pages
4. "IN MY BACKYARD" A CASE STUDY OF INSTITUTIONAL OBDURACY IN THE FACE OF PUBLIC SAFETY OR A CONSEQUENCE ANALYSIS OF A TERRORIST ATTACK ON THE RANCHO LPG HOLDINGS, LLC, FACILITY IN SAN PEDRO, CALIFORNIA 03/07/11 BY [carl.southwell@riskandpolicy.org](mailto:carl.southwell@riskandpolicy.org) or [carl.southwell@gmail.com](mailto:carl.southwell@gmail.com) 22pages
5. Letter from Dr. Richard Vladovic, LAUSD to Carmen Trutanich, City Attorney 08/29/11
6. Los Angeles City Council File 13 pages
7. Los Angeles Building & Safety Permit dated 06/13/77 with a notation on page 2 " these Permits are to legalize tanks that were built in1973 without a Permit" 5pages
8. Letter to Carmen Trutanich, City Attorney dated October 2, 2011 14pages
9. "FIXED & EXTREMELY HAZARDOUS FACILITIES" REGIONAL HAZARDOUS MATERIALS EMERGENCY PLAN RENO, SPARKS AND WASHOE COUNTY MARCH 1, 2006 14PAGES

- |   |               |
|---|---------------|
| <b>10. GOOGLE PICTURES FOR 3 MILE AND 10 MILE RADIUS</b>  | <b>2PAGES</b> |
| <b>11. San Bruno Gas Explosion Complaint, Case# CIV500338, 11/04/2010 for Negligence, Intentional Infliction of Emotional Distress, Strict Liability, Private Nuisance, Public Nuisance</b> | <b>1page</b>  |
| <b>12. CALJIC Jury Instruction Strict Liability for Ultrahazardous Activities</b>   | <b>5pages</b> |

Also included are a LADBS REQUEST FOR MODIFICATION OF BUILDING ORDINANCES and Appeals of LADBS Actions Related to Error or Abuse of Discretion.

Based upon the above, I am requesting you notify Ron Comrow, Rancho LPG and my office of the date and time for the Administrative Nuisance Abatement Proceedings.

Respectfully submitted,



Anthony G. Patchett,

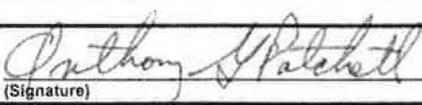
Attorney for San Pedro Peninsula Homeowner's United Inc

and John Tommy Rosas, Tribal Administrator, Tongva Ancestral Territorial Tribal Nation

Cc: rick.jacobs@lacity.org (Mayor Garcetti), jacob.haik@lacity.org, (Buscaino)@aol.com, rob.wilcox@lacity.org, (Feuer)@aol.com, lisa.pinto@mail.house.gov, (TedLieu)@aol.com, laurie.saroff@mail.house.gov, (Hahn)@aol.com, heather.hutt@sen.ca.gov, (IsadoreHall)@aol.com, brian.mineghino@asm.ca.gov, (assemblyO'Donnell)@aol.com, John.S.Lee@lacity.org, (MitchellEnglander)@aol.com, kitf@rpv.com, cc.sanchez@lacity.com, noelweiss@ca.rr.com, amartinez@earthjustice.org, learlaw@earthlink.net, oespino-padron@earthjustice.org, mgoldenkrasner@biologicaldiversity.org, rgb251@berkeley.edu, carl.southwell@gmail.com, ronkilgore1070@gmail.com, alan.gordon@treasurer.ca.gov, david.wulf@hq.dhs.gov, dan.tillema@csb.gov, don.holmstrom@csb.gov, richard.vladovic@lausd.net



**REQUEST FOR MODIFICATION OF BUILDING ORDINANCES**  
 UNDER AUTHORITY OF L.A.M.C. SECTION 98.0403

<b>PERMIT APP. #:</b>		<b>DATE:</b> November 14, 2015	
<b>JOB ADDRESS:</b> 2110 N Gaffey Street San Pedro			
<b>Tract:</b> PMLA 2503		<b>Block:</b>	
		Lot: PARCEL A	
Owner: PLAINS ALL AMERICA (RANCHO LPG)		Petitioner: LAW OFFICES OF ANTHONY G PATCHETT	
Address: 2110 N GAFFEY STREET		Address: PO BOX 5232	
City	State	Zip	Phone
SAN PEDRO	CA	90714	3108335075
City	State	Zip	Phone
GLENDALE	CA	91221-1099	818-243-8863
<b>REQUEST</b> (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)		<b>CODE SECTIONS:</b> 12.27.1	
REQUEST FOR PUBLIC HEARING ADMINISTRATIVE NUISANCE ABATEMENT AGAINST PLAINS AMERICA/RANCHO LPG			
<b>JUSTIFICATION</b> (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)			
THIS FACILITY ADVERSELY AFFECTS THE PUBLIC HEALTH, PEACE OR SAFETY OF PERSONS RESIDING IN THE SURROUNDING AREA AND CONSTITUTES A PUBLIC NUISANCE			
ANTHONY G PATCHETT, ESQ Owner/Petitioner Name (Print)		 (Signature)	ATTORNEY AT LAW Position
<b>FOR CITY DEPARTMENT'S USE ONLY BELOW THIS LINE</b>			
<b>Concurrences required from the following Department(s)</b>			
<input type="checkbox"/>	Los Angeles Fire Department	Print Name _____ Sign _____	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
<input type="checkbox"/>	Public Works Bureau of Engineering	Print Name _____ Sign _____	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
<input type="checkbox"/>	Department of City Planning	Print Name _____ Sign _____	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
<input type="checkbox"/>	Department of County Health	Print Name _____ Sign _____	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
<input type="checkbox"/>	Other _____	Print Name _____ Sign _____	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
<b>DEPARTMENT ACTION</b>			
<input type="checkbox"/>	<b>GRANTED</b>	<input type="checkbox"/>	<b>DENIED</b>
Reviewed by: (Staff) (print) _____		Sign _____	Date _____
Action taken by: (Supervisor) (print) _____		Sign _____	Date _____
<b>NOTE: IN CASE OF DENIAL, SEE PAGE #2 OF THIS FORM FOR APPEAL PROCEDURES</b>			
<b>CONDITIONS OF APPROVAL (Continued on Page 2):</b>		<b>For Cashiers Use Only</b> (PROCESS ONLY WHEN FEES ARE VERIFIED)	
<b>FEES</b>			
Appeal Processing Fee.. (No. of Items) =	1 X \$130 + \$39/addl =	130.00	
Inspection Fee ..... (No of Insp.) =	X \$ 84.00 =	0.00	
Research Fee ... (Total Hours Worked) =	X \$104.00 =	0.00	
Subtotal.....		130.00	
Surcharge (One Stop).....	X 2% =	2.60	
Surcharge (Systems Development) .....	X 6% =	7.80	
<b>Total Fees</b> .....		<b>140.40</b>	
Fees verified by: _____			
Print and Sign _____			

CONDITIONS OF APPROVAL (Continued from Page 1)	

**CITY OF LOS ANGELES**  
**BOARD OF BUILDING AND SAFETY/DISABLED ACCESS**  
**COMMISSION APPEAL FORM**  
 (Must be Attached to the Modification Request Form, Page 1)

**AFFIDAVIT – LADBS BOARD OF BUILDING AND SAFETY COMMISSIONERS – RESOLUTION NO. 832-93**

I, \_\_\_\_\_ do state and swear as follows:  
(Print or Type Name of the Person Signing this Form)

- The name and mailing address of the owner of the property (as defined in the resolution 832-93) at \_\_\_\_\_ as shown on the appeal application (LADBS Com 31) are correct, and
- The owner of the property as shown on the appeal application will be made aware of the appeal and will receive a copy of the appeal.

I declare under PENALTY OF PERJURY that the forgoing is true and correct.

Owner's Name(s) \_\_\_\_\_  
(Please Type or Print) Please Type or Print

Owner's Signature(s) \_\_\_\_\_ (Two Officers' Signatures Required for Corporations)  
(Please Sign)

Name of Corporation \_\_\_\_\_  
(Please Print Name of Corporation) (Please Type or Print)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT** \_\_\_\_\_ **SIGNATURE(S) MUST BE NOTARIZED**

State of \_\_\_\_\_ County of \_\_\_\_\_ on \_\_\_\_\_

before me, \_\_\_\_\_, personally appeared \_\_\_\_\_  
Name, Title of Officer (e.g. Jane Doe, Notary Public) Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument in person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal. \_\_\_\_\_ Signature

**APPEAL OF DEPARTMENT ACTION TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS/DISABLED ACCESS APPEALS COMMISSION**

Applicant's Name \_\_\_\_\_ Applicant's Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

FEES				
Board Fee .....	(No. of Items)	X	\$130.00	= 0.00
Inspection Fee .....	(No of Insp.) =	X	\$84.00	= 0.00
Research Fee ...	(Total Hours Worked) =	X	\$104.00	= 0.00
Subtotal .....				= 0.00
Surcharge (One Stop) .....		X	2%	= 0.00
Surcharge (Systems Development) .....		X	6%	= 0.00
Total Fees .....				= 0.00
Fees verified by: _____				
Print and Sign _____				

**For Cashiers Use Only**  
 (PROCESS ONLY WHEN FEES ARE VERIFIED)

APPEALS OF LADBS ACTIONS RELATED TO ERROR OR ABUSE OF DISCRETION CONCERNING  
DETERMINATIONS, ORDERS OR ACTIONS PURSUANT TO 98.0403  
Project Address 2100 N Gaffey Street

I request:

*That my appeal be heard before the Board of Building and Safety Commissioners at a public hearing to determine that LADBS **erred or abused its discretion** for the following reasons:*

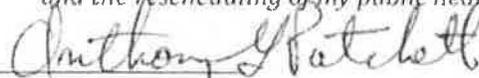
*Issue #1: Whether the facility jeopardizes or adversely affects the public health, peace or safety of persons residing in the surrounding area?*

*Issue #2 whether the facility constitutes a public nuisance?*

*Issue#3 whether the City of Los Angeles erred and abused its discretion in issuing a Permit to a facility in 1977 that was built without a permit in 1973 without a public hearing?*

*I further understand that the attached document (appeal package-attached exhibits) contains all information for the appeal AND if further information is to be added, additional fees and the rescheduling of my public hearing date may result.*

Signature:



Anthony G. Patchett  
Attorney at Law

Dated November 14, 2015 at Glendale , California

## Kit Fox

---

**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Thursday, October 29, 2015 11:47 AM  
**To:** Kit Fox  
**Subject:** Fwd: Mobile Refinery/Plains All American Pipelines' Rancho LPG High Risks t o Population

fyi

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

From: det310 <det310@juno.com>  
To: arriane5 <arriane5@aol.com>  
Sent: Thu, Oct 29, 2015 10:44 am  
Subject: Fw: RE: Mobile Refinery/Plains All American Pipelines' Rancho LPG High Risks t o Population

----- Forwarded Message -----

From: "Pinto, Lisa" <Lisa.Pinto@mail.house.gov>  
To: "det310@juno.com" <det310@juno.com>, "Saroff, Laurie" <Laurie.Saroff@mail.house.gov>, "Larramendi, Lara" <Lara.Larramendi@mail.house.gov>, "heather.hutt@sen.ca.gov" <heather.hutt@sen.ca.gov>, "rob.wilcox@lacity.org" <rob.wilcox@lacity.org>, "rick.jacobs@lacity.org" <rick.jacobs@lacity.org>, "jacob.haik@lacity.org" <jacob.haik@lacity.org>, "rreg55@hotmail.com" <rreg55@hotmail.com>, "president@centralsanpedro.org" <president@centralsanpedro.org>, "jdimon77@yahoo.com" <jdimon77@yahoo.com>, "billharris2275@gmail.com" <billharris2275@gmail.com>, "VernCHE@aol.com" <VernCHE@aol.com>, "pmwarren@cox.net" <pmwarren@cox.net>, "burling102@aol.com" <burling102@aol.com>, "igornla@cox.net" <igornla@cox.net>, "dwgkaw@hotmail.com" <dwgkaw@hotmail.com>, "lhermanpg@cox.net" <lhermanpg@cox.net>, "pjwrome@yahoo.com" <pjwrome@yahoo.com>, "katyw@pacbell.net" <katyw@pacbell.net>, "jwebb@usc.edu" <jwebb@usc.edu>, "rcraemer@aol.com" <rcraemer@aol.com>, "goarlene@cox.net" <goarlene@cox.net>  
Subject: RE: Mobile Refinery/Plains All American Pipelines' Rancho LPG High Risks t o Population  
Date: Thu, 29 Oct 2015 16:30:39 +0000

Hello Mr. Hart et al.,

Thank you for sending this letter along. I have sent it to Congressman Lieu for his reply. I will circle back with you as soon as I know more.

Thank you again,

Lisa

Lisa Pinto | District Director  
Office of Rep. Ted W. Lieu (CA-33)  
P: 323-651-1040

**From:** det310@juno.com [mailto:det310@juno.com]  
**Sent:** Wednesday, October 28, 2015 9:50 PM  
**To:** Pinto, Lisa; Saroff, Laurie; Larramendi, Lara; heather.hutt@sen.ca.gov; rob.wilcox@lacity.org; rick.jacobs@lacity.org; jacob.haik@lacity.org; rreg55@hotmail.com; president@centralsanpedro.org; jdimon77@yahoo.com; billharris2275@gmail.com; VernCHE@aol.com; pmwarren@cox.net; burling102@aol.com; igornla@cox.net; dwgkaw@hotmail.com; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu;

[rcraemer@aol.com](mailto:rcraemer@aol.com); [goarlene@cox.net](mailto:goarlene@cox.net)

**Subject:** Mobile Refinery/Plains All American Pipelines' Rancho LPG High Risks to Population

***San Pedro Peninsula Homeowners United, Inc.  
Post Office Box 6455  
San Pedro, CA 90734-6455***

October 28, 2015

Congressman Ted Lieu  
1600 Rosecrans Avenue, 4th Floor.  
Manhattan Beach, CA 90266.

RE: MOBILE REFINERY / PLAINS ALL AMERICAN PIPELINE'S RANCHO LPG HIGH RISKS TO POPULATION

Dear Congressman Lieu-

Our homeowners in San Pedro have been reading with great interest your recent comments and actions regarding the Mobile refinery in Torrance. While we completely support your commitment to the protection of those residents surrounding that refinery, we continue to request your long awaited action on the very threatening existence of the Plains All American Pipeline operated Rancho LPG storage facility on our own back doorsteps.

We genuinely understand the danger presented to the Torrance population. We realize "why" you are in the news about this facility as they have experienced visible and reported accidents that have made the jeopardy apparent. In our own situation, we have narrowly missed treacherous accidents more than once as well. One such unreported instance, was in March 2012, when there was a collision of a 30,000 gallon propane rail car that fortunately did not rupture the car. However, it is important to note that the blast from a 30,000 gallon propane rail car has a radius of .42 mile in its impact!

The highly precarious situation of the Plains/Rancho LPG facility is amplified by its incredible blast radius. While the EPA has erroneously accepted a severely reduced blast radius from the Plains/Rancho LPG operation, the truth is that "one" of the facility's "two" 12.5 million gallon butane tanks has a reportable blast radius using the appropriate "flammables" worst case reporting EPA calculation of over 3 MILES! There are FIVE communities that would be directly affected by that blast including, San Pedro, Wilmington, Rancho Palos Verdes, Harbor City and Lomita! This radius also includes both ports of LA and Long Beach! Professor Bob Bea, from UC Berkeley's Center for Catastrophic Risk Management, has warned of the high risk posed by this particular facility and emphasizes the potential for a "cascading failure event" upon the multitude of ignition sources surrounding this facility, including the neighboring Phillips66 Refinery. Professor Bea's warnings should not be ignored, as one example of ignoring him was realized in the Deep Horizon Gulf disaster.

Another extreme vulnerability of the Plains/Rancho facility has been recently acknowledged by our LA City Mayor, Eric Garcetti. Last March, the Mayor was asked a question on ABC news regarding the location of the Plains/Rancho facility within the earthquake rupture zone of the active Palos Verdes Fault which has a magnitude potential of 7.3. The 42 year old tanks of Plains/Rancho were built without LA City Building permits to a seismic substandard of 5.5! The Mayor admitted the danger of the situation, while he stated the monetary "need" for State and Federal intervention in order to take action on the issue. There is "much" that politicians across the board can do immediately to affect the high risk that this operation poses to the dense population and to the infrastructures of our ports. It has been a terribly frustrating experience listening to the political rhetoric and "acceptance" of extreme hazard of Rancho while witnessing their complete ambivalence to taking any **preventative** action.

The Plains All American Pipeline disaster in Santa Barbara has illustrated the company's propensity to a lack of proper maintenance and safety management of their operations. There are many lawsuits that have been driven by the number of accidents and violations stemming from Plains All American Pipeline's mismanagement. One category of lawsuit is from shareholders who are suing based on the company's advertisement of themselves as using the highest and best safety technologies along with their high regard for safety. In our estimation, the Plains/Rancho facility should act as the "poster child" for the shareholder's claims that Plains has been negligent as it relates to its policy of safety. In 2008, Plains All American Pipeline Corporation purchased the antiquated Amerigas facility knowing full well of all of its major vulnerabilities and substandard conditions under modern standards. Obviously, the company chose to completely disregard those vulnerabilities in what we can only describe as a "gamble" for future profits. However, it appears that the gamble has not been fiscally profitable as the FERC filings have shown a financial loss at Plains/Rancho LPG of approximately \$1 million/ year.

In light of your efforts in the Mobile refinery case, we urge you to finally begin serious action in order to prevent what we all recognize as a catastrophe at the Plains/Rancho LPG site of overwhelming proportions. We have been "begging" you, Congressman Waxman, Congresswoman Hahn, and all other government officials and predecessors for years to take action. We continue to do so. The disaster that is so obviously coming is entirely preventable. It only takes the sheer political will to being the process of dismantling the looming destruction that is certain to be delivered.

Sincerely,

/s/

Chuck Hart, President SPPHU

(310) 833-0959

Cc: Congresswoman Janice Hahn, State Senator Isadore Hall, Assemblyman Patrick O'Donnell, LA Mayor Eric Garcetti, LA City Attorney Mike Feuer, LA City Councilman Joe Buscaino, Rancho Palos Verdes City Council, NW Neighborhood Council, Central Neighborhood Council, Coastal Neighborhood Council, South Shores Homeowners Assn., Palos Verdes Shores Homeowners, San Pedro & Peninsula Homeowners Coalition, Rolling Hills Riviera Homeowners, The League of Women Voters

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**Protect what matters**

<https://ad.doubleclick.net/ddm/clk/296043991;123049086;l>

## Kit Fox

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**From:** det310@juno.com  
**Sent:** Thursday, October 29, 2015 1:45 PM  
**To:** CC  
**Subject:** MOBILE REFINERY / PLAINS ALL AMERICAN PIPELINES RANCHO LPG HIGH RISKS TO POPULATION

*San Pedro Peninsula Homeowners United, Inc.  
Post Office Box 6455  
San Pedro, CA 90734-6455*

October 28, 2015

Congressman Ted Lieu  
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Manhattan Beach, CA 90266.

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Sincerely,

/s/

Chuck Hart, President SPPHU

(310) 833-0959

Cc: Congresswoman Janice Hahn, State Senator Isadore Hall, Assemblyman Patrick ODonnell, LA Mayor Eric Garcetti, LA City Attorney Mike Feuer, LA City Councilman Joe Buscaino, Rancho Palos Verdes City Council, NW Neighborhood Council, Central Neighborhood Council, Coastal Neighborhood Council, South Shores Homeowners Assn., Palos Verdes Shores Homeowners, San Pedro & Peninsula Homeowners Coalition, Rolling Hills Riviera Homeowners, The League of Women Voters

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**What's your flood risk?**

<https://ad.doubleclick.net/ddm/clk/296039786;123049087;t>

## Kit Fox

---

**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Saturday, October 31, 2015 10:04 PM  
**To:** det310@juno.com; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; connie@rutter.us; marciesmiller@sbcglobal.net; jnm4ej@yahoo.com; lynneyres@yahoo.com; lonnacalhoun@me.com; igornla@cox.net; dwgkaw@hotmail.com; VernCHE@aol.com; jhwinkler@me.com; burling102@aol.com; pmwarren@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; james@randomlengthsnews.com; Kit Fox; joergatlin45k@gmail.com; joegalliani@gmail.com; learlaw@earthlink.net; DarleneZavalney@aol.com; rreg55@hotmail.com; diananave@gmail.com; overbid2002@yahoo.com; sarahnvaldez@gmail.com  
**Cc:** lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; Lara.Larramendi@mail.house.gov; heather.hutt@sen.ca.gov; rob.wilcox@lacity.org; rick.jacobs@lacity.org; richard.vladovic@lausd.net  
**Subject:** Yet another little ditty re: Plains/Rancho LPG operators...

<http://www.ocregister.com/articles/oil-689600-public-avenue.html>

# ORANGE COUNTY REGISTER

## Update: Cypress leak spilled about 1,400 gallons of oil, water mixture

By LOUIS CASIANO Jr. and ALYSSA DURANTY

2015-10-28 18:17:47



CYPRESS – Public works crews continued to work Thursday evening on an inactive underground oil pipe that burst Wednesday, sending black liquid onto Cerritos Avenue, causing two lanes to be closed between Valley View and Holder streets.

The leak started at 9:30 a.m. Wednesday, when a city public works employee working in the area of Cerritos Avenue and Valley View Street noticed oil coming from the eastbound lanes on Cerritos Avenue, city spokeswoman Anna Sanchez said.

Chevron and Plains All American Pipeline each have one petroleum pipe underground near where the oil was found. Around 1,400 gallons of a mixture of oil and water had leaked from a Plains All American pipe by nightfall Thursday evening, said Meredith Matthews, a spokeswoman for Plains.

“The location of the (oil) release is an intersection that contains several pipelines, including a non-active Plains pipeline that was idled and purged of oil in 1997, as well as pipelines belonging to other companies,” said Matthews.

Crews with Plains All American determined the leak came from its pipe after excavating around it. They were working Thursday night to contain and remove the oily water mix and contaminated soil around the pipeline and to begin repairs to the street.

Sandbags contained the oil to the spillage area before it reached the storm drains Wednesday night, and residents and businesses in the area are not at risk, Orange County Fire Authority Capt. Steve Concialdi said.

An OCFA hazmat team, the Golden State Water Company and the California Department of Fish and Wildlife officials were at the scene Wednesday night on standby, Concialdi said.

Officials said crews worked slowly to avoid disrupting water and sewer lines, but the leak was stopped early Thursday morning.

“As we complete our cleanup efforts, we will initiate an investigation regarding the cause of the incident,” Matthews said.

On May 19, a 24-inch Plains All American ruptured pipe spilled 140,000 gallons of crude oil onto land, beaches and the waters near Refugio State Beach in Santa Barbara County.

**Contact the writer:** 714-796-2478 or [lcasiano@ocregister.com](mailto:lcasiano@ocregister.com)

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[Privacy Policy](#) | [User Agreement](#) | [Site Map](#)

## Kit Fox

---

**From:** kathleen dwgkaw <dwgkaw@hotmail.com>  
**Sent:** Sunday, November 01, 2015 12:47 AM  
**To:** Janet Gunter; det310@juno.com; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; connie@rutter.us; marciesmiller@sbcglobal.net; jnm4ej@yahoo.com; lynneyres@yahoo.com; lonnacalhoun@me.com; igornla@cox.net; VernCHE@aol.com; jhwinkler@me.com; burling102@aol.com; pmwarren@cox.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; james@randomlengthsnews.com; Kit Fox; joergatlin45k@gmail.com; joegalliani@gmail.com; learlaw@earthlink.net; DarleneZavalney@aol.com; rreg55@hotmail.com; diananave@gmail.com; overbid2002@yahoo.com; sarahnvaldez@gmail.com  
**Cc:** lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; Lara.Larramendi@mail.house.gov; heather.hutt@sen.ca.gov; rob.wilcox@lacity.org; rick.jacobs@lacity.org; richard.vladovic@lausd.net  
**Subject:** RE: Yet another little ditty re: Plains/Rancho LPG operators...

It never ends with them  
Kathleen

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Janet Gunter <arriane5@aol.com>  
**Date:** 10/31/2015 10:04 PM (GMT-08:00)  
**To:** det310@juno.com, MrEnvirlaw@sbcglobal.net, noelweiss@ca.rr.com, amartinez@earthjustice.org, oespino-padron@earthjustice.org, connie@rutter.us, marciesmiller@sbcglobal.net, jnm4ej@yahoo.com, lynneyres@yahoo.com, lonnacalhoun@me.com, igornla@cox.net, dwgkaw@hotmail.com, VernCHE@aol.com, jhwinkler@me.com, burling102@aol.com, pmwarren@cox.net, lhermanpg@cox.net, pjwrome@yahoo.com, katyw@pacbell.net, jwebb@usc.edu, c.jjkondon@earthlink.net, rcraemer@aol.com, goarlene@cox.net, james@randomlengthsnews.com, kitf@rpv.com, joergatlin45k@gmail.com, joegalliani@gmail.com, learlaw@earthlink.net, DarleneZavalney@aol.com, rreg55@hotmail.com, diananave@gmail.com, overbid2002@yahoo.com, sarahnvaldez@gmail.com  
**Cc:** lisa.pinto@mail.house.gov, laurie.saroff@mail.house.gov, Lara.Larramendi@mail.house.gov, heather.hutt@sen.ca.gov, rob.wilcox@lacity.org, rick.jacobs@lacity.org, richard.vladovic@lausd.net  
**Subject:** Yet another little ditty re: Plains/Rancho LPG operators...

<http://www.ocreger.com/articles/oil-689600-public-avenue.html>

## Kit Fox

---

**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Saturday, November 07, 2015 10:10 PM  
**To:** det310@juno.com; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; dwgkaw@hotmail.com; marciesmiller@sbcglobal.net; connie@rutter.us; jhwinkler@me.com; ljonesin33@yahoo.com; owsqueen@yahoo.com; lonna@cope-preparedness.org; igornla@cox.net; pmwarren@cox.net; burling102@aol.com; jdimon77@yahoo.com; darlenezavalney@aol.com; sarahnvaldez@gmail.com; rreg55@hotmail.com; overbid2002@yahoo.com; diananave@gmail.com; ddrivera@prodigy.net; peter.burmeister@sbcglobal.net; mandm8602@att.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; president@centralsanpedro.org; miraclegirl2@verizon.net; fxfeeney@aol.com; vdogregg@aol.com  
**Cc:** lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; heather.hutt@sen.ca.gov; Kit Fox; gene\_seroka@portla.org; conni.palinni-tipton@lacity.org; rick.jacobs@lacity.org; rob.wilcox@lacity.org; brian.mineghino@asm.ca.gov  
**Subject:** Fwd: Burn off  
**Attachments:** 20151107\_154801\_resized.jpg; 20151107\_154532\_resized.jpg; 20151107\_154411\_resized.jpg; 20151107\_154324\_resized.jpg; 20151107\_154745\_resized.jpg

DO WE REALLY HAVE TO WAIT FOR THIS DISASTER TO HAPPEN???

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

**From:** Sherry Lear <learlaw@earthlink.net>  
**To:** Janet Gunter <arriane5@aol.com>; Joe Galliani <joegalliani@gmail.com>  
**Sent:** Sat, Nov 7, 2015 8:49 pm  
**Subject:** FW: Burn off

This was happening while my son's team played soccer at the Field of Dreams today. Burn off lasted 7 minutes. The propane tanks were being doused with water. The butane tanks were being hosed down. ??  
Sherry

---

**From:** learlaw [<mailto:learlaw@earthlink.net>]  
**Sent:** Saturday, November 07, 2015 8:42 PM  
**To:** Sherry Email  
**Subject:** Burn off

Today

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

## Kit Fox

---

**From:** Peter Warren <pmwarren@cox.net>  
**Sent:** Saturday, November 07, 2015 10:32 PM  
**To:** Janet Gunter  
**Cc:** chuck hart; MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; dwgkaw@hotmail.com; marciesmiller@sbcglobal.net; connie@rutter.us; jhwinkler@me.com; lljonesin33@yahoo.com; owsqueen@yahoo.com; lonna@cope-preparedness.org; igornla@cox.net; June Smith; James Dimon; darlenezavalney@aol.com; sarahnvaldez@gmail.com; rreg55@hotmail.com; overbid2002@yahoo.com; diananave@gmail.com; dlrivera@prodigy.net; peter.burmeister@sbcglobal.net; mandm8602@att.net; lhermanpg@cox.net; pjwrome@yahoo.com; katyw@pacbell.net; jwebb@usc.edu; c.jjkondon@earthlink.net; rcraemer@aol.com; goarlene@cox.net; president@centralsanpedro.org; miraclegirl2@verizon.net; fxfeeney@aol.com; vdogregg@aol.com; lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; heather.hutt@sen.ca.gov; Kit Fox; gene\_seroka@portla.org; conni.palinni-tipton@lacity.org; rick.jacobs@lacity.org; rob.wilcox@lacity.org; brian.mineghino@asm.ca.gov  
**Subject:** Re: Burn off

OMG.

What do we need to do to get help?

On Nov 7, 2015, at 10:10 PM, Janet Gunter <[arriane5@aol.com](mailto:arriane5@aol.com)> wrote:

DO WE REALLY HAVE TO WAIT FOR THIS DISASTER TO HAPPEN???

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

**From:** Sherry Lear <[learlaw@earthlink.net](mailto:learlaw@earthlink.net)>  
**To:** Janet Gunter <[arriane5@aol.com](mailto:arriane5@aol.com)>; Joe Galliani <[joegalliani@gmail.com](mailto:joegalliani@gmail.com)>  
**Sent:** Sat, Nov 7, 2015 8:49 pm  
**Subject:** FW: Burn off

This was happening while my son's team played soccer at the Field of Dreams today. Burn off lasted 7 minutes. The propane tanks were being doused with water. The butane tanks were being hosed down.

??

Sherry

---

**From:** learlaw [<mailto:learlaw@earthlink.net>]  
**Sent:** Saturday, November 07, 2015 8:42 PM  
**To:** Sherry Email  
**Subject:** Burn off

Today

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

<20151107\_154801\_resized.jpg><20151107\_154532\_resized.jpg><20151107\_154411\_resized.jpg><20151107\_154324\_resized.jpg><20151107\_154745\_resized.jpg>

## Kit Fox

---

**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Wednesday, November 11, 2015 2:18 PM  
**To:** gene\_seroka@portla.org  
**Cc:** MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; det310@juno.com; connie@rutter.us; igornla@cox.net; jnm4ej@yahoo.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; rob.wilcox@lacity.org; rick.jacobs@lacity.org; heather.hutt@sen.ca.gov; Kit Fox; laurie.saroff@mail.house.gov; lisa.pinto@mail.house.gov; brian.mineghino@asm.ca.gov; rgb251@berkeley.edu; ahricko@hsc.usc.edu  
**Subject:** Response to Seroka's letter of October, 2015 re: Plains All American Pipeline/Rancho LPG debacle  
**Attachments:** seroka response from gunter nov 2105 (1).docx; Letter to Ms. Gunter dated 102015.pdf





425 S. Palos Verdes Street Post Office Box 151 San Pedro, CA 90733-0151 TEL/TDD 310 SEA-PORT www.portoflosangeles.org

Eric Garcetti Mayor, City of Los Angeles  
Board of Harbor Commissioners  
Eugene D. Seroka  
Ambassador Vilma S. Martinez President  
Executive Director  
David Arian Vice President  
Patricia Castellanos  
Anthony Pirozzi, Jr.  
Edward R. Renwick

October 20, 2015

Ms. Janet Gunter  
1606 Sunnyside Terrace  
San Pedro, California 90732

Ms. Gunter:

Thank you and the other concerned community members and organizational leaders for coming to the Harbor Department to meet with me to discuss the Rancho LPG facility located at 2110 North Gaffey Street in San Pedro (Rancho). I appreciated the opportunity to hear from you directly and I am very aware that the issues involving Rancho are longstanding and that you care deeply about their resolution.

To reiterate what I said when we were together, safety is of paramount importance to me. I am concerned about the safety of the port complex as a whole, but more importantly I am focused on the health and welfare of all of the people who live and work here at the port and in the surrounding communities. Consequently, I wanted to take the opportunity to give you my thoughts regarding some of the items raised during our meeting.

My staff has investigated comments made at the meeting regarding Harbor Department ownership or interest in, tidelands or otherwise, the property found within Rancho's fence line. We confirmed that the land subject to Revocable Permit No. 10-05 is Harbor Department property, and represents the northerly border of the Harbor Department in the area. Importantly, staff confirmed that Harbor Department property does not extend into the actual Rancho facility, which is situated on private property over which the Harbor Department exercises no control and in which it has no interest. These facts were verified again after our meeting by utilizing Los Angeles County Assessor records. Please find a map attached that demonstrates the limits of the Harbor Department's property in that area. (Transmittal 1)

As the Harbor Department has neither control over the Rancho site nor interest in the property, many of the actions suggested to be taken in regard to Rancho by you or other community members during our meeting are beyond the powers of the Harbor Department. This includes having the Harbor Department provide oversight of this property, requiring Rancho to build a protective barrier around its facility, or requiring a new permit from the Los Angeles Fire Department (LAFD) with \$500,000 for extra LAFD inspections and oversight.

There were also several comments regarding risk management issues, some involving the Rancho facility itself and others expressing concern that the Harbor Department Risk Management Plan (Plan) may not have been presented to the **395**

Ms. Janet Gunter  
October 20, 2015  
Page 2

Angeles City Council. As described above, the Harbor Department does not own or have any interest in the Rancho site and therefore does not have the power to mandate new safety requirements for the Rancho facility. Moreover, the Plan was approved by the Los Angeles Board of Harbor Commissioners on August 18, 2013, certified by the California Coastal Commission on March 12, 2014, and deemed approved by City Council on April 30, 2014.

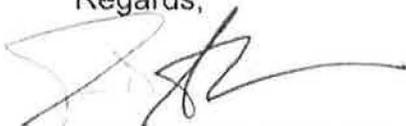
Other concerns were expressed regarding the transportation of hazardous or potentially explosive material on rail tracks that extend through Harbor Department property. As you are aware, the Harbor Department is bound by federal law when it comes to rail operations, guided primarily by the United States Department of Transportation's Federal Railroad Administration. Federal law contains very specific requirements and procedures for the labeling and movement of hazardous materials by rail. This type of material must be labeled and monitored throughout its journey within the nation's rail network during which the Railroads must be able to pinpoint any rail car carrying this type of cargo at any location within the system within 5 minutes of a request to do so from the United States Department of Homeland Security.

Please remember that Rancho LPG is only equipped to handle 4 loaded spot cars. Therefore, Pacific Harbor Line (PHL) brings 4 cars into the facility, and removes 4 empties. Also of note, PHL does not handle any PIH or TIH cars. (PIH – Poisonous Inhalation Hazard; term used to identify certain gases and liquids that may cause health problems if breathed in very low concentrations for short periods of time. TIH – Toxic Inhalation Hazard; term used to identify certain gases and liquids that may cause health problems if breathed in very low concentrations for short periods of time.).

Finally, I see no reason to seek outside counsel in order to, among the various suggestions, determine the appropriate level of insurance, as I do not believe a conflict exists between the City of Los Angeles and its own Harbor Department. The Los Angeles City Charter makes clear that the Los Angeles City Attorney's Office is to represent the Harbor Department and that the Harbor Department is a part of and not distinct from the City of Los Angeles – no conflict exists therein. However, the Harbor Department already obtains outside expert advice when setting insurance rates. As the attached recent letter to the California State Lands Commission demonstrates, not only is the Harbor Department ahead of other ports on the western sea board in terms of our rail insurance requirements but outside insurance brokers have advised the Department in the setting of those rates. (Transmittal 2)

I hope this letter has helped you better understand the Port's position concerning the Rancho site. Thanks again for coming to meet with me and I truly appreciate all of the time and effort you spend on behalf of the Harbor community.

Regards,



EUGENE D. SEROKA  
Executive Director

Nov. 11, 2015

Mr. Gene Seroka, Exec. Director  
Port of Los Angeles  
425 S. Palos Verdes St.  
San Pedro, CA 90731

Dear Mr. Seroka:

With all due respect, it appears that either you don't understand fully what transpired at our meeting in August, or you, and staff are carefully circumventing our stated concerns in order to avoid doing anything about the present dangers.

The most obvious of these concerns relate to our fears of these highly explosive commodities, butane and propane gases. The Port's pronouncement of such great concern for community safety seems disingenuous in the face of the extreme hazard posed to thousands of nearby residents by the mere presence of such a massive and highly explosive facility. You must remind yourself and staff that the original 25 million gallon LPG facility was "introduced" and "approved" by your agency. The port asserts that it has absolved itself of any responsibility of this site, due to the expiration and non-renewal of their 30 year lease to a wharf providing pipeline access at berth 120 (based on port safety concerns). However, this volatile gas continues to be transported to and from the Plains/Rancho facility, on rail within mere feet of neighborhoods, shops, schools, and of both a busy public highway and freeway. This transport facilitation takes place across public trust lands over your port controlled rail line. For whatever reason, one that is beyond our comprehension, you, Mr. Seroka, have chosen to disregard the very hazardous explosive nature of this gas by pointing out that it is NOT a "Poisonous Inhalation Hazard"! This is not news to any of us! Our insecurities are based entirely around this gas as being a "highly explosive and flammable gas" whose individual 30,000 gallon rail cars have a blast radius of .42 mile! I have attached a photo of a rail car collision on the port's controlled rail spur at Westmont and Gaffey streets in Spring of 2012. If you look carefully, you will see the red triangular "hazardous" placard that is carefully and diligently posted to identify the cargo on every "hazardous" rail car. As you see, it is present because these rail cars are regarded as "highly hazardous flammable and explosive". In fact, the US Coast Guard identifies all liquefied petroleum gas, including butane, propane and methane, as "a commodity of particular hazard". Therefore, the dance that you perform in your letter that attempts to completely ignore the "highly explosive" hazard of this propane gas transport is bizarre.

While you note the import the Federal Government and DHS places on the oversight and monitoring of the movement of hazardous cargoes over the rail, you have deflected our question to you regarding what is the "volume" of this explosive propane gas that is being shipped on your port rail daily. Does the Port keep records on that volume and/or the location of those rail cars on its own premises? A public records act request was made several months ago for a list of the members and minutes of your "rail committee" that is referenced in your Pacific Harbor Rail Line contract. We received an answer back from that port request that stated that there were "no records" available. Also, you and the port staff have never addressed our concerns that both your contract with Plains All American Pipeline / Rancho LPG and your contract with Pacific Harbor Rail Line (the intra port rail operators) specifically "prohibit" the transport of hazardous commodities across your rail. That is a very glaring mistake! At the very least, don't you agree that those contracts should be corrected to properly coincide with the existing transport instead of ignoring the hard reality of its current use for such hazardous cargo movement?

Your letter to the State Lands Commission regarding insurance states that the Port's insurance broker has accepted that the insurance requirements either "meet or exceed" the insurance of other ports. Who are the insurance brokers who advised the setting of those rates for US ports and what specifically do they state? Aren't ports all vastly different in their amounts of cargo throughput and hazardous handlings? We are issuing a public records act request for the name of your insurance broker and all foundation used by them to establish the "adequate" level of insurance carried and the formula used to analyze the explosive impact radius of hazardous gases, oils and chemicals. You also state that the PHL rail operator is required to hold \$50 million dollars in insurance coverage. You describe that amount also as being determined "appropriate" to cover any losses. Again, we request the substantiation for that determination. I reiterate that each 30,000 gallon rail car of propane has a blast radius of .42 mile. It seems highly unlikely that \$50 million would be "adequate" coverage particularly in considering the costs stemming from the pipeline rupture in San Bruno, that affected a city block, whose damages now exceed \$2 billion.

While the port references Plains/Rancho LPG's naming of the City of LA as "additionally insured", there is no mention anywhere about liability coverage of operations that protect the public or neighboring municipalities such as Rancho Palos Verdes or Lomita. It is clear that the Port of LA does not believe that they have any obligation to the public in that regard. While this is something that we, as a community have always felt, the truth of that is painfully evident in your correspondence.

Here is where the conflict of interest comes seriously into play. As citizens of the City of LA, who deserve protection, we are left to the LA City attorneys whose first consideration is the health and economic well-being of the Port of LA. This facility, from inception in 1973, had enough conflicts of interests that decisions were left to the Board of Referred Powers. Unfortunately, that too was a sham, but at least painted a picture of the city's recognition of the conflict. Conflicts continue to exist today and seriously interfere with the health and safety of LA's constituents. Frankly, we are left with the fox guarding the henhouse as exhibited in the port's lack of adherence to their legal settlement agreement in the China Shipping lawsuit. Outside legal advisors are necessary in this situation to cut the ties to the bias that play to "only" the economic benefit of the City of LA and Port industry. The local "people" are not being properly considered nor protected in decisions and operations that dramatically affect them at the Port of LA. This Plains/Rancho situation is one of the most clearly obvious.

In final, while no one within the City or Port of LA denies the tremendous danger presented to both residents and the Port infrastructures from the Plains/Rancho LPG operations, emphasis is completely absent on "prevention" or protection and focused primarily on the justification of "doing nothing". With such vivid illustrations as the horrific disasters of Tianjin, China, the BP Gulf disaster and Fukushima, Japan, it is appalling that political leaders and public agencies alike would continue to be so willing to turning a blind eye to a potential so devastating in its scope of opportunity. Our harbor communities will continue to fight this insane injustice.

Sincerely,



Janet Gunter

## Kit Fox

---

**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Friday, November 13, 2015 8:44 PM  
**To:** det310@juno.com; connie@rutter.us; noelweiss@ca.rr.com; igornla@cox.net; dwgkaw@hotmail.com; jhwinkler@me.com; marciesmiller@sbcglobal.net; pmwarren@cox.net; burling102@aol.com; lynneyres@yahoo.com; darlenezavalney@aol.com; rreg55@hotmail.com; sarahnvaldez@gmail.com; learlaw@earthlink.net; joegalliani@gmail.com; joergatlin45k@gmail.com; marcusmusante@gmail.com; miraclegirl2@verizon.net; fxfeeney@aol.com; lonna@cope-preparedness.org  
**Cc:** lisa.pinto@mail.house.gov; laurie.saroff@mail.house.gov; brian.mineghino@asm.ca.gov; heather.hutt@sen.ca.gov; rob.wilcox@lacity.org; rick.jacobs@lacity.org; rgb251@berkeley.edu; ahricko@usc.edu; Kit Fox  
**Subject:** Fwd: FYI

God willing ....SOMEONE will begin the process of understanding the unbelievably high risk that the Plains owned highly explosive Rancho LPG facility and their antiquated operation represents to the lives and well being of Harbor residents and port structures..... AND what a great "target" of disaster opportunity it is!  
Janet G

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

From: Carl Southwell <carl.southwell@gmail.com>  
To: Janet Gunter <arriane5@aol.com>; AGPatchett <mrenvirlaw@sbcglobal.net>  
Sent: Fri, Nov 13, 2015 7:27 pm  
Subject: FYI

<http://www.reuters.com/article/2015/11/13/us-plains-all-amer-pipeline-california-idUSKCN0T22SL20151113#G9WDi6c1e3QLhFeW.97>

--

Carl Southwell

Contact me at (use whichever you prefer) :  
[carl.southwell@gmail.com](mailto:carl.southwell@gmail.com)  
[carl.southwell@riskandpolicy.org](mailto:carl.southwell@riskandpolicy.org)

Visit: [www.pressfriends.org](http://www.pressfriends.org)

*Making writing fun for elementary school kids, empowering kids to become mentors and leaders, and creating friendships among youth from diverse backgrounds.*

## Kit Fox

---

**From:** Janet Gunter <arriane5@aol.com>  
**Sent:** Tuesday, November 17, 2015 10:13 AM  
**To:** DHenderson@portla.org; gene\_seroka@portla.org  
**Cc:** MrEnvirlaw@sbcglobal.net; noelweiss@ca.rr.com; amartinez@earthjustice.org; oespino-padron@earthjustice.org; mgoldenkrasner@biologicaldiversity.org; learlaw@earthlink.net; det310@juno.com; igornla@cox.net; rreg55@hotmail.com; jdimon77@yahoo.com; president@centralsanpedro.org; Kit Fox  
**Subject:** Fwd: Public Records Act Request

Hello again Diana-

Upon reflection, I thought about the broad scope of this request and understand how unwieldy this request could get. So, I think a more prudent approach would be for the port to allow a few of us to inspect the relevant port documents on premises to better understand how the process of reaching "appropriate" insurance coverage has been ascertained. That way we won't be killing anymore trees nor adding undue expense while accomplishing our goal.

Please let me know if this meets your agency's approval.

Thank you,  
Janet G

**From:** Janet Gunter  
**Sent:** Tuesday, November 17, 2015 9:38 AM  
**To:** DHenderson@portla.org ; gene\_seroka@portla.org  
**Cc:** MrEnvirlaw@sbcglobal.net ; noelweiss@ca.rr.com ; amartinez@earthjustice.org ; oespino-padron@earthjustice.org ; mgoldenkrasner@biologicaldiversity.org ; learlaw@earthlink.net ; det310@juno.com ; igornla@cox.net ; rreg55@hotmail.com ; jdimon77@yahoo.com ; president@centralsanpedro.org ; kitf@rpv.com  
**Subject:** Public Records Act Request

Hello Diana-

Under public records act, I hereby request; the name of the Port of LA's insurance broker/brokers, and all recent correspondence, policies and foundation for insurance coverage related to port tenants and their operations. Also, please include whether there is a national level of insurance that is in place that has been determined as a standard for all ports, and any means used to establish why that level is regarded as appropriate.

In addition, please include in this request all foundation introduced by insurance brokers to substantiate and validate the proper financial threshold of insurance liability coverage stemming from all port hazardous terminals, all rail transportation, and handling of petroleum oil products, chemicals and other hazardous commodities, across port owned and/or controlled properties.

We also request any information that has been used to determine an appropriate level to cover potential losses from accidents or terrorism attacks and why or how that was determined. Please provide the calculations used by broker/brokers to estimate blast radius, and/or other potential impacts and losses to the public stemming from port related hazardous businesses such as air toxins, ground contamination, water pollution etc. We wish to review all information related to the estimation of what constitutes the port's insurance carrier's determination of their existing coverage as "adequate".

Thank you.

Janet Gunter

September 22, 2015

The Honorable Ted Lieu  
United States House of Representatives  
5055 Wilshire Boulevard, Suite 310  
Los Angeles, California

Subject: United States Navy Defense Fuel Support Point, San Pedro, California  
Draft Environmental Assessment for Complete or Partial Closure

Dear Mr. Lieu:

As a follow-up to the meeting held at your district office Thursday, September 17, 2015 regarding the United State Navy Fuel Depot in San Pedro, I am writing to first thank you and Mr. Joey Apodaca of your staff for your interest and assistance in this matter.

Second, based on the broadly shared concerns among constituent groups participating, it seems beneficial if you would consider sending a letter on the San Pedro Fuel Depot to Secretary of the Navy Mabus or another appropriate USN point-of-contact.

At this stage in the Navy's environmental review, a letter from you could affirm the importance of the Fuel Depot within the 33rd District - and indeed nationally under the federal Endangered Species Act - and indicate on behalf of district constituencies your interest that the Navy be fully responsive to all issues and concerns specified in comment letters on the August 2015 Draft Environmental Assessment.

Finally, and as described on the attached "DFSP Issues Background" one-page, there may be value in a follow-up meeting convened by your office in the next 1-4 months. The district office review indicated that basic agreement may exist locally on the outlines of a final site use plan at the Fuel Depot. After the various interested groups confer, a follow-up meeting would be useful to discuss our joint vision for this property, together with some possible alternatives, as described further in "DFSP Issues Background".

Thank you again for your own and your staff's interest and assistance in this matter.

Very Truly,  
  
Frank O'Brien  
Navy Neighbors of San Pedro and Palos Verdes

cc:

City of Rancho Palos Verdes  
Mayor Jim Knight, Mayor Pro Tem Susan Brooks and City Council  
c/o Kit Fox & City Manager Douglas Willmore

Northwest San Pedro Neighborhood Council  
Diana Nave

cc: continued:

California Native Plants Society / South Coast Chapter  
David Berman

California Native Plants Society / Los Angeles Santa Monica Mountains Chapter  
Snowdy Dodson

Center for Biological Diversity  
Lisa Belenky

EarthJustice  
Adrian Martinez

Endangered Habitats League  
Jess Morton

Natural Resources Defense Council, Santa Monica  
Damon Nagami; Melissa Lin Perella

Navy Neighbors of San Pedro & Palos Verdes  
Michelle Black, Chatten-Brown & Carstens LLP

Palos Verdes Peninsula Land Conservancy  
Andrea Vona

Palos Verdes / South Bay Audubon Society  
David Quadhamer

San Pedro Homeowners Coalition  
Chuck Hart

Sierra Club Palos Verdes South Bay Group / Angeles Chapter  
Eva Cicoria; Barbara Sattler; Al Sattler

Martin Byhower

Jeremiah Noel George, PhD

Mitch Heindel

//

**United States Navy Defense Fuel Support Point, San Pedro, California**  
**DFSP Issues Background – September 21, 2015**

The comment letters and discussion during the Wilshire Boulevard office meeting September 17, 2015 show wide interest and concern exist regarding current and future use of the San Pedro Main Terminal component (the "Fuel Depot") of DFSP San Pedro.

This interest and concern arise because the 300-acre San Pedro Fuel Depot contains one of the most important natural ecosystems in the urban LA basin. Site natural resources include federally-listed, rare, critically endangered and threatened plant and animal species.

In addition, future use of the site could have significant harmful or beneficial effects on quality of life in surrounding San Pedro and City of Rancho Palos Verdes communities.

Recent housing and other new development at nearby closed military sites along the San Pedro-City of RPV boundary are expected to create environmental and quality of life impacts, particularly the prospect of increased traffic and diminished air quality, congestion delay and related issues, making us now especially vigilant as to possible future uses at the Fuel Depot.

Fortunately there appears to be much agreement locally on the outlines of a final site use plan at the Fuel Depot. A final consensus plan would support the Navy's military mission and address natural resource requirements and goals via a robust, expert-directed restoration and maintenance program.

The Fuel Depot site also has excellent education and scientific research potential along with the intrinsic worth of its biodiversity and aesthetic utility as open space.

A final plan should resolve community quality of life elements identified by City of Rancho Palos Verdes, Northwest San Pedro Neighborhood Council and others.

However our discussion indicated that these inter-related issues might not be resolved through the environmental compliance regime within which the Navy is now working.

Accordingly, there may be value in a follow-up project meeting at an appropriate point during the next 1-4 months to review site issues and options.

Such a meeting convened by the Congressional office could include the Navy, US Fish and Wildlife Service, City of Rancho Palos Verdes and Northwest San Pedro Neighborhood Council representatives together with the site's other constituencies.

It would allow us to mutually understand constraints, requirements and goals and help resolve issues not considered within the environmental review process as such.

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Note: While this letter and background page have been emailed to those participating, it is not a consensus statement regarding the site itself. Each entity has a process for arriving at its respective position; these positions are currently expressed in the comment letters. Also, for information, "Navy Neighbors of San Pedro & Palos Verdes" in an unincorporated association formed to assist and coordinate on the project

**NOTICE OF AVAILABILITY**  
**Re-Release of the Draft Environmental Assessment**  
**for the Proposed Complete or Partial Closure**  
**of Defense Fuel Support Point San Pedro, California**  
**Department of Defense**  
**U.S. Department of the Navy**

In response to comments received during the Draft Environmental Assessment (EA) Public Review Period, the Navy has decided to re-release the Draft EA for further public review and comment beginning on November 20, 2015. The intent of this reopening of the Public Review Period is to provide the opportunity for additional public participation.

The Draft EA is available for on-line review at: [www.cnrc.navy.mil/scalbeach](http://www.cnrc.navy.mil/scalbeach).

The Draft EA is also available for hardcopy review at the following public libraries:

- \* San Pedro Regional Branch Library, 931 South Gaffey Street, San Pedro, CA
- \* The Harbor Gateway City Library, 24000 Western Avenue, Los Angeles, CA
- \* Los Angeles Public Library Wilmington, 1300 North Avalon Boulevard, Wilmington, CA

Key documents referenced in the Draft EA are available via the Navy website and at the above libraries. Documents referenced in the Draft EA are also available upon request.

Submit comments on the Draft EA to

NAVFAC SW, ATTN: Code JE20.TB, 1220 Pacific Highway, Building 131, San Diego, CA 92132, or via email to [nwssbpao@navy.mil](mailto:nwssbpao@navy.mil), no later than December 9, 2015.

The Public Review Period will close on December 9, 2015.



**Observation Station #2**  
Deane Dana Friendship Park, San Pedro



Observation Stations  
Friendship Park  
Concept Rendering (not to scale)

PALOS VERDES PENINSULA UNIFIED SCHOOL  
DISTRICT

NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on November 18, 2015 at 6:30 p.m. or as soon thereafter as practicable at the regularly scheduled meeting of the Palos Verdes Peninsula Unified School District Board of Trustees, which will be held at the Malaga Cove Administration Center, 375 Via Almar Palos Verdes Estates, California, the Board of Trustees will consider for approval a resolution adopting findings required by *Government Code* section 4217.10 et seq. regarding anticipated energy cost savings and other benefits from entering into the Solar Energy Power Purchase Agreement ("Agreement") with PFMG Solar, LLC ("PFMG"). Pursuant to the Agreement, PFMG will design, construct, install and operate solar and generation facilities at various school sites throughout the District. The resolution and supporting documents will be on the regular Agenda for public comment and proposed action.

Resolution No. 10 – 2015/16

RESOLUTION OF THE GOVERNING BOARD OF  
PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT OF  
CEQA EXEMPTION FOR ENERGY CONSERVATION FACILITIES PROJECT

WHEREAS, the Palos Verdes Peninsula Unified School District ("District") desires to implement projects to promote energy efficiency and renewable energy production to achieve energy cost reductions;

WHEREAS, an agreement for design and construction of certain Energy Conservation Facilities is pending approval between the District and PFMG Solar, LLC ("Agreement");

WHEREAS, the purpose and intent of the Agreement comprise a Project ("Project") for purposes of the *California Environmental Quality Act* ("CEQA");

WHEREAS, *Public Resources Code* Section 21080.35 exempts certain projects from further CEQA evaluation, including projects consisting of solar photovoltaic installations on existing roofs and parking lots, and the Guidelines for CEQA, *California Code of Regulations* Title 14, Chapter 13 ("State CEQA Guidelines"), exempt certain projects from further CEQA evaluation, including projects consisting of: the new construction or conversion of small structures ("Class 3 Exemption" - 14 Cal. Code Regs. § 15303); the construction or placement of minor structures accessory to existing facilities ("Class 11 Exemption" - 14 Cal. Code Regs. § 15311); and projects consisting of minor additions to existing schools ("Class 14 Exemption" - 14 Cal. Code Regs. § 15314), and the Project is categorically exempt under one or more of such exemptions;

WHEREAS, the District has considered whether the Project is subject to any of the exceptions to exemption set forth in 14 Cal. Code Regs. § 15300.2;

WHEREAS, the District has determined that the Project is not subject to any of the exceptions to exemption set forth in 14 Cal. Code Regs. § 15300.2;

WHEREAS, the District has considered whether the Project may have a significant effect on the environment; and

WHEREAS, the District has concluded, through its own independent review and analysis of the Project, that the Project will not have a significant effect on the environment;

NOW, THEREFORE, the Governing Board of the Palos Verdes Peninsula Unified School District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. Finding of No Significant Environmental Impact. That the District has considered whether the Project may have a significant effect on the environment and has concluded, after reviewing the Project through its own independent review and analysis, that the Project will not have a significant effect on the environment.

Section 3. Finding of Categorical Exemption. That the Project is categorically exempt from further CEQA review pursuant to *Public Resources Code* Section 21080.35, 14 Cal. Code Regs. § 15303, 14 Cal. Code Regs. § 15311 and/or 14 Cal. Code Regs. § 15314.

Section 4. Finding of No Exception to Categorical Exemption. That the Project is not subject to any of the exceptions to categorical exemption set forth in 14 Cal. Code Regs. § 15300.2.

Section 5. Notice of Exemption. That the District's Superintendent, or the Superintendent's designee, is instructed to file and/or record a Notice of Exemption from CEQA, consistent with this Resolution, with any and all appropriate public agencies or entities.

Section 6. Authority to Take All Actions Necessary. The Superintendent is hereby authorized to do all things that are necessary to give effect to and comply with the terms and intent of this Resolution.

Section 7. Effect. This Resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** as of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

The President of the Palos Verdes Peninsula Unified School District Governing Board does hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by the Board at a regularly scheduled and conducted meeting held on this date, which Resolution shall be kept on file in the office of the Board.

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Larry Vanden Bos  
President of the Governing Board  
Palos Verdes Peninsula Unified School District

The Clerk of the Palos Verdes Peninsula Unified School District Governing Board does hereby certify that the foregoing Resolution was introduced and adopted by the Board at a regularly scheduled meeting thereof held on this date, by the forgoing vote.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the Palos Verdes Peninsula Unified School District on this date.

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Anthony Collatos  
Clerk of the Governing Board  
Palos Verdes Peninsula Unified School District

**NOTICE OF EXEMPTION**

TO:  Office of Planning and Research  
P.O. Box 3044  
Room 113  
Sacramento, CA 95812-3044  
  
 County Clerk-Recorder  
County of Los Angeles  
12400 E. Imperial Hwy.  
Norwalk, CA 90650

FROM:  
  
PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT  
375 Via Almar  
Palos Verdes Estates, CA 90274-1277

**Project Title:** Energy Conservation Facilities Project

**Project Location - Specific:** Cornerstone, Dapplegray, Mira Catalina, Montemalaga, Point Vicente, Rancho Vista, Silver Spur, Soleado, Valmonte Early Learning Academy, Vista Grande elementary schools; Miraleste, Palos Verdes, Ridgecrest intermediate schools; Palos Verdes, Palos Verdes Peninsula and Rancho Del Mar high schools

**Project Location - City:** 6969 Groveoak Pl., RPV; 3011 Palos Verdes Dr. North, RHE; 30511 Lucania Dr., RPV; 1121 Via Nogales, PVE; 30540 Rue de la Pierre, RPV; 4323 Palos Verdes Dr. North, RHE; 5500 Ironwood St., RPV; 27800 Longhill Dr., RPV; 3801 Via la Selva, PVE; 7032 Purpleridge Dr., RPV; 29323 Palos Verdes Dr. East, RPV; 2161 Via Olivera, PVE; 28915 Northbay Rd., RPV; 600 Cloyden Rd., PVE; 27118 Silver Spur Rd., RHE and 38 Crest Rd. West, RH  
**Project Location - County:** LOS ANGELES

**Description of Project:**

Project consists of a privately owned and operated solar photovoltaic system to be mounted on shade structures at existing, fully developed school facilities.

**Name of Public Agency Approving Project:** PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT

**Name of Person or Agency Carrying Out Project:** PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(a)(1); 15268(b));
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and section number:  
14 Cal. Code Regs. § 15301 [minor alteration of existing public or private structures, facilities, mechanical equipment]; 14 Cal. Code Regs. § 15303 [new construction or conversion of small structures]; 14 Cal. Code Regs. § 15311 [the construction or placement of minor structures accessory to existing facilities]; 14 Cal. Code Regs. § 15314 [projects consisting of minor additions to existing schools]
- Statutory Exemptions. State Code number:  
Public Resources Code Section 21080.35 [solar photovoltaic installations on existing roofs and parking lots]

**Reasons why project is exempt:**

Project consists of a privately owned and operated solar photovoltaic system to be installed on shade structures, comprising minor alterations or additions to existing facilities, all of which are located as existing schools, some of which are overlying an existing parking lot.

**Lead Agency Contact Person:** LYDIA CANO, Deputy Superintendent  
**Area Code/Telephone/Ext.:** (310) 378-9966 x418

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** Deputy Superintendent  
LYDIA CANO

- Signed by Lead Agency
- Date received for filing at OPR:
- Signed by Applicant

Resolution No. 11- 2015/16

RESOLUTION OF THE BOARD OF EDUCATION OF PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT APPROVING AGREEMENT FOR ENERGY CONSERVATION SERVICES WITH PFMG SOLAR, LLC, PURSUANT TO GOVERNMENT CODE SECTION 4217.10-18, MAKING CERTAIN FINDINGS REQUIRED THEREFORE, AND AUTHORIZING RELATED ACTIONS

WHEREAS, the Palos Verdes Peninsula Unified School District ("District") finds it to be in the best interests of the District to implement projects to promote energy efficiency to achieve energy cost reductions;

WHEREAS, *Government Code* sections 4217.10 through 4217.18 authorize the District's Governing Board, without advertising for bids, to enter into one or more energy service contracts with any person or entity, pursuant to which that person or entity will provide electrical or thermal energy or conservation services to the District, which may comprise or include an energy conservation facility, if the anticipated cost to the District for thermal or electrical energy or conservation services provided under the contract(s) is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of those energy service contracts;

WHEREAS, District staff reviewed the qualifications presented by PFMG Solar, LLC, to conduct and provide assessment of school district energy usage, energy needs and opportunities to reduce energy expenses, found PFMG Solar, LLC' qualifications to appear bona fide and adequate;

WHEREAS, PFMG Solar, LLC assessed the feasibility of various potential energy conservation measures, based on certain baseline assumptions such as anticipated future increases in public utility energy rates, which assumptions have been considered by PFMG Solar, LLC, to reduce the District's energy expense and recommended specific energy conservation measures based thereon ("Analysis," on file with the Clerk of the Board), comprising a Power Purchase Agreement, upon which the Board and District administration and staff have relied;

WHEREAS, PFMG Solar, LLC has offered to enter into the attached Power Purchase Agreement ("Contract," on file with the Deputy Superintendent) to provide energy conservation services comprising solar photovoltaic electric energy;

WHEREAS, the Analysis demonstrates that the cost of the Contract to the District for the thermal or electrical energy or conservation services provided thereunder is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of the Contract ("Savings")

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT DOES HEREBY FIND, RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals. All of the recitals herein contained are true and correct.

Section 2. Energy Conservation Services Contract Findings. The Governing Board of the Palos Verdes Peninsula Unified School District finds that the cost of the Contract to the District for the thermal or electrical energy or conservation services provided thereunder is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of the Contract and that it is in the best interest of the District to approve and enter into the Contract.

Section 3. Contract Approval. The form of the Contract by and between the District and PFMG Solar, LLC, presented herewith is hereby approved. The Superintendent or Superintendent's designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to PFMG Solar, LLC the Contract and related documents as necessary to carry out the Contract, subject to such minor changes thereto as such officer or person may require and approve, with the approval of District counsel.

**PASSED AND ADOPTED** as of \_\_\_\_\_, 2015 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

The President of the Palos Verdes Peninsula Unified School District Governing Board does hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by the Board at a regularly scheduled and conducted meeting held on this date, which Resolution shall be kept on file in the office of the Board.

\_\_\_\_\_  
Larry Vanden Bos  
President of the Board of Education  
Palos Verdes Peninsula Unified School District

The Clerk of the Palos Verdes Peninsula Unified School District Governing Board does hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education at a regularly scheduled meeting thereof held on this date, by the forgoing vote.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the Palos Verdes Peninsula Unified School District on this date.

\_\_\_\_\_  
Anthony Collatos  
Clerk of the Board of Education  
Palos Verdes Peninsula Unified School District