



February 21, 2018

Kim Prillhart, Planning Director
Jennifer Scholl, Commercial & Industrial Permitting Manager
Ventura County Planning Division
800 S. Victoria Avenue #1740
Ventura, CA 93009-1740

RE: Complaint for Violations of PL13-0150

Dear Ms. Prillhart and Ms. Scholl,

On October 20, 2015, the Ventura County Board of Supervisors ("Board") approved Conditional Use Permit (CUP) PL13-0150 authorizing the continued operation of oil and gas facilities at the Ferndale Lease along the popular Santa Paula Canyon Trail adjacent to the Los Padres National Forest. We are writing to notify the Ventura County Planning Division of several permit violations at this facility stemming from the recent Thomas Fire and the major storm event in January. These violations pertain to the County's failure to initiate emergency shut-down procedures during flood events, and the failure of the permittee to follow incident notification procedures and to submit the requisite Fire Protection Plan with the Ventura County Fire Protection Bureau.

Violation of Condition 72: Flood Emergency Shut-Down

Recognizing the proximity of several oil wells and a pipeline to Santa Paula Creek, the Board added Condition 72 to minimize the impacts caused by a flood emergency to this environmentally sensitive area. Specifically, Condition 72 states:

72. Flood Emergency Shut Down

Purpose: To minimize impacts to the surrounding environment from the oil and gas facilities as a result of a flood emergency.

Requirement: The Permittee shall shut down oil production activities as directed by the County of Ventura in the event of a flood emergency that would affect the subject facilities.

Documentation: The Permittee shall submit a report of each flood emergency shut down to the Planning Division. The report shall discuss the flood conditions, notification received by the County of Ventura, actions taken by the operator, and future procedures that may be implemented to minimize impacts to the facility and surroundings.

Timing: The Permittee shall submit flood emergency reports within seven days of notification by the County of Ventura of a flood emergency. This requirement is in effect for the effective period of the permit.

Monitoring and Reporting: The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

In essence, this permit condition requires the County of Ventura to order the permittee to shut down oil production activities at this facility prior to a flood emergency. The permittee, in turn, must comply with the order and submit a report to the Planning Division within seven days discussing the flood conditions, actions taken, and future procedures to further minimize impacts from flooding.

The Thomas Fire burned through the Ferndale oil drilling facility on December 6, 2017, and continued burning in the upper portions of Santa Paula Canyon for several days thereafter. The Forest Service estimates that 75% of the entire Santa Paula Canyon watershed was burned in the Thomas Fire, and anticipates a 220% increase in peak flows during the next two years (gradually declining to a 180% increase in peak flows ten years from now). After assessing the post-fire hydrology of the burn area in Santa Paula Canyon, the Forest Service recently concluded:

Modeling has estimated flows to increase 2.2 times that of normal flows. Overall, Santa Paula Creek will likely experience a pronounced increase in sediment and higher peak flows. Houses, roads and other infrastructure in and near the creek are at increased risk and should be assessed in detail for post-fire risks.

See U.S. Forest Service, 2018. *Thomas Fire BAER Hydrology Report*, pp. 13-14.

The importance of Condition 72 is even more pronounced given the likelihood of increased debris and stream flows in Santa Paula Canyon, and given the proximity of three active oil wells to the creek and the presence of an oil pipeline across the creek and within the FEMA-designated floodplain.

The first major storm following the Thomas Fire occurred on January 8 and 9, 2018, with several inches of rain predicted for Santa Paula Canyon along with warnings of floods and debris flows below burn areas. Despite this forecast and warnings, the Planning Division did not order this facility closed consistent with Condition 72. This was confirmed in an email from your Division on February 6, 2018 (“There have not been any orders pursuant to CUP Condition 72 nor any reporting submitted by the permittee to comply with County reporting requirements.”).

The Board of Supervisors added – and County Planning and the permittee agreed – to add this condition to the permit to address several concerns voiced by the public regarding a pipeline suspended across Santa Paula Creek with no support structures in place, and also in recognition of the proximity of several oil wells to the creek. We were surprised to learn that the Division did not initiate the shut-down procedures envisioned by the Board, particularly given the extent of the Thomas Fire in the watershed and the forecasted storm. The Division must take all measures necessary to ensure that shut-down orders are issued in advance of significant rain events, especially since this watershed will experience increased flows for the foreseeable future. Please notify us how you intend on implementing Condition 72 moving forward.

Violation of Condition 64: Fire Protection Plan

Condition 64 of the CUP requires the permittee to submit a Fire Protection Plan to the Ventura County Fire Protection Bureau to “reduc[e] impact on the community’s fire protection delivery system and increase emergency response capability.” Specifically, Condition 64 states:

64. Fire Protection Plan

Purpose: To minimize and mitigate the fire problems created by the project with the purpose of reducing impact on the community's fire protection delivery system and increase emergency response capability.

Requirement: The Permittee shall prepare a Fire Protection Plan (FPP). The FPP shall be prepared by a qualified fire protection consultant as approved by the Ventura County Fire Protection District. The Permittee, all land owners and any tenants shall abide by the approved FPP.

Documentation: A copy of the approved Fire Protection Plan (FPP).

Timing: The Permittee shall submit a copy of the Fire Protection Plan (FPP) to the Fire Prevention Bureau for approval before the issuance of a building permit.

Monitoring and Reporting: A copy of the approved Fire Protection Plan shall be kept on file with the Fire Prevention Bureau.

The Ventura County Fire Code defines a Fire Protection Plan as "a plan that shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall describe ways to minimize and mitigate the fire problems created by any project or development, with the purpose of reducing impact on the community's fire protection delivery system. Plan items shall include, but shall not be limited to: addressing water supply, access, Building ignition and fire-resistance factors, fire protection systems and equipment, Defensible Space and vegetation management."

We recently requested a copy of the Fire Prevent Plan for this facility and received the following response: "Per Ventura County Fire Prevention Bureau's Senior Fire Inspector, M. Vanden Bossche, there are no records of a Fire Prevention Plan being submitted." This facility is located in a high fire hazard area, and the recent Thomas Fire further underscores the need to have the requisite Fire Protection Plan in place. We request that the Division order the permittee to immediately abate this violation by submitting a Fire Protection Plan for the facility. Please provide us with a copy of the plan upon submittal by the permittee.

Violation of Condition 17: Reporting of Major Incidents

Condition 17 requires the permittee to immediately notify the Planning Division of incidents such as fires, floods, landslides, and slope failures and to submit a written report to the County. Specifically, Condition 17 states:

17. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file.

We are not aware of any notification submitted to the County following the Thomas Fire or the January storm, pertaining to the fire itself or any ensuing flood damage. We urge the Division to request that the permittee submit a written report of both the Thomas Fire and the January flood incident. Moreover, we hope that the County can review this condition with the permittee to ensure your Division receives proper notice following any future incidents.

Conclusion

Strict compliance with these permit conditions is even more relevant now, given the extent of the Thomas Fire and the expected increase in stream and debris flows in Santa Paula Creek. We urge the County and the permittee to work together to ensure that all required notifications, plans, and reports are submitted. We also hope that the Planning Division works with the permittee in advance of significant storms to ensure that the facility is shut down well in advance of possible flooding.

Sincerely,

Jeff Kuyper, Executive Director

Los Padres ForestWatch

Kimberly Rivers, Executive Director

Citizens for Responsible Oil & Gas

Lisa Belenky, Staff Attorney

Center for Biological Diversity