GIBSON DUNN

Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Tel 213.229.7000
www.gibsondunn.com

Amy R. Forbes
Direct: +1 213.229.7151
Fax: +1 213.229.6151
AForbes@gibsondunn.com

Client: 73647-00005

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VIA ELECTRONIC MAIL
VIA HAND DELIVERY

Sherry Jordan
City of Culver City, Planning Division
9770 Culver Boulevard
Culver City, California 90232

Re: Discussion Draft Oil Drilling Regulations

Dear Ms. Jordan:

As Operator of the Inglewood Oil Field ("Oil Field"), Freeport-McMoRan Oil & Gas (the successor by merger to Plains Exploration & Production Company ("FM O&G")) has reviewed the Discussion Draft Oil Drilling Regulations ("Discussion Draft"), and in response submits this letter and the attached detailed comments. In short, the proposed ordinance cannot be legally enacted by Culver City, nor could it be feasibly implemented by this, or any, operator of the Oil Field. While the proposed ordinance is characterized as an "update" to the City's "oil drilling regulations" in reality the draft proposal goes significantly beyond simply regulating new drilling activity. Rather, the proposal amounts to a comprehensive regulatory framework that would impose onerous new regulations on long-time existing operations without any justification, and bring a virtual halt to future production activity in the portion of the oil field that resides within Culver City's jurisdiction.

As set forth more fully below, the Discussion Draft is preempted by state law, violates FM O&G's vested rights, and would result in an unconstitutional—and ultimately compensable—taking of FM O&G's property, and the property of other holders of mineral rights within the Oil Field. It is our sincere hope that the City will now begin a truly cooperative process to revise the Draft in a manner that addresses FM O&G's concerns and legal rights, while providing the added protective regulations to assure safe and compatible operations. We regret that the discussions regarding these issues are starting with a confrontational posture, but the overreaching nature of the proposed regulations leave FM O&G no choice than to stress our concerns in the strongest manner possible.

FM O&G has two overriding practical concerns with the draft proposal:

First, the proposed ordinance would force FM O&G to deviate in many instances from the existing and well-established daily operational requirements and drilling methods within the Field, and that are currently in use for the 90% of the Field that is outside of the City's

jurisdiction. By creating a multiplicity of regulations applicable to the same Oil Field, the Discussion Draft would create untenable safety and implementation issues for FM O&G, and City residents. We do not believe the creation of this type of bifurcated and unsafe regulatory structure is in the best interests of the City's residents or consistent with where the City Council intended to take this matter when it provided its initial direction to staff and outside consultants and counsel.

Second, the Discussion Draft confuses paperwork for protection of the community, and would embroil FM O&G, the City Council, and City staff in an endless series of hearings and applications that will divert staff resources from other City priorities. The sheer magnitude of the procedural exercise based on the "Drilling Project" definition would likely overwhelm our respective resources and make it impossible so secure a permit for "drilling and redrilling" as commonly defined, let alone all the other activities swept up in the current draft. To illustrate the point, just after the City Council concludes its hearings on the proposed ordinance, the Discussion Draft would require the City Council to hold further hearings on a "Comprehensive Drilling Plan." Immediately after that, and every year thereafter, the City would be required to review an Annual Drilling Plan. On top of that, separate drilling applications would have to be approved, not only for the drilling of new wells, but also for (among many other activities) the installation of a pump, the operation of a pump, the reworking of an existing hole, and the maintenance of an existing hole. As a starting point, the City should carefully review the "Drilling Project" definition as well as the overall permitting framework established by the Discussion Draft to ensure that the ordinance will provide meaningful benefits to City residents, not just endless paperwork processes.

Beyond these two fundamental issues, FM O&G's principle concerns with the Discussion Draft can generally be classified in six categories. For brevity this letter simply summarizes those categories at a high level. Attached please find a more detailed list of comments and concerns that we are submitting with the hope that staff will review and make efforts to address them as the process moves forward. The categories are as follows:

1. **Pre-emption/Encroachment into State Regulations/Authority:** The Discussion Draft proposes regulations that impinge on areas of regulation that have been fully occupied by the State and regional agencies. This encroachment is done both expressly (*i.e.* attempt to impose a moratorium on hydraulic fracturing) and implicitly (*i.e.* permitting requirements for downhole well maintenance activities and requirements for submitting well bore diagrams to the City). FM O&G has been waiting for the City to update its drilling ordinance since 2005. Unfortunately, the Discussion Draft as written today would unnecessarily delay the enactment of new legally permissible regulations because it will require a court to untangle the permissible regulations from the impermissible ones. The City's attempts to regulate

in areas that are preempted by state law may ultimately cause the entire ordinance to fail if the invalid provisions cannot be functionally, grammatically, and mechanically separated from the remainder of the ordinance.[1] We therefore encourage the City to revisit the Discussion Draft and remove any proposed regulatory requirements that are within the jurisdictional purview of other State and local agencies.

State law is clear that local governments are preempted from regulating activities where: (1) a local regulation duplicates, contradicts, or enters into an area expressly occupied by state law;[2] or, (2) the state has impliedly preempted local regulation in subject matters of statewide concern.[3] While local governments retain the authority to regulate subject matters not covered by state law, and may also regulate matters that the state considers to be "local affairs," subjects that transcend local boundaries have been considered regional—not local— affairs. In those instances, local attempts at regulation have been disallowed.[4] As the Attorney General has opined, this principle is pertinent to oil and gas regulations because they ". . . affect or are likely to affect pools or fields simultaneously underlying several cities or counties . . . ."[5] This principle of law is particularly applicable to the Inglewood Oil Field given the bifurcated jurisdictional authorities where approximately 90% of the field lies under unincorporated County territory and 10% of the Oil Field lies under Culver City.

Further, the State of California has enacted comprehensive regulation of the technical aspects of oil and gas operations. The state's regulations expressly provide that drilling, production, and injection operations apply statewide, and the state has expressed a strong policy intent to "increase the ultimate recovery of underground hydrocarbons." Accordingly, local regulation is excluded "in each instance where the [State Supervisor of Oil and Gas] approves or specifies plans of operations, methods, materials, procedures, or equipment to be used by the operator or where activities are to be carried out under the direction of the Supervisor . . . ."[6] In short, state regulation of technical aspects of oil and gas operations—particularly including so-called "down-hole" activities—fully preempts local regulation of this phase.

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[1] *California Redevelopment Ass'n v. Matosantos* (2011) 53 Cal.4th 231, 271.

[2] *Morehart v. County of Santa Babara* (1994) 7 Cal.4th 725, 747.

[3] *Western Oil & Gas Ass'n v. Monterey Bay Air Pollution Control Dist.* (1989) 49 Cal.3d 408; *Bishop v. City of San Jose* (1969) 1 Cal.3d 56, 61.

[4] *City of Santa Clara v. Von Raesfeld* (1970) 3 Cal.3d 239, 246.

[5] 59 Ops.Cal.Atty.Gen 461, 465.

[6] *Id.* at 477.

2. **Permitting Requirements Cannot be Feasibly Met:** The aforementioned preemption concerns are heightened when otherwise permissible regulations effectively frustrate other operations.[7] As noted above, FM O&G does not believe the permitting process as proposed can be successfully navigated. The Discussion Draft lacks any process related timelines thus creating no guidance for the City or FM O&G as to how quickly the various submittals will be processed. Even after all of these hurdles are satisfied, the permits are only good for 90 days. This does not provide FM O&G a sufficient amount of time to safely reorganize and reschedule our activities in the 90% of the oil field that falls outside the City's jurisdiction.

   The Annual Drilling Plan requirement currently imposed by L.A. County is a unique requirement that, to the best of our knowledge, does not exist in any other regulatory jurisdiction in the country. That task alone takes FM O&G's technical personnel nearly six months to complete before a first draft is submitted for approval. Being required to develop a new, even more expansive 15-year plan as proposed by the Discussion Draft will require years of effort and will at best be only as good as the data available to us at the moment the plan is prepared. Accordingly, the comprehensive plan is a prime example of the Discussion Draft confusing paperwork for true community protection.

3. **Prohibition of Major Facilities Renders New Operations Infeasible:** The ban on major facilities essentially eliminates our ability to install processing equipment for new wells, rendering new operations infeasible as a practical matter. There is no justification for an arbitrary ban of new facilities when there is no evidence of significant impacts from existing or potential future facilities. To date, all testing and monitoring under the County's CSD in the areas of the oil field outside the City's jurisdiction has indicated there are no health or nuisance issues associated with Oil Field operations. We have no reason to believe that the results will be different in the portion of the oil field that falls within the City's jurisdiction.

4. **Impairment of Vested Rights and Taking of Mineral Rights:** As you know, FM O&G's predecessor challenged the City's previously enacted ICO to ban all drilling for a period of time. Judge Chalfant's ruling in PXP v. the City of Culver City expressly held that "PXP has a municipally codified vested right to use oil producing land in the City. That right entitles PXP to have the structures which support its existing and intended oil production efforts." The ordinance is clearly designed to prevent existing and future improvements that enable FM O&G to produce oil. The impairment is compounded when combined with the overly broad definition of

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[7] 59 Ops.Cal.Atty.Gen 461, 484.

"Drilling Project," and the arbitrary limits on the number of wells. The ordinance also alters the rules applicable to existing maintenance and operations, and FM O&G's existing, judicially established, "vested right to use oil producing land in the City."[8] In the absence of a factually demonstrable nuisance, danger to public health or safety, violation of law, such impairment of FM O&G's vested rights is not allowed by law.[9] Any attempt by the City to interfere with that vested right would be subject to judicial review using an "independent judgment" evaluation and the Court must issue a writ of mandate if the agency findings and actions are not supported by the weight of the evidence.[10] Critically, the public processes stemming from the County of Los Angeles' unprecedentedly broad Community Standards District demonstrate that there have been no health or safety threats stemming from the existing operations at the Oil Field. We have no reason to believe that the results will be different in the portion of the oil field that falls within the City's jurisdiction, as evidenced by a lack of issues with FM O&G's continuing voluntary compliance with the CSD requirements within Culver City.

5. **Duplicative Studies, Monitoring, and Safety Drills:** The Discussion Draft mandates that FM O&G conduct multiple drills, studies, and monitoring tasks that mirror activities and regulatory requirements already taking place in the remaining 90% of the Oil Field that falls outside the City's jurisdiction. Since these requirements are being attached to an area that is less than 100 acres in total size, it is necessary to question whether the time and costs associated with these activities truly create enhanced community benefits or enhanced environmental protections. Although 10% of the Oil Field falls within the City's jurisdiction, the reality is that the Oil Field is connected, and is operated as a single facility. Skills developed by FM O&G's personnel during spill and emergency response drills that are already routinely conducted in the Oil Field are directly relevant and applicable to any incidents that would arise in the portion of the field that falls within the City. As such, the requirement to hold separate and multiple drills is unnecessary and wasteful both for FM O&G as well as the City itself. Moreover, it is worth noting that it would be unlawful for the City to regulate activities outside the City's territorial limits which the draft ordinance appears to attempt in several instances.[11]

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[8] Order Denying Petition for Writ of Mandate, *Plains Exploration and Production Company v. Culver City*, No. BS 122799, at 9.

[9] Culver City Mun. Code § 17.660.015; *Beverly Oil Co. v. City of Los Angeles* (1953) 140 Cal.2d 552, 559.

[10] *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519.

[11] *Candid Enterprises, Inc. v. Grossmont Union High School Dist.* (1985) Cal.3d 878, 885 (noting that the police power of cities and counties is limited to their territorial boundaries).

Similar concerns exist with the proposed conditions that would require FM O&G to retain or fund dedicated consultants to separately monitor noise and vibration within the City's portion of the oil field. Beyond adding costs, these requirements duplicate structures and programs that are in place already. Furthermore, the proposed conditions in the City's draft ordinance do not give FM O&G a chance to work collaboratively with the City in selecting qualified consultants to fill these roles, or stipulate that positions like the "On Site Monitor" be properly trained or have the credentials to perform the work described. To the extent possible, we encourage the City to identify ways the ordinance can promote regulatory efficiency and tier off of existing monitoring programs and requirements currently in place. Such an effort will create consistency in data quality and reduce regulatory confusion for all involved regulatory agencies and FM O&G.

6. **Lack of Detail Relative to CEQA Processing of Ordinance:** It is not clear how the City intends to manage the environmental review process under the California Environmental Quality Act (CEQA). We understand from the draft schedule that the City intends to conduct an Initial Study beginning later this year, and we reserve the right to comment further. Nonetheless, our review of the Discussion Draft suggests that this ordinance will require preparation of an EIR, and that under CEQA environmental review cannot be deferred until the drilling permit stage.

   The threshold for requiring an agency to prepare an EIR is low. If it can be fairly argued on the basis of substantial evidence that the proposed project might have a significant effect on the environment, a full Environmental Impact Report is required.[12] The existence of serious public controversy itself is a sign that preparation of an EIR is desirable.[13] Moreover, where substantial evidence of significant environmental impact exists, evidence to the contrary" is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration."[14] Perhaps most importantly, local agencies may not defer environmental analysis or mitigation measures to later stages of the project. To the contrary, environmental impacts should be assessed as early in the planning process as possible.[15] Similarly, CEQA cannot be avoided by "chopping up proposed projects into bite-size pieces which, when taken individually, may have no significant effect on the environment.[16]

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[12] *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.

[13] *Id.* at 85-86.

[14] *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App3d 988, 1002.

[15] *Id.* at 307.

[16] *Plan for Arcadia, Inc. v. City Council of Arcadia* (1974) 42 Cal.App.3d 712, 726.

> This requirement is not negated by the fact that later development pursued under a legislative enactment can occur "only after a permit is obtained and an EIR prepared."[17] Thus, the City cannot avoid the need for an EIR simply by arguing that subsequent drilling permits will necessitate their own environmental review. We believe that the EIR prepared for the County's CSD would be a good foundation for any environmental analysis, and that the environmental analysis for the ordinance should support the issuance of all future permits as well.

Thank you in advance for your consideration of these concerns, and the more specific detailed concerns that are attached to this letter. We appreciate the City's efforts to move an update of its drilling ordinance forward given the long history of discussions between FM O&G's predecessor company and the City. We look forward to working with the City in an effort to achieve a fair and balanced ordinance that meets the City's goals and can be feasibly implemented. As always, please do not hesitate to give me or my staff a call directly should you have any questions regarding these comments.

Very truly yours,

Amy R. Forbes

ARF/hhk
Enclosures

cc: Jeffrey Cooper, Mayor, City of Culver City
Meghan Sahli-Wells, Vice Mayor, City of Culver City
Jim B. Clarke, Councilmember, City of Culver City
Michael O'Leary, Councilmember, City of Culver City
Andrew Weissman, Councilmember, City of Culver City
Steven P. Rusch, Vice President EH&S and Government Affairs
Gregg Maynard, Assistant General Counsel
Steve Burke, Manager Land
John Martini, Manager EH&S and Government Affairs
Candace Salway, Manager EH&S

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[17] *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 194.

Freeport McMoRan Oil & Gas Detailed Comments on the
Culver City Discussion Draft Oil Drilling Regulations
June 21, 2013

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
1.D	Minimization or elimination of potential adverse impacts of Oil Operations by the implementation of area-specific regulations and mitigation measures	The use of CEQA terms such as "adverse impacts" and "mitigation" suggests that the City intends to conduct a full environmental review under CEQA as part of the ordinance approval process, but the City has not provided clarity as to the anticipated form of the environmental review. The proposals in the Discussion Draft suggest that this ordinance will require preparation of an EIR, and that under CEQA environmental review cannot be deferred until the drilling plan or permit stage. Environmental impacts should be assessed as early in the planning process as possible. Even if the City requires future discretionary plans or permits, it does not negate the requirement for comprehensive CEQA review of this ordinance. We believe that the EIR prepared for the County's CSD would be a good foundation for any environmental analysis, that the analysis of the ordinance should cover the whole of the future anticipated actions, and that the environmental analysis for the ordinance should support the approval of future drilling plans and issuance of future permits.
1.E	Before new Oil Field drilling activities are permitted, that existing Oil Field facilities are in compliance with the requirements of this Ordinance	It is unclear whether the language requires FM O&G to remove existing major facilities and replace all 'non-conforming' equipment (e.g. pumping units) located within the defined portion oil field before the permitting process can begin. Lack of clarity on this matter raises serious legal concerns relative to the non-conforming uses. FM O&G urges the City to clarify the intent of this language. Furthermore, this section also creates implementation issues relative to actions already taken such as painting of the facilities (consistent across the entire field) and installing new landscaping. FM O&G's interprets this language to simply require that the mandated plans must be on file with the City before permits can be issued. The lack of clarity in the proposed language however creates significant confusion.
1.H	New applications for oil and gas Drilling Use Permits address the consolidation of Oil Field facilities to reduce odor, visual, noise, safety, health, and environmental impacts from Oil Operations to surrounding land uses and City residents.	The language is overly broad and fails to recognize that in certain cases the stated goals may not be 100% feasible. While FM O&G consistently strives to conduct its operations in a manner which reduces or eliminates nuisances on the surrounding community, these efforts are consistently conducted within the reality reasonable and feasible. We encourage the City to ensure the ordinance is drafted properly and does not incorporate language that sets unreasonable and unachievable goals that ignore what is feasible..

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
2.B	Definitions. In addition to the definitions contained elsewhere in this Code, the following words and phrases shall, for the purposes of this Ordinance, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any other provisions of the CCMC, these definitions shall prevail.	While 10% of the Inglewood Oil Field surface lies with Culver City's jurisdiction the entire field operates as a single facility. It is essential that the terms and definitions used by the various regulatory agencies with authority over the oil field be uniform and consistent with the Uniform Fire Code, Building Code, Plumbing Code, etc. Establishing consistency and common understanding will assist FM O&G's personnel in ensuring our operations are being conducted in the safest manner possible and in compliance with all regulatory requirements. Creating separate regulatory definitions and standards for different geographic areas of the oil field will lead to confusion and unnecessary distractions and increase the potential for adverse safety and environmental situations to occur. FM O&G has identified a number of definitions in the proposed draft that are inconsistent with how the terms are more commonly defined by other regulatory agencies. We encourage the City to review the definitions highlighted below and to strive for consistency with other regulatory agencies in future drafts to the extent possible.
2.B.1	Abandonment. The permanent plugging of a well, pipeline, or other facility in accordance with the requirements of DOGGR, the removal of all equipment related to the well, including the restoration of the drill site or well operation site as required by DOGGR regulations.	For uniformity with the state jurisdictional authority, the City should utilize DOGGR's established regulatory definition for "well abandonment".
2.B.3	Blowout. An uncontrolled release of gas, oil, or other well fluids from the well.	For uniformity with the state jurisdictional authority, the City should use DOGGR's well-established definition of "blowout" as follows: BLOWOUT - An uncontrolled flow of well fluids and/or formation fluids from a well bore to the surface or into lower-pressured subsurface zones (underground blowout). DOGGR Publication M07 - Blowout Prevention in CA - Equipment Selection and Testing - 2006
2.B.4	Blowout Prevention. The use of a mechanical, hydraulic, pneumatic or other device or combination of such devices, secured to the top of a well casing, including valves, fittings, and control mechanisms connected therewith which can be closed around the drill pipe or other tubular structures which completely closes the top of the casing and is designed for preventing blowout.	For uniformity with the state jurisdictional authority, the City should use DOGGR's well-established definition of "blowout preventer" as follows: BLOWOUT PREVENTER (BOP) - A valve attached to the casing head of a well, allowing the well to be sealed at the surface and confining well fluids to the well bore. DOGGR Publication M07 - Blowout Prevention in CA - Equipment Selection and Testing - 2006

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
2.B.16	Drilling Project. The erection of any derrick, or similar or related structure and/or use of any mobile drilling equipment for the drilling, redrilling, reworking, maintenance or deepening of any Well hole. It shall also include the installation and operation of pumps or similar equipment for the production of oil and gas or injection of water.	The proposed definition of "Drilling Project" is not consistent with the standard use of the term and, as proposed by the City, would significantly exceed the City's stated goals of simply updating its "drilling ordinance". As drafted, the proposed definition of "Drilling Project" would capture routine maintenance and workover activity as well as facility installation of new pumping units as "drilling projects" subject to individual permitting requirements. The scope of permitting activity created by the definition would overwhelm the resources of the city and make it nearly impossible for FM O&G to prepare any sort of "Comprehensive Drilling Plan" that provides a long range forecast of activity. City permits/site plan reviews and approvals should be consistent with the types of activities historically permitted by the City. Significant legal issues relative to vested and mineral rights are raised by use of a definition that acts to restrict FM O&G's existing operations in the absence of any demonstrated current issues and makes the future implementation and permitting process infeasible to navigate. We urge the City to revise this critical definition as it forms the foundation of the entire draft ordinance.
2.B.17	Drilling Use Permit. A City permit reviewed and processed in compliance with this Ordinance which is necessary to conduct any Drilling Project. More than one Drilling Project may be approved under one Drilling Use Permit.	The definition states that "more than one Drilling Project may be approved under one Drilling Use Permit." The intent of this language is unclear and hinges on the definition of "Drilling Project" which is unnecessarily broad in scope. FM O&G requests clarity on the intended scope of each "Drilling Use Permit".
2.B.18	Drilling Equipment. The derrick, together with all parts of and appurtenances to such structure and, every piece of apparatus, machinery, or equipment used or erected or maintained for use in connection with drilling or redrilling, reworking, maintenance or deepening of any well hole.	There are a number of different types of rigs used on a daily basis in oil field operations. The majority of the rigs in operation on any given day have nothing to do with "drilling" and are simply performing maintenance and related activities. The definition proposed by the City is technically deficient and inconsistent with the common use of the term "drilling equipment" and "maintenance". FM O&G urges the City to revise its definition to be uniform with established definitions to avoid creating regulatory confusion.
2.B.19	Drill Site. That portion of any land on which drilling equipment is placed, stored, or utilized during the drilling, redrilling, reworking, maintenance or deepening of a well.	The definition incorrectly suggests that areas used for maintenance activities should be defined as a "Drill Site". This definition is technically incorrect and inconsistent with common uses of the term. FM O&G encourages the City to revise its definition.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
2.B.22	Enhanced Oil Recovery. Any production method which involves the injection of water, gas, steam, or any other fluid or substance into the earth for the purpose of extracting oil.	The definition of “Enhanced Oil Recovery” is overly broad and inconsistent with common regulatory definitions for the term. As drafted, the definition would suggest that the one-time completion of a well or injection of a chemical intended to prevent well bore corrosion would constitute "Enhanced Oil Recovery". This is technically incorrect and will lead to regulatory confusion. "Enhanced Oil Recovery" (EOR) is typically defined as a production technique involving repeated injection of water, gas, or steam to extract hydrocarbon resources in a systematic fashion. Water flooding, which is conducted routinely throughout the Inglewood Oil Field, is an example of an EOR production technique. One-time injection of fluids for specialized purposes such as completing a well do not constitute EOR. FM O&G encourages the City to revise its definition to ensure the definition does not create regulatory confusion or incorrectly capture well completions or routine well maintenance activities such as corrosion control.
2.B.30	Hydraulic Fracturing. An Enhanced Oil Recovery technique used in stimulating a formation or zone that involves the pressurized injection of hydraulic fracturing fluid and proppant (such as sand) into an underground geologic formation in order to fracture the formation, thereby causing or enhancing the production of oil or gas from a Well.	The definition incorrectly defines "Hydraulic Fracturing" as an "Enhanced Oil Recovery" technique. This is technically incorrect and demonstrates a lack of understanding by the authors of "Hydraulic Fracturing". "Hydraulic fracturing" is a well completion technique that is used once the drilling process has been completed on a new well and prior to the well being put on production. The technique can also be used in "recompleting" an existing well for the purposes of restimulating the reservoir and increasing production to the well. As noted above, EOR operations constitute production techniques that are performed on a routine, systematic basis as opposed to a one time basis. Due to the significant public confusion about the topic of hydraulic fracturing it is critical the City's definitions be technically correct and not compound ongoing misunderstanding. FM O&G urges the City to review the Inglewood Oil Field Hydraulic Fracturing Study or the proposed definition contained in DOGGR's discussion draft of regulations for the purposes of creating uniform regulatory and technical consistency.
2.B.32	Major Facilities. Major facilities include refineries, tank farms or single tanks larger than 5,000 barrels, fractionation (such as distillation), absorption plants, gas plants, gas processing, bioremediation facility, steam drive plant, oil cleaning plant, carbon dioxide separation or recovery plant, or water treating and processing facility. Major facilities are prohibited within the Oil Field.	In order to efficiently and effectively develop the mineral estate of the Inglewood Oil Field, FM O&G needs to install the appropriate facilities and equipment, including those defined as "major facilities," which support our existing and intended oil production efforts. We do not understand the justification for this prohibition and any prohibition that impacts current existing operations is an impairment of FM O&G’s vested and mineral rights.
2.B.33	Mid-Zone Well. A well where the Bottom Hole is located in a mid-zone (Rubel, Moynier, Bradna, and City of Inglewood zones or any other zone between approximately 3,500 to 7,999 feet deep)	Please clarify that the formation/zone prevails and not the depth for consistency with the Settlement Agreement.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
2.B.34	New Well. A new well bore or well hole established at the ground surface or the deepening or redrilling of an existing well. An abandoned well that is redrilled shall be considered a new well.	Please update this definition so that it is clear that a reabandonment would not be considered a new well.
2.B.38	Oil Operations. Any activity undertaken in connection with the extraction, processing, production, storage, or transport of oil, gas, or other hydrocarbon substances including, but not limited to, drilling, redrilling, reworking, maintenance, repair, installation, construction operations, processing, enhanced oil recovery, bioremediation, well abandonment, remediation, clean-up, demolition, restoration, and revegetation.	To avoid regulatory confusion the definition should include and tie to the defined term "Oil Field" to avoid any legal questions relative to jurisdictional or regulatory encroachment. Unless modified, the regulation of Oil Operations would arguably allow the City to regulate beyond its borders.The “Oil Operations” definition also fails to clarify that administrative actions carried out in the administrative offices are not "Oil Operations". These points should be clarified in the context of this defined term.
2.B.39	Operator. A person, firm, corporation, partnership, association, or other business entity that owns or holds the right to use the surface of the land to extract oil, gas, and other hydrocarbon substances. In the event there are two or more persons or entities who qualify as Operators at any given time, then this term shall apply to all entities with regard to their respective operations. Operator shall include any applicant who has applied for, received approval of, or acquired through transfer or assignment, a Drilling Use Permit or its equivalent.	As drafted the proposed definition would create serious regulatory confusion. The term "Operator" is commonly used in industry to define the company that is in charge of overseeing the production operations in question. Based on the definition of "Drilling Project" and "Drilling Use Permit" the proposed definition of "Operator" would prospectively give electrical contractors involved in facility installation "Operator" status. This definition should be revised to create consistency with the commonly understood use of the term and to avoid creating regulatory confusion. We suggest the City consult an expert familiar with oil industry terminology.
2.B.41	Permanent Structure. Any building, facility, or equipment that is intended to, or does, remain in place for more than one year, and shall include all tanks.	The definition is overly broad and would capture temporary mobile equipment such as Baker tanks and totes that may be used for extended periods of time but are not permanently installed fixtures. It is our impression that the definition is intended to tie to major facilities such as tanks, water processing facilities and other such facilities. FM O&G encourages the City to revise its definition as follows: “Any building, facility, or equipment that requires a structural foundation building permit, is intend to, or does remain in place for more than one year and shall include all tanks.”
2.B.42	Processing. The activities required for oil, gas or other hydrocarbon extraction, phase separation, and transport, but does not include oil and gas processing activities identified in the prohibited Major Facilities defined above. Processing includes unheated phase separation and dehydration of crude oil and gas produced from the well, the storage, handling, recycling, and transportation of such materials; and those processing operations required for water injection purposes.	As drafted the definition incorrectly captures oil and gas production (i.e. extraction) as a "Processing" activity. This is technically incorrect and could lead to regulatory and operational confusion unless corrected.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
2.B.44	Pure Tones. Any noise which is judged as audible as a single frequency or a set of single frequencies. Pure tones include but are not limited to noise from whistles, bells, fans or other mechanical devices that emit audible tones.	As drafted the proposed definition is technically incorrect and suggests that any sound that can be heard by anyone outside the oil field perimeter is defined as a "pure tone". Since the regulatory requirement ties to the definition, use of a technically incorrect term creates material issues with FM O&G's ability to comply with the ordinance. FM O&G urges the City to revise its definition for consistency with other regulatory agencies.
2.B.47	Shallow Wells. The Bottom Hole is less than 3,500 feet deep.	The various identified production zones can vary at depth throughout the oil field due to geologic layering over time. The City's proposed definition would classify certain wells that occur in the Vickers zone as "shallow" while other wells occurring in the same zone would fall outside of the definition. For regulatory and technical consistency FM O&G suggests that the definition be changed as follows: "The Bottom Hole is less than 3,500 feet deep and above the zones identified as mid-zones."
2.B.49	Settlement. The sinking of the land surface due to consolidation or compaction of the soil when the voids containing water or air are reduced, causing the soil particles to pack together more tightly and reducing the overall volume of soil.	The Discussion Draft incorporates the terms "Settlement" and "Subsidence" interchangeably with the only notable material difference being that "Subsidence" is tied specifically to oil extraction operations. This is not technically accurate as "Subsidence" can occur for reasons not related to oil production. FM O&G requests clarity and consistency on the use of the two terms.
2.B.52	Subsidence. The Settlement or sinking of the ground surface due to extraction of petroleum or groundwater.	The Discussion Draft incorporates the terms "Settlement" and "Subsidence" interchangeably with the only notable material difference being that "Subsidence" is tied specifically to oil extraction operations. This technically incorrect as "Subsidence" can occur for reasons not related to oil production. FM O&G requests clarity and consistency on the use of the two terms.
2.B.55	Well. Any oil or gas well, or well for the discovery of oil or gas or for the production of oil or gas, or any well on lands producing or reasonably presumed to contain oil or gas or any well drilled for the purpose of injecting fluids or gas for the purpose of stimulating oil or gas recovery, repressuring or pressure maintenance of oil or gas reservoirs, or disposing of Oil Field waste fluids or any well drilled or adjacent to an oil or gas pool for the purpose of obtaining water to be used in production stimulation or repressuring operations.	To avoid regulatory confusion the proposed definition should clearly state that the well must be drilled for the production of oil and gas. What is a gas pool? We are unfamiliar with such term. An oil expert in oil field operations should be consulted to assist in obtaining accurate definitions and understanding of oil field operations and drilling. It isn't clear that monitoring wells are excluded.
3.A	Comprehensive Drilling Plan. Prior to the submittal by each Operator of the first application for a Drilling Use Permit under this Ordinance, the Operator shall submit, for review and approval by the City Council, a Comprehensive Drilling Plan.	FM O&G does not object to the proposed definition but would note that the proposed requirement is infeasible to comply with and creates significant legal issues relative to vested and mineral rights based on the proposed definition of "Drilling Project". Please see comments related to Section 4.A.1).

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
3.B	Annual Drilling Plan. At the beginning of each year of the Comprehensive Drilling Plan period, Operator shall submit, for review and approval by the Community Development Director, an Annual Drilling Plan in accordance with the provisions of Section 31.	The reliance of the "Annual Drilling Plan" on the defined term "Drilling Project" makes this proposal difficult, if not impossible to comply with. Furthermore, the definition lacks any verbiage as to whether a plan amendment can be submitted. Oil production operations are dynamic and new geologic and reservoir information is learned each time a new well is drilled and produced. Drilling plans can often be revised and changed based on the drilling and production results of the previous well. FM O&G urges the City to recognize the realities of this process through an appropriate revision to the definition. Furthermore, it is unrealistic to provide a plan at the beginning of the year for drilling in that year, since drilling may need to occur in January. Need schedule and deadlines.
3.C	Drilling Use Permit. An application for a Drilling Use Permit shall be required for any Drilling Project. All Drilling Use Permits shall be consistent with the approved Comprehensive Drilling Plan and Annual Drilling Plan. A Drilling Use Permit shall only be issued for drilling in accordance with this Ordinance. Drilling without a Drilling Use Permit is prohibited.	As noted in other sections, FM O&G believes that changes are needed in the defined term "Drilling Project" to make the "Drilling Use Permit" process reasonable and feasible.
4.A.1	Comprehensive Drilling Plan. A Comprehensive Drilling Plan covering the period of Oil Operations through the year 2028, shall be filed by each Operator for review and approval by the City Council, prior to the approval of any Annual Drilling Plan or issuance of any Drilling Use Permit. The Comprehensive Drilling Plan shall include the maximum number of wells proposed to be drilled or redrilled through 2028, which shall not exceed a total of 30 wells; the location, extent and depth of the oil-producing formations and zones; the scope, location, depth and extent of the Drill Sites; the type and nature of the oil recovery methods; the size, type and location of the structures and Drilling Equipment to be utilized in connection with Oil Operations; a description of the number and location of existing wells and equipment used in existing Oil Operations; and such additional information as may be required by the Community Development Director to demonstrate consistency with this Ordinance. Any revisions to the Comprehensive Drilling Plan shall be reviewed and approved by the City Council in the same manner as the initial Comprehensive Drilling Plan. It is the responsibility of the Operator to establish evidence in support of the findings required by Section 5 (Findings and Decision), below.	The "Comprehensive Drilling Plan" requirement establishes an unreasonable and insurmountable hurdle in FM O&G's opinion. FM O&G is unaware of any regulatory jurisdiction that requires this type of long range plan to the level of precision required in the Discussion Draft. Planning well locations with precision cannot be done on a 15 year time horizon as new geologic and reservoir information will be yielded with each new well that is installed. The information gained from each new well is constantly evaluated by FM O&G's technical staff to improve and adjust our planning and site selection for new wells. The L.A. County CSD requires FM O&G to submit an annual drilling plan which in and of itself is a requirement that is unique to the Inglewood Oil Field. It is not uncommon since the establishment of the requirement for multiple amendments to occur over the course of each year based on new information that is yielded from the drilling activity. As structured, the Discussion Draft prohibits FM O&G from securing a “Drilling Use Permit” until the City Council approves a "Comprehensive Drilling Plan". Given the entirely speculative nature of such a plan, the Discussion Draft's requirement for specificity, and the requirement for such a plan to be approved as part of a political process, FM O&G doesn’t believe it is feasible. The issues are further compounded by the fact that any changes to the inherently speculative plan must go through another political approval process. Absent approval of the first plan or any subsequent revisions, FM O&G would essentially be prohibited from doing any new drilling or maintenance on existing wells within Culver City's jurisdiction. Such a scenario would effectively impede or shut down our existing operations and create significant impacts on FM O&G's vested and mineral rights.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
4.A.1	Comprehensive Drilling Plan. A Comprehensive Drilling Plan covering the period of Oil Operations through the year 2028, shall be filed by each Operator for review and approval by the City Council, prior to the approval of any Annual Drilling Plan or issuance of any Drilling Use Permit. The Comprehensive Drilling Plan shall include the maximum number of wells proposed to be drilled or redrilled through 2028, which shall not exceed a total of 30 wells; the location, extent and depth of the oil-producing formations and zones; the scope, location, depth and extent of the Drill Sites; the type and nature of the oil recovery methods; the size, type and location of the structures and Drilling Equipment to be utilized in connection with Oil Operations; a description of the number and location of existing wells and equipment used in existing Oil Operations; and such additional information as may be required by the Community Development Director to demonstrate consistency with this Ordinance. Any revisions to the Comprehensive Drilling Plan shall be reviewed and approved by the City Council in the same manner as the initial Comprehensive Drilling Plan. It is the responsibility of the Operator to establish evidence in support of the findings required by Section 5 (Findings and Decision), below.	FM O&G believes the Discussion Draft unfairly caps the number of new wells that can be installed at an arbitrary and artificially low number. To efficiently and effectively develop FM O&G's mineral interests within and adjacent to Culver City we believe it is necessary the ordinance allow the installation of up to 140 wells at a rate of 8-10 per year. These numbers are consistent with the mitigation levels designed in the CSD EIR and could easily be accommodated with no adverse impacts to the surrounding community.
4.A.2	Annual Drilling Plan. At the beginning of each year of the Comprehensive Drilling Plan period, an Annual Drilling Plan shall be filed by each Operator in accordance with the provisions of Section 31.	The proposal for the "Annual Drilling Plan" lacks language that allows plan amendments to be filed if new information is gained during the course of a single year. Absent the ability to file amendments and secure timely approvals, FM O&G's business interests would be severely impacted as the company would be forced to delay its development activities as opposed to having the flexibility to refine and adjust its plans. The draft's requirement that the annual plan must be submitted "at the beginning of the year" is also problematic. FM O&G recommends that the ordinance allow for the plan to be delivered in advance of the start of the calendar year it covers in order to ensure the Community Development Director has sufficient time to review the plan and FM O&G has the full calendar year to implement the drilling activities. Finally, the draft language is deficient in the sense that it fails to provide any timeline for review and action by the Community Development Director. Establishment of a firm timeline for review and approval is essential as FM O&G will need the full calendar year to implement any activities covered under the plan. FM O&G urges the City to address each of these issues in any future drafts of the ordinance.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
4.A.3	Drilling Use Permit. An application for a Drilling Use Permit shall be completed, filed, and processed in compliance with this Ordinance prior to the commencement of any Drilling Project. The application package shall include all information specified in the application and any additional information required by the Community Development Director in order to conduct a thorough review of the proposed Drilling Project.	The draft language is deficient. It fails to provide any timeline for review and action by the Community Development Director. This issue is especially problematic given the Discussion Draft's overly expansive definition of "Drilling Project" which requires a permit for routine maintenance activity. Establishment of a firm timeline for review and approval is essential as FM O&G will need the full calendar year to implement any activities covered under the plan and will especially need timely approval to conduct maintenance activities. Absent the addition of sufficient timelines in the Discussion Draft and a change to the "Drilling Project" definition FM O&G believes its vested and mineral rights will be adversely impacted.
4.B.1	Permit Application and Renewal Fees. 1. The Operator shall pay to the City: a. A fee for the processing of the Comprehensive Drilling Plan. b. A fee for the processing of each Annual Drilling Plan. c. A permit fee for the Drilling Use Permit or transfer of ownership, payable at the time of filing the application.	The number of administrative processing fees required by the Discussion Draft are excessive and unjustified. The draft ordinance requires FM O&G to maintain a draw down account to underwrite the City's administrative costs, but also requires separate fees to be paid for each submittal. By law the administrative fees for administration of all the anticipated regulatory and permitting functions should be tied to the actual costs of those activities. If the City desires to recover the administrative costs through accessing a draw down account, the individual plan and permit fee costs should be eliminated. If the City desires to underwrite its administrative processes on a per submittal fee process, the draw down account should be eliminated. For transparency purposes, FM O&G requests that the ordinance require the City to provide the operator an annual estimate of its true administrative costs for processing permit related submittals and should revise its permitting fees or draw down account requirements accordingly on an annual basis. The ordinance should further allow for auditing opportunities to assist the City and FM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight.
4.B.2	The fees set forth in this Section shall be established by a resolution of the City Council per Section 9.G.	The number of administrative processing fees required by the Discussion Draft are excessive and unjustified. The draft ordinance requires FM O&G to maintain a draw down account to underwrite the City's administrative costs, but also requires separate fees to be paid for each submittal. By law the administrative fees for administration of all the anticipated regulatory and permitting functions should be tied to the actual costs of those activities. If the City desires to recover the administrative costs through accessing a draw down account, the individual plan and permit fee costs should be eliminated. If the City desires to underwrite its administrative processes on a per submittal fee process, the draw down account should be eliminated. For transparency purposes, FMOGFM O&G requests the ordinance require the City to provide the operator an annual estimate of its true administrative costs for processing permit related submittals and should revise its permitting fees or draw down account requirements accordingly on an annual basis. The ordinance should further

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
		allow for auditing opportunities to assist the City and FMOGFM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight.
4.B.3	All permit fees, as required in this Ordinance, shall constitute a lien on the premises where the drilling is occurring to the extent of the Operator's interest therein.	FM O&G questions the legality and need for this requirement and urges the City to delete the language from the draft ordinance. The City has the ability to compel permit related payment by simply refusing to process any submittals until the appropriate fees are submitted or funds are submitted to the draw down account. We are unaware of any other fee in the City that acts as a lien on private property.
4.C	Plans, Permits and Environmental Conditions. As a condition of approving any Comprehensive Drilling Plan or Annual Drilling Plan, or granting any Drilling Use Permit, the City Council or Community Development Director, as applicable, may modify any of the requirements, standards, thresholds or mitigation measures of this Ordinance, or plan or study required by this Ordinance, or impose additional requirements, standards, thresholds or mitigation measures as determined by the City Council or Community Development Director, as applicable, to be necessary to adequately protect the public health and safety and the environment from Oil Operations. The City Council or Community Development Director, as applicable, may also determine that certain requirements, standards, thresholds or mitigation measures in this Ordinance should be waived or lessened in order to avoid unintended environmental impacts.	The Discussion Draft provides the City Council carte blanche authority to amend the terms of the ordinance arbitrarily through "conditions" it attaches to the "Comprehensive Drilling Plan" or other submittals. This kind of vague reserved authority is not a permissible. The standards for issuing permits must be clearly defined. In the absence of a factually demonstrable nuisance, danger to public health or safety, violation of law supported by substantial evidence, new conditions cannot be imposed on existing, vested operations. Critically, the public processes stemming from the County of Los Angeles' unprecedentedly broad Community Standards District demonstrate that there have been no health or safety such threats stemming from the existing operations at the Oil Field. We have no reason to believe that the results will be different in the portion of the oil field that falls within the City's jurisdiction. , FM O&G also has concerns for the disregard of the public approval process that accompanies this type of policy proposal. Allowing the City to arbitrarily impose operating limitations on FM O&G that may or may not be inconsistent with the approved ordinance provides FM O&G no regulatory certainty and makes it difficult to plan and execute our business. The ordinance is intended to establish the regulatory "rules of the game" for FM O&G and all stakeholders and should not be arbitrarily dismissed. FM O&G urges that this language be significantly revised or deleted from the Discussion Draft.
4.D.1	The Comprehensive Drilling Plan shall be reviewed and approved by the City Council in accordance with the Findings set forth in Section 5.	The review standards are generic and vague and provide no guidance as to how long the Community Development Director and City Council have to act on the proposed plan. Furthermore, the language suggests that these approvals are all subject to environmental review under CEQA for the purposes of establishing the appropriate mitigation measures under subsections B and C of this section. However, the City has not provided clarity as to the anticipated form of the environmental review. The proposals in the Discussion Draft suggest that this ordinance will require preparation of an EIR, and that under CEQA environmental review cannot be deferred until the drilling plan or permit stage. Environmental impacts should be assessed as early in the planning process as possible. Even if the City requires future discretionary plans or permits, it does not negate the requirement for comprehensive CEQA review of this ordinance. We believe that the EIR prepared

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
		for the County's CSD would be a good foundation for any environmental analysis, that the analysis of the ordinance should cover the whole of the future anticipated actions, and that the environmental analysis for the ordinance should support the approval of future drilling plans and issuance of future permits.
4.D.2	All Annual Drilling Plans shall be reviewed and approved by the Community Development Director in accordance with the provisions set forth in Section 31.	The proposal for the "Annual Drilling Plan" lacks language that allows plan amendments to be filed if new information is gained during the course of a single year. Absent the ability to file amendments and secure timely approvals, FM O&G's business interests would be severely impacted as the company would be forced to delay its development activities as opposed to having the flexibility to refine and adjust its plans. The draft's requirement that the annual plan must be submitted "at the beginning of the year" is also problematic. FM O&G recommends that the ordinance allow for the plan to be delivered in advance of the calendar year it covers in order to ensure the Community Development Director has sufficient time to review the plan and FM O&G has the full calendar year to implement the drilling activities. Finally, the draft language is deficient in the sense that it fails to provide any timeline for review and action by the Community Development Director. Establishment of a firm timeline for review and approval is essential as FM O&G will need the full calendar year to implement any activities covered under the plan. FM O&G urges the City to address each of these issues in any future drafts of the ordinance.
4.D.3	All Drilling Use Permits shall be reviewed and approved by the Community Development Director in accordance with the provisions of this Ordinance.	The draft language is deficient in that it fails to provide any timeline for review and action by the Community Development Director. This issue is especially problematic given the Discussion Draft's overly expansive definition of "Drilling Project" which requires a permit for routine maintenance activity for existing uses. Establishment of a firm timeline for review and approval is essential as FM O&G will need the full calendar year to implement any activities covered under the plan and will especially need timely approval to conduct maintenance activities. Absent the addition of sufficient timelines in the Discussion Draft and a change to the "Drilling Project" definition FM O&G believes its vested and mineral rights will be adversely impacted.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
4.D.4	No Drilling Use Permit shall be issued, nor shall any construction permits be issued, until all permit fees are paid in full, and all existing Oil Operations are in substantial compliance with all conditions of existing Drilling Use Permits and all provisions of this Ordinance.	The proposed language creates significant legal questions relative to jurisdiction because the definition of "Oil Operations" does not incorporate the defined term "Oil Field". The language also creates legal questions relative to FM O&G's vested rights because the ordinance lacks clarity whether FM O&G would be required to remove or alter existing facilities and pumping units as a condition of securing an approved permit.
5	The Comprehensive Drilling Plan may be approved, with or without conditions, only after first making all of the following findings, and any additional findings as determined by the City Council to be necessary to protect the public health, safety and welfare, and the environment. A. The Comprehensive Drilling Plan is consistent with the provisions of this Ordinance and all other applicable provisions of the CCMC. B. Reasonable and feasible measures were identified and required to reduce and minimize potentially significant impacts from the Oil Operations. C. The Oil Operations described in the Comprehensive Drilling Plan will not be detrimental to the public interest, health, safety, or general welfare, or the environment, or injurious to persons, property, or improvements in the vicinity of and areas surrounding the Oil Field.	The review standards are generic and vague and provide no guidance as to how long the Community Development Director and City Council have to act on the proposed plan. FM O&G believes that drilling plans and permits which are consistent with the previously approved plans should be ministerial to avoid an endless process with no discernible benefit but delay. If appropriate mitigation is determined through the ordinance adoption process, then these mitigation conditions could be attached to future permits issued in accordance with the ordinance. So long as the Plan is consistent with the Ordinance, we do not understand the need for further findings.
6.A	No Drilling Use Permit issued pursuant to this Ordinance may be assigned or otherwise transferred by the Operator without first obtaining consent to the proposed assignment or transfer from the Community Development Director. In the event the Operator desires to transfer its rights to a new Operator, the Operator shall notify the Community Development Director of the proposed transfer, and shall submit in writing the following information: (1) the name and address of the proposed new Operator, (2) the Operator's interest in the Drilling Project, (3) the proposed date of the transfer, (4) the name, address, phone number and email address of the proposed new Operator's agent designated for service of notices, (5) written acknowledgement by the proposed new Operator that it will be bound by, and will comply with, all provisions of this Ordinance and all conditions imposed in connection with any permits, consents or approvals granted pursuant to this Ordinance, and (6) information from the proposed new Operator that will satisfy the financial responsibility required by this Ordinance.	FM O&G does not believe the City should have the right to intervene in a private business transaction if FM O&G elects to sell its interest in the oil field in the future. While providing notice to the City of the change in any ownership of the oil field is reasonable and prudent, putting the City in a position of power to approve or reject the sale creates the potential for legal interference with FM O&G's rights. The approval related authority is further unnecessary in light of the reality that any operator that succeeds FM O&G's interests in the oil field would be subject to the City's ordinance and all permit requirements. Should the new operator fail to comply with City's regulations the City would have the appropriate sanction authorities at its disposal.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
6.B	Prior to the Community Development Director's consideration of an assignment, a new application for a Drilling Use Permit shall be filed and the new Operator shall be required to comply with all conditions and requirements, which are in effect at the time of assignment.	This provision is inconsistent with 6.A and lacks clarity as to the intent. If all permits are transferred to the new operator as required by 6.A, why would new permits subsequently be required? Furthermore, as drafted the language infers that the new operator would need to submit new permits for every previously permitted activity. This is especially problematic in light of the Discussion Draft's definition of "Drilling Project". For example, would the new operator be required to apply for a new permit to cover the previous maintenance work done to a well? Such an exercise would overwhelm the resources of the City and would create unnecessary legal questions related to vested rights if the City failed to automatically renew every previously issued permit. FM O&G urges the City to revise this section in accordance with the changes recommended to 6.A.
6.D	As a condition to receiving approval for a transfer, a prospective new Operator must demonstrate, to the satisfaction of the Community Development Director, a complete understanding of and ability to fully comply with all provisions of this Ordinance (including but not limited to an ability to comply with all of the insurance, indemnification and other financial responsibility requirements). No later than 90 days after the assignment or transfer, the new Operator shall provide the Community Development Director with evidence that all new Operator's personnel have received training and are capable of fully complying with all safety and environmental protection requirements.	The proposed language infers that every employee of the new company operating the oil field, irrespective of whether the employee's duties require them to be in the active oil field setting, would be required to demonstrate understanding of the City's ordinance requirements. This would be especially problematic in the case of a company that might have employees in multiple states or countries around the world. FM O&G does not believe this was the intent of the proposed draft and encourages the City to clarify the language so that it is tailored strictly to requiring training for employees whose duties are directly relevant to daily operation of the oil field.
6.E	The Community Development Director may impose reasonable conditions in connection with any approval of a proposed assignment or transfer, and any such approval will not be effective unless and until the proposed new Operator(s) accepts such conditions in writing.	The Discussion Draft provides the City Council carte blanche authority to amend the terms of the ordinance arbitrarily through "conditions" it attaches to the "Comprehensive Drilling Plan" or other submittals. FM O&G has serious concerns with the legality of this concept as it relates to our vested and mineral rights. FM O&G also has concerns for the disregard of the public approval process that accompanies this type of policy proposal. Allowing the City to arbitrarily impose operating limitations on FM O&G that may or may not be consistent with the approved ordinance, provides FM O&G no regulatory certainty and makes it difficult to plan and execute our business. The ordinance is intended to establish the regulatory "rules of the game" for FM O&G and all stakeholders and should not be arbitrarily dismissed. FM O&G urges that this language be significantly revised or deleted from the Discussion Draft.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
7.A	The Operator shall prepare a Condition Compliance Plan that details how and when measures will be implemented to ensure effective implementation of all requirements of this Ordinance. Within 30 days of the approval of each Annual Drilling Plan, the Operator shall submit a Condition Compliance Plan to the Community Development Director for review and approval. The following provisions should also be addressed....	The “Condition Compliance Plan” requirement creates unnecessary paperwork for both the City and FM O&G. Annual submittals are excessive and unnecessary. The proposed language also lacks detail as to how quickly the Community Development Director is required to take action to review and approve the proposed plan.
7.A.2	The Operator shall comply with all timelines and review procedures identified in the Condition Compliance Plan. If specific timelines cannot be met as approved, the Operator shall not proceed until it has reached an agreement with the City on the best approach for implementing a requirement of this Ordinance or the Condition Compliance Plan.	The proposed language states that the operator "shall not proceed" unless it can meet the timelines outlined in the “Condition Compliance Plan”. The language lacks clarity however as to the intent of this requirement. For example, would the operator be required to shut down all production operations while implementing the Condition Compliance Plan? The confusion is further compounded by the vested rights legal questions created by the proposed language in Section 1.E and other sections that are unclear as to whether permits may not be issued unless FM O&G makes alterations to certain facilities in order to comply with the new ordinance conditions. FM O&G encourages the City to revise the section to address these issues appropriately.
7.A.3	The Condition Compliance Plan shall be updated as necessary and submitted to the Community Development Director for approval. The Operator shall respond to any request for additional information within 30 days of receiving such request, unless extended by the City.	The proposed language states that the operator "shall respond to any request for additional information…" It appears the intent is to require the operator to respond if the Community Development Director requires additional information; however the proposed language lacks clarity. As drafted, the language could infer that nonresidents could file questions with the City in an effort to harass the operator and FM O&G would be obligated to spend additional resources responding to inquiries that may or may not reflect questions held by the City. Furthermore, while the proposed language imposes a firm response timeline on the operator, no such timeline for action is imposed on the Community Development Director which could lead to the process being drug out in an open ended fashion for an extended period of time. FM O&G believes this section should be clarified on both counts.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
7.A.4	At the City's discretion and on a project-by-project basis, the City may require the Operator to fund one or more persons to monitor compliance with this Ordinance (hereafter "On-Site Monitor"). The number of On-Site Monitors shall be determined by the City and shall take into account the scope of the project. The On-Site Monitor(s) shall be selected by, and shall report to, the Community Development Director. The responsibilities of the On-Site Monitor(s) shall include....	FM O&G believes there are a number of critical issues with this section that must be addressed and corrected. First, the proposed language does not include a requirement that requires the On Site Monitor to be qualified, knowledgeable, or certified in oil and gas production operations. Second, the language does not give FM O&G the right to work with the City in reaching mutual agreement on the qualifications and selection of the On Site Monitor. Safety is a top operational priority for FM O&G and, for the safety of the public and our workforce, we cannot allow on field access to any individual that lacks the proper credentials and training. Finally, it is important to reiterate that while approximately 10% of the surface area of the Inglewood Oil Field falls within Culver City's jurisdiction, the entire oil field operates as a single facility. The Inglewood Oil Field is unique in the sense that it is already subject to oversight by a third party Environmental Compliance Coordinator that is retained by L.A. County. No other urban oil field in L.A. County or the State of California is subject to this type of oversight. The proposed ordinance language however does not explicitly direct the City to coordinate with L.A. County on this third party oversight function. Failure to coordinate creates the potential for inconsistent oversight and confusing reports. FM O&G believes the City must give serious consideration to creating consistency in its regulations with other regulatory agencies so as to avoid unnecessary confusion and regulatory conflict.
7.A.4.b	Ensuring the Operator and all employees, contractors and other personnel has knowledge of and are in compliance with all applicable provisions of this Ordinance	The proposed language needs to be clarified. Only personnel working in the oil field setting should be subject to the proposed training and verification requirements. As drafted the language could be interpreted to suggest that clerical staff in the administrative office building must be fully knowledgeable of the ordinance conditions.
7.A.4.c	Evaluating the adequacy of drilling and/or construction measures, and proposing improvements to the Operator and their respective contractors, and the City	This requirement validates FM O&G's comments relative to proposed Section 7.A.4. Unless the On Site Monitor has the proper professional experience and credentials it is impossible for them to be qualified to "propose improvements" to the operator. Serious safety concerns would be created if untrained individuals were empowered to impose drilling and operation related conditions on FM O&G's operations.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
8.A	A Drilling Use Permit shall expire 90 days from the date of approval if actual drilling operations have not commenced, unless otherwise specified in the Permit.	The 90 day permit life is too short and reflects a lack of understanding about the reality of FM O&G's operations at the Inglewood Oil Field. Unless revised the limited permit life will create serious impacts on FM O&G's ability to conduct even routine maintenance operations based on the proposed definition of "Drilling Project". FM O&G does not believe the proposed extension process in 8.D provides the planning certainty that is required to safely conduct our operations. Permits of this nature are typically good for one to two years. DOGGR provides operators the option to extend the term of a drilling related permit up to one additional year based on the realities of our industry. Providing the operator up to a year to act on the permit is essential as it allows for proper planning and transitioning from one activity to another, thus reducing the potential for safety or environmental issues to occur. Since the proposed ordinance lacks any guidance on how quickly the Community Development Director must act on plan and permit submittals, FM O&G is literally being asked to make guesses for the purposes of planning its business. To take advantage of a permit with an artificially short life span, FM O&G's personnel would literally be required to "drop everything" and redirect resources or risk losing the permit. Creating this type of rushed environment promotes unsafe practices from a safety and environmental protection standpoint and is unnecessary. FM O&G would likely be forced to forgo action on the permit out of operational prudence rather than risk conducting unsafe business practices, thus incurring artificially manufactured impacts on our vested and mineral rights. FM O&G recommends the permit life be extended in line with other well established regulatory standards.
8.B	If drilling or other substantial work on a well ceases for a period of 180 days, as determined by the Community Development Director, Operator shall abandon the drilling and the Drilling Use Permit for that well shall expire.	The proposed language requires clarity on multiple levels. First, it is unclear whether the operator would have the right to apply for a new permit to continue drilling the well in question, or whether the operator would forever be precluded from continuing to drill the well. Second, FM O&G is unclear what is intended by the use of the term "substantial work". As drafted, the language could be interpreted that the Community Development Director could force the operator to shut in a well if they have not applied for some sort of maintenance permit every 180 days. FM O&G does not believe this was the City's intent and requests the language be clarified.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
8.C	Reactivation of an abandoned well shall require the filing and approval of a new Drilling Use Permit application by the Community Development Director.	The operation of oil wells is the exclusive regulatory jurisdiction of DOGGR. The regulatory field in this regard is already fully occupied and the proposed language creates legal issues relative to regulatory encroachment. Furthermore the City's proposed definition of "Abandoned" differs from DOGGR's established definition. For the purposes of regulatory consistency FM O&G encourages the City to revise its proposed definition. Finally, requiring the operator to seek approval from the City to operate an existing well in place creates additional legal questions relative to FM O&G's vested and mineral rights. FM O&G believes this proposal should be deleted to avoid any unnecessary questions.
8.D	A time extension for the expiration period set forth in Subsections 15.14.035.A and 15.14.035.B, herein above, may be requested in writing by the Operator, accompanied by the required filing fee. The burden of proof is on the Operator to establish, with substantial evidence, that the Drilling Use Permit should be extended. Upon determination that the Operator has made a good faith effort to commence actual drilling operations, the Community Development Director may extend the time to establish an approved Drilling Use Permit.	The proposed standard for extending a drilling use permit is vague and entirely subject to discretion. FM O&G is unclear what body of "substantial evidence" would satisfy the Community Development Director if external political forces seek to challenge each and every permit. This issue can be largely rectified if the permit time of life is revised to be consistent with standard and well established regulatory practices.
8.E	A Drilling Use Permit may be revoked or modified by the Community Development Director in reliance on written or oral testimony or other information which, by a preponderance of evidence, shows it is in the interest of the public health, safety or general welfare or for the protection of the environment, to revoke or modify the Permit.	The proposed standard for rescinding the permit is vague and entirely subject to discretion. Furthermore, the lack of standards would potentially create operational havoc for FM O&G based on the overly broad definition of "Drilling Project". FM O&G is unclear what guidelines will drive the Community Development Director's "preponderance of evidence". Furthermore, requiring the Community Development Director to evaluate rescinding a previously issued permit on the basis of "oral testimony or other information" establishes an extremely low bar and guarantees that the Director will be asked to reconsider each and every permit. The proposed language lacks clarity for instance on whether the "oral testimony" must even come from a resident of Culver City, or if anyone can file a request to rescind a permit based on some vague concern. In the absence of a factually demonstrable nuisance, danger to public health or safety, violation of law, supported by substantial evidence, impairment of FM O&G's vested rights is not allowed by law. Any attempt by the City to interfere with that vested right would be subject to judicial review using an "independent judgment" evaluation and the Court must issue a writ of mandate if the agency findings and actions are not supported by the weight of the evidence. The revocation process, as proposed, creates serious legal questions as to whether FM O&G's vested rights will be properly protected in the permitting process.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
8.E.1	The Community Development Director shall hold a public hearing to determine if the Permit granted in compliance with the provisions of this Ordinance should be revoked or modified. Written notice shall be mailed at least 21 days before the public hearing to the Operator and property owner, as identified in the records of the Los Angeles County Assessor, unless a more current source of this information is known.	Given the loose standards proposed Section 8.E, this section guarantees that the City's resources will be overwhelmed with holding public hearings on the basis of unsubstantiated claims. By dictating the Director "shall" hold a public hearing it eliminates the ability of the Director to make reasoned judgment calls on whether a challenge to a permit has any merit. Based on the overly broad definition of "Drilling Project" and how the language in this section is drafted it is feasible to believe that every single permit to conduct routine well maintenance would be challenged by activist groups in an attempt to grind daily operations to a halt. The problems with this proposed process are further compounded in light of the 90 day permit life proposed in Section 8.A. It is unclear whether the permit life will be extended while the public hearing process is being conducted, or if the 90 day clock will continue to run while the process is playing out. This procedural ambiguity should be clarified.
8.E.3	Upon notification to the Operator and property owner of a revocation or modification hearing, the Drilling Use Permit shall be automatically suspended. When necessary, in order to protect public health or safety or the environment, an authorized City official may order all or any portion of the operations formally authorized by the Drilling Use Permit, to cease during the time of suspension.	In the absence of a factually demonstrable nuisance, danger to public health or safety, violation of law, supported by substantial evidence, impairment of FM O&G's vested rights is not allowed by law. The language suggests that notification of a hearing is all that is needed to suspend operations. This is inconsistent with long-established principles of vested rights and due process.
9.A.1	The Operator shall maintain an account with the City from which actual costs will be billed and deducted for the purpose of expenses involved in the City's review, processing, assessment, monitoring and enforcement of the Drilling Use Permit (hereinafter "Draw-Down Account")	The number of administrative processing fees required by the Discussion Draft are excessive and unjustified. The draft ordinance requires FM O&G to maintain a draw down account to underwrite the City's administrative costs but also requires separate fees to be paid for each submittal. By law the administrative fees for administration of all the anticipated regulatory and permitting functions should be tied to the actual costs of those activities. If the City desires to recover the administrative costs through accessing a draw down account, the individual plan and permit fee costs should be eliminated. If the City desires to underwrite its administrative processes on a per plan/application submittal fee process, the draw down account should be eliminated. For transparency purposes, FM O&G recommends that the ordinance require the City to provide the operator an annual estimate of its true administrative costs for processing permit related submittals and should revise its permitting fees or draw down account requirements accordingly on an annual basis. The ordinance should further allow for auditing opportunities to assist the City and FM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
9.A.2	The Draw-Down Account will be used for covering the expense of verification of the information contained in any required applications or reports, enforcement, permitting, audits, mitigation monitoring, undertaking studies, research and inspections, administrative support, fire training and equipment, the hiring of independent consultants, and the fully burdened cost of time spent by City employees on such matters, as those costs are defined in the City's User Fees and Charges schedule as adopted by resolution of the City Council.	As noted in previous comments FM O&G believes the fee and draw down account concepts are excessive and lack appropriate justification. FM O&G recommends the ordinance add language that requires the City provide the operator a full accounting of annual costs to assist in establishing a cost based framework that is transparent and fact based. The ordinance should further allow for auditing opportunities to assist the City and FM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight.
9.A.4	Withdrawals from the Draw-Down Account must be approved by the City's Chief Financial Officer	FM O&G recommends that language be added that requires the City to provide the operator notice of when withdrawals are being made and a record of the full amount that is being withdrawn. Addition of this language will improve the public transparency of the process.
9.B	Bond and Insurance Requirements. No Drilling Use Permit shall be issued pursuant to this Ordinance, unless the Operator has complied with and satisfied all bond and insurance requirements established by resolution of the City Council, which may be periodically updated. These insurance requirements shall be in addition to all other indemnification, insurance and performance security required by federal, state, and local regulations and permits.	The State of California already requires oil field operators to maintain a bond by statute. The required bonding levels are stipulated by statute. FM O&G believes the existing bonding levels should be taken in to account as the City evaluates additional obligations. FM O&G requests the City consult with FM O&G in developing any requirements and mandated bonding and insurance levels relative to this section as there are common misperceptions about the type of insurance policies and performance bonds that may or may not be available. FM O&G should not be required to obtain a type of insurance policy that may not exist or at levels that may be wildly inflated for pure political optics.
9.C.1	Operator, and any approved assignee and transferee, shall indemnify, defend (with legal counsel approved by the City) and hold harmless the City, and its elected and appointed officials, officers, employees, agents, contractors and consultants from any and all claims, demands, actions, judgments, damages, injuries, losses, lawsuits and liabilities, including court costs, judgments and attorneys' fees, arising from or in any manner connected to: (a) the approval of the Drilling Use Permit; and (b) construction, implementation or operation of the Drilling Project covered by the Drilling Use Permit and any Oil Operations, or activities related thereto.	This provision should only apply to the Operator. If there is a transfer, the transferee would become the Operator under the permit and succeed to the indemnity. This section also highlights the need to revise the proposed definition of "Oil Operations". The term lacks any tie to the defined term "Oil Field" and creates legal questions as to whether indemnity requirements (which cover "Oil Operations" extend to issues or claims that occur outside the City's jurisdiction.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
9.C.2	Operator shall be jointly and severally responsible for the investigation, assessment, removal, treatment and remediation (collectively, "Remediation") of any substance, including, but not limited to, petroleum substances and hazardous substances (as defined in 42 U.S.C. Section 9601(14), discharged, dispersed, released, or escaped into soils, water or groundwater from or in connection with any Drilling Project, or the Oil Operations. Such Remediation shall be conducted in full compliance with all applicable City, county, regional, state and federal laws, ordinances, rules, regulations, requirements, directives and orders whatsoever, present or future, and at Operator's sole cost and expense. If Operator fails to take any action required pursuant to this Section, the City may, but shall not be obligated to, take all actions it deems appropriate with respect to the discharged, dispersed, released, or escaped substance. Operator shall reimburse the City for all expenses reasonably incurred in connection with their above described actions including, but not limited to, all direct and indirect costs relating to the Remediation. Operator's obligations under this Section extend to all properties impacted by Operator's Drilling Project, Oil Operations and other activities related thereto.	This section also highlights the need to revise the proposed definition of "Oil Operations". The term lacks any tie to the defined term "Oil Field" and creates legal questions as to whether the proposed requirements are intended to extend to issues or claims that occur outside the City's jurisdiction. The proposed language creates significant legal questions relative to encroachment if the City attempts to "take all actions it deems appropriate" with respect to incidents that occur outside it's jurisdictional boundaries. The required "Remediation" is multi-jurisdictional and the actions being called for are redundant to those agency regulations. Generally coordination is performed by the CUPA, though it isn't clear if a whole new structure/program is being proposed.
9.D	Written Consent Requirement. Prior to the issuance of any Drilling Use Permit, a covenant and agreement, on a form provided by the Community Development Director and in form and substance acceptable to the City Attorney, acknowledging and agreeing to comply with all terms and conditions established herein, shall be signed by the Operator and recorded in the County Recorder's Office. The covenant and agreement shall run with the land and shall be binding on any subsequent owners, and tenants or occupants of the Oil Field. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Community Development Director. Such agreement shall include indemnity obligations consistent with the terms set forth in Sections 15.14.040(C)(1) and 15.14.040(C)(2) above.	This section is unnecessary as the operator has the legal obligation to be in compliance with the terms of the ordinance and any permit regardless of whether they sign a consent agreement or not. Section 11.A of the proposed ordinance directly stipulates as much. Recordation of multiple covenants serves no legitimate purpose. FM O&G encourages the City to streamline the ordinance by removing unnecessary requirements that have been added strictly for political optics.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
9.E	Costs of Implementing Monitoring and Enforcing Conditions. The Operator shall be fully responsible for all reasonable costs and expenses incurred by the City or any City contractors, consultants, or employees, in implementing, monitoring, or enforcing this Ordinance, including but not limited to, costs for permitting, permit condition implementation, mitigation monitoring, reviewing and verifying information contained in reports and plans, undertaking studies, research and inspections, administrative support, fire training and equipment, emergency response and including the fully burdened cost of time spent by City employees on such matters. Funds from the Draw-Down Account may be used to pay for such costs.	As noted in previous comments FM O&G believes the fee and draw down account concepts are excessive and lack appropriate justification. FM O&G recommends the ordinance add language that requires the City provide the operator a full accounting of annual costs to assist in establishing a cost based framework that is transparent and fact based. FM O&G also believes that an annual cap should be established to define what constitutes the "reasonable" costs of regulations. The ordinance should further allow for auditing opportunities to assist the City and FM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight.
9.F	Penalty for Violation of Conditions. At the discretion of the Community Development Director, taking into account the nature of the violation, the Operator may be subject to an amount not less than $1000 or more than $10,000 per day per violation. A written notice with a description of the associated penalty and required timeframe for addressing the violation will be sent to the Operator in the event of a violation. The penalties set forth in this Section are not exclusive, but shall be in addition to any other remedies available for a violation of the CCMC.	The language lacks confirmation of FM O&G's appeal rights in the instances of a dispute concerning a proposed penalty. The language further lacks any language that limits penalty amounts to the amounts "authorized by State law". FM O&G requests the ordinance be clarified on both counts.
9.G	Schedule of Fees. The City may, from time to time, adopt a schedule of fees to be charged to the Operator for various activities that will be undertaken by the City pursuant to this Ordinance, including, but not limited to, the processing of Comprehensive Drilling Plans, Annual Drilling Plans and Drilling Use Permit applications as set forth in Section 4, Abandonments, review of plans and studies and annual inspections of Well sites and other equipment.	The number of administrative processing fees required by the Discussion Draft are excessive and unjustified. The draft ordinance requires FM O&G to maintain a draw down account to underwrite the City's administrative costs, but also requires separate fees to be paid for each submittal. By law the administrative fees for administration of all the anticipated regulatory and permitting functions should be tied to the actual costs of those activities. If the City desires to recover the administrative costs through accessing a draw down account, the individual plan and permit fee costs should be eliminated. If the City desires to underwrite its administrative processes on a per plan/application submittal fee process, the draw down account should be eliminated. For transparency purposes, FM O&G recommends that the ordinance require the City to provide the operator an annual estimate of its true administrative costs for processing permit related submittals and should revise its permitting fees or draw down account requirements accordingly on an annual basis. FM O&G also recommends that various sections dealing with fees and charges to the draw down account be consolidated for efficiency and clarity purposes. The ordinance should further allow for auditing opportunities to assist the City and FM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
9.H.1	The Planning Division shall conduct a comprehensive review of the provisions of this Ordinance at least every five years to determine if the provisions of this Ordinance are adequately protecting the public health, safety, and general welfare. Such reviews shall, among other things, consider whether additional provisions should be added, appended, or removed. A primary goal of the periodic review shall be to evaluate whether proven technological advances that would further reduce impacts of Oil Operations on neighboring land uses should be incorporated into the provisions of this Ordinance.	This section highlights the need to revise the proposed definition of "Oil Operations". The term lacks any tie to the defined term "Oil Field" and creates legal questions as to whether the proposed requirements are intended to extend the City's review to operations outside the City's jurisdiction. In FM O&G's view determinations on whether the City's ordinance needs to be updated should be limited to assessing the five year track record of operations within its jurisdictional boundaries. “Would further reduce impacts” is overly broad and subject to liberal interpretation without necessary constraints (economic, feasibility, reasonable, etc.). Further reducing potential impacts deemed insignificant (before or after mitigation), is arbitrary and capricious.
9.H.2	Each review shall include a report by the Community Development Director, which shall be prepared after public notice and opportunity for public comment. The report shall include a comprehensive analysis of the effectiveness of the provisions of this Ordinance, and shall review and consider enforcement activity, operational records, and any other issues relating to Oil Operations. The report, at the option of the City, may include a survey of the residents near the Oil Field regarding noise, odors, vibrations, and other issues requested by the Community Development Director. A draft of the report shall be provided to the public, the Operator for review and comment. All comments on the draft report from the public, the Operator shall be submitted to the Community Development Director in writing, and will be considered, if timely received, before the report is finalized. The final report shall include a recommendation as to whether the Community Development Director should prepare proposed amendments to this Ordinance for submission to the City Council.	The language provides the City the option to "survey of the residents near the Oil Field" on a wide variety of operational issues. The language should be clarified to specify that the City's survey will be limited to residents of Culver City. In FM O&G's view determinations on whether the City's ordinance needs to be updated should be limited to assessing the five year track record of operations within its jurisdictional boundaries. FM O&G should not be required to underwrite the City's costs for conducting surveys of communities outside its jurisdictional boundaries.
9.I	DOGGR Records. Operator shall provide to Community Development Director copies of all documents submitted to DOGGR regarding the Oil Field.	DOGGR maintains exclusive jurisdiction of all downhole related matters. As such, the regulatory field is already fully occupied. Is the intent of this requirement to receive copies of NOI’s or to literally receive copies of all correspondence with this agency, in which case the requirement is burdensome and invasive. The proposed requirement creates legal questions relative to preemption and jurisdiction.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
10.A	Operator shall be required to obtain the following construction and grading permits: A. A construction permit for the erection of any structure on the permitted premises. Plans of the derrick or structure to be erected must be submitted to the City's Building Safety Division prior to a permit being issued.	The requirement that FM O&G must secure a building permit for the purposes of erecting a temporary drilling, work over or maintenance rig indicates a lack of understanding about the realities of these temporary operations utilizing mobile equipment. FM O&G recommends the requirement be deleted as it creates unnecessary paperwork obligations for the City and FM O&G. Construction and building permits should be limited to "permanent" structures that are erected within the City's jurisdictional boundaries.
10.B	Operator shall be required to obtain the following construction and grading permits: B. A grading permit from the Department of Public Works for all grading, except as defined in the Grading Guidelines as adopted by the Los Angeles County Department of Public Works. Grading design and grading plan preparation shall conform to the requirements of the Los Angeles County Grading Guidelines. A site specific geotechnical investigation and hydrologic analysis may be required as described in Sections 15.14.115.B and 15.14.130, respectively.	The language is unclear as to whether the citations relating to 15.14.115B and 15.14.130 tie to existing City standards or L.A. County grading guidelines. Clarification is requested. For operational consistencies, FM O&G would simply note that L.A. County's grading standards currently apply to roughly 90% of the surface area within the Inglewood Oil Field.
11.A	General. The drilling, operation and maintenance of any well, and all other operations of the Operator, shall at all times be carried on in a lawful manner, in accordance with modern approved methods and practices, which protect the public health and safety and the environment.	This section highlights the lack of need for Section 9.D. FM O&G urges the City to delete unnecessary or redundant requirements for the purposes of facilitating regulatory efficiency.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
11.B	New Technology. Proven feasible technological improvements which are capable of reducing the environmental impacts of drilling and redrilling to surrounding uses, shall be promptly implemented to the extent such technology is commercially available. As part of the Annual Drilling Plan, in accordance with Section 31, Operator shall submit a Clean Technology Assessment identifying technologies which have been achieved in practice in North America which are capable of reducing impacts in the following areas: air quality (including without limitation electrified and natural gas-powered drill rigs), groundwater quality, spill and upset prevention and containment, odors, aesthetic, noise and climate change. Such technology shall be implemented in connection with wells identified in the Annual Drilling Plan unless Operator demonstrate the technology is not technologically feasible or is not commercially available.	The "New Technology" review requirement is open ended and overly broad. As drafted, the language infers that FM O&G must submit on an annual basis a summary of all new technologies being utilized across the industry on a national basis, regardless of whether the type of operations using these technologies resemble the type of operations that occur at the Inglewood Oil Field. The Inglewood Oil Field is a 100 year old operation. The operations have incorporated over time facilities and protections that are tailored to the specific nature of the development activity that occurs at the oil field. Many of these protections have been installed in place of protections or best management practices that are designed and implemented for production operations that are distinctly different than the Inglewood Oil Field. Furthermore, in most cases those actions have resulted in potential significant impacts being reduced to insignificance providing no nexus to further future mitigation lacking revision of significance levels. If the significance levels have changed, then the review requirement should be tailored more narrowly to drilling operations and new technology advancements in the area of new drilling and specifically to opportunities for utilization at the Inglewood Oil Field. Also, please revise the text as follows: “Proven reasonable and feasible technological improvements…”
11.C	Compliance with Laws and Regulations. The Operator shall comply with all applicable laws, regulations and standards of any local, state or federal agency related to drilling, redrilling, reworking and maintenance operations. In the event there are any inconsistencies between any such regulations and the provisions of this Ordinance, the more stringent requirement shall apply.	The proposed language lacks recognition that laws and standards evolve over time. FM O&G requests that the ordinance include language clarifying that the operations must comply with all laws, regulations and standards "in effect at the time of application submittal".
11.D	Nuisance Requirements. In the event the drilling or any work on the permitted premises is determined by the Community Development Director to be a nuisance as defined in Chapter 9.04 of the CCMC, the City shall provide 18-hours’ notice to the Operator that Oil Operations shall be suspended in a safe and controlled manner and such suspension shall continue for a length of time which is reasonable under the circumstances. Notwithstanding the foregoing, the City may require Oil Operations to be suspended immediately in the event that the City determines that such operations are causing an imminent endangerment to public health or safety.	The proposed "nuisance" related conditions lack appropriate due process for FM O&G to protect its vested rights. The standards for determining if a nuisance exists, or whether the operations should be suspended on the basis of "imminent endangerment to public health or safety" are entirely open ended and subject to discretion. FM O&G encourages the City to revise this section by incorporating more specific standards and processes that provide clarity and protect stakeholder rights.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
12.C	Fire Training and Equipment. Operator shall be responsible for costs and expenses incurred by the City, up to $25,000 annually (to be adjusted annually each July 1st to reflect the increase in the Consumer Price Index for all Urban Consumers, Los Angeles/Riverside/Orange County Area, as established by the U.S. Department of Labor for the period from March of the preceding year through March of the current year), for training and equipment, including hazardous materials training, oil well fire suppression and spill containment training, and other related specialized training and equipment as requested by the Fire Department. In accordance with the provisions of Section 9.A, the Draw-Down Account shall be used to fund such training and equipment when requested by the Fire Chief and approved by the City's Chief Financial Officer.	As noted in previous comments FM O&G believes the fee and draw down account concepts as proposed are excessive and lack appropriate justification. FM O&G recommends the ordinance add language that requires the City provide the operator a full accounting of annual costs to assist in establishing a cost based framework that is transparent and fact based. FM O&G also believes that an annual cap should be established to define what constitutes the "reasonable" costs of regulations. The ordinance should further allow for auditing opportunities to assist the City and FM O&G in assuring the fees are tied to the actual costs of processing the submittals and conducting regulatory oversight. Specifically in regards to the proposed fire training fees, FM O&G would note that the proposal ignores previous court rulings that found "fees or charges cannot be imposed for general gov. services that are avail. to the public at large, such as police, fire, and library services" (Taxpayers Ass'n, Inc. v. Santa Clara County Open Space Auth., 44 Cal. 4th 431 - 2008; Concerned Citizens for Resp. Gov. v. West Point Fire Protection Dist. 196 Cal. App.4th 1427, 1438 - 2011).
12.D.1	Fire Prevention Maintenance. The Fire Chief may require the immediate cessation of all operations of the Operator whenever, in his or her judgment, an extraordinary fire hazard exists.	The proposed language creates legal questions relative to jurisdictional encroachment by failing to incorporate the defined term "Oil Field". Furthermore, FM O&G believes the language should be "tightened up" as the standard for determining if an "extraordinary fire hazard exists" is entirely arbitrary and without guidance. In addition, the language lacks any guidance relative to FM O&G's due process rights for challenging a determination as to whether a hazard exists.
12.E	Audit of Fire Fighting Capabilities. The Fire Chief shall require an annual review and audit of fire-fighting capabilities as per the most recent NFPA requirements, California Fire Code, City Fire Code and Regulations, California Code of Regulations and API requirements. Issues addressed shall include, but not be limited to: fire monitor placements, fire-related water capabilities, fire detection capabilities and fire foam requirements. The audit shall also include a list of any current violations on record and a corrective action plan, which shall identify each non-compliance item or other matter to be addressed, describe the corrective action to be taken, and provide a timeline for the completion of each such corrective action. The audit results and corrective action plan shall be submitted to the Fire Chief for approval. The Operator shall submit to the Fire Chief monthly updates on the corrective action plan until such time as all corrective actions have been completed. The Operator shall complete any corrective action within the approved time limits called for in the plan.	The proposed draft lacks language that specifies the operator has the obligation to choose the 3rd party contractor subject to the approval of the Fire Department. This is standard practice and FM O&G recommends the language be added to the proposed ordinance. Audits should be required on a five year basis as opposed to annually. Scheduling the audits on a five year basis is more consistent with standard practices and will create administrative efficiencies for both FM O&G and the Fire Department. The proposed language differs from existing regulatory conditions currently imposed on the majority of the Inglewood Oil Field. For efficiency purposes and to reduce the potential for regulatory confusion FM O&G encourages the City to review the existing regulations pertaining to fire protection audits and to establish consistency to the greatest extent possible.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
12.F.1	The Operator shall conduct annual spill containment response training and shall at all times have available onsite sufficiently trained personnel with an adequate amount of properly maintained equipment and/or facilities so that a spill of the entire contents from the largest oil tank on the Oil Field can be responded to and contained immediately to reduce the likelihood that the spill reaches a catch basin. The content of the spill containment response training shall, at a minimum, include training for the recording of spill events (e.g. date and location of spill, resources deployed to respond, and containment timeframe). The spill containment equipment shall comply with the requirements of the Local California Unified Program Agency and the EPA and be inspected by the Fire Chief to ensure that it will be effective in the event of a spill.	The proposed requirement is similar to existing regulatory conditions currently in place for the majority of the Inglewood Oil Field. FM O&G's predecessor company, PXP, has conducted training that meets the proposed regulatory condition every February since 2009. Since the entire oil field operates as one facility, for administrative efficiencies on the part of the Fire Department and FM O&G the proposed ordinance should allow training drills that occur anywhere within the confines of the Inglewood Oil Field and meet the intent of this condition to satisfy the condition. FM O&G also recommends that the word "onsite" be deleted from the first sentence of this condition in recognition of the reality that contract personnel and equipment may be used to assist in response to any spill event.
12.G	Emergency Response Plan (ERP). Within 180 days of the Effective Date, the Operator shall submit an ERP to be reviewed and approved or conditionally approved by the Fire Chief. The ERP shall include measures to protect biological species and to revegetate any areas disturbed during an oil spill or clean-up activities (see Section 29, Biological Resources). The Operator shall also ensure that the ERP satisfies all rules and regulations of the EPA, California Code of Regulations, SPCCP, the California Office of Spill Prevention and Response, and the US Department of Transportation relating to onshore pipeline spills. Any modifications to the ERP shall be submitted to the Fire Chief for review and approval. Operator shall fully implement and comply with all provisions of the approved ERP within 30 days following the approval of the ERP or at such later date as may be approved by the Fire Chief, for good cause shown. The Operator shall review and update the plan at least every two years to ensure the ERP is in compliance with this Section.	ERP documents are not typically "reviewed and approved" by local fire authorities. It is more typical for these documents to be submitted and maintained on file and for the EPA and OSPR to audit the documents. FM O&G urges that the proposed language be revised accordingly.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
12.I	Annual Emergency Response Drills. Annual Emergency Response Drills shall include the Culver City and Los Angeles County Fire Departments. The Operator shall demonstrate the effectiveness of the Emergency Response Plan (ERP) by responding to one planned emergency response drill per year which shall be conducted in conjunction with the Culver City and Los Angeles County Fire Department. Emergency response drills required by other agencies that involve Culver City and Los Angeles County Fire Departments can be used to satisfy this provision. In addition, the Operator shall demonstrate the effectiveness of the ERP by responding to not more than two unannounced drills each year, which may be called by the Fire Chief at the Oil Field. If critical operations are then underway at the Oil Field, the Operator need not respond to an unannounced drill to the extent such a response would, as a result of such critical operations, create an undue risk of personal injury or property damage, but in such case, the Operator must promptly explain the nature of the critical operations, why response is not possible, and when the critical operations will be completed.	FM O&G conducts multiple types of drills throughout the year at the Inglewood Oil Field including equipment deployment exercises and Incident Management Team (IMT) table top drills that the Culver City Fire Department regularly attends and observes. While the proposed language provides the City the option to call two additional unannounced drills per year, FM O&G would note that this requirement would add to the two unannounced drills per year the County Fire Department is authorized to call. FM O&G requests the ordinance include language that directs the Culver City Fire Department to coordinate with L.A. County prior to calling any unannounced drills.
12.J	Site Assessment. In the event of a spill, leak or discharge from a tank system, a site assessment shall be completed and submitted to the Fire Chief within 60 days of the spill leak or discharge, in accordance with the requirements of the California Fire Code.	The proposed language lacks clarity whether certain thresholds must be reached prior to FM O&G being required to conduct a Phase I or II Environmental Site Assessment. It is over kill, for example, for the ordinance to automatically require a Phase I assessment to be conducted in the case of a spill that falls below existing state reporting requirements. Furthermore, FM O&G the requirement creates questions about legal encroachment of authorities outlined in the State Fire Code and DOGGR's decommissioning regulations enforced via CCR 1722.8. FM O&G requests that the requirement be deleted in recognition of other regulatory requirements that occupy this space or, at a minimum be tiered to spills that exceed a certain identified level.
13.A	It shall be unlawful for any person, firm or corporation to construct or cause to be constructed, to use or cause to be used, or to maintain or cause to be maintained, any permanent sump or reservoir hereafter constructed or erected, for the purpose of storing petroleum or flammable liquids, unless such sump is constructed as follows:	Sumps can be integral facilities to oil field operations and are regulated by DOGGR. The proposed verbiage creates legal questions relative to whether the proposed standards encroach on DOGGR's regulatory authority. The use of the phrase "cause to be used" is confusing and needs to be clarified as to intent. Furthermore, the language lacks clarity whether the standards are intended to apply to the stormwater catch basin system that is currently in place and integral to controlling stormwater run-off from the oil field. The stormwater catch basin system is regulated by the Regional Water Quality Control Board. FM O&G recommends this section be deleted from the proposed ordinance to avoid unnecessary questions relative to jurisdictional encroachment. At a minimum, FM O&G believes it is essential to clarify that the standards are not intended to apply to the stormwater catch basin system.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
13.A.1 13.A.2 13.A.3 13.A.4	1. All earth sumps maintaining a fluid level more than one foot above the natural ground level at the lowest point shall have the inner sides entirely lined with not less than three inches of concrete or masonry construction; 2. The earth-filled walls of such sumps or reservoirs shall be constructed in such manner as will meet the requirements of the Public Works Director/City Engineer; 3. The level of the fluid of such sumps or reservoirs shall not be allowed or permitted or suffered, regardless of cause thereof, to rise above a point 12 inches below the lowest top point of the enclosing walls of each sump or reservoir, and such point shall be marked with a gauge or marker at least four inches square, located at a point accessible for gauging, and the top of such gauge shall not be below the top of each sump or reservoir; and 4. Temporary sumps may be constructed, maintained and used during the period of drilling a well for the normal purposes of mud usage or storage, walls of which shall be of substantial earth construction, and the fluid level of which shall not be allowed to rise above a point six inches from the top.	The use of the phrase "or suffered" in Section 13.A.3 is confusing and should be clarified for intent. The draft language limits lining options to concrete or masonry material which may not be preferable in all instances. The lining requirements should be tied to a performance based standard. Finally, the section suggests that the sumps will meet the requirements of the City Engineer and Public Works Director but FM O&G is unaware of any existing standards published by the City. The ordinance should include language that requires the Public Works Director to establish standards by a specified date or alternatively delete the requirement altogether and instead give FM O&G the flexibility to submit a proposal using Best Management Practices for the review of the Public Works Department should FM O&G consider installing a sump facility in the future.
13.B	The construction of all sumps or reservoirs shall meet the requirements of the Building Official.	The language lacks clarity whether the standards are intended to apply to the stormwater catch basin system that is currently in place and integral to controlling stormwater run-off from the oil field. The stormwater catch basin system is regulated by the Regional Water Quality Control Board. FM O&G recommends this section be deleted from the proposed ordinance to avoid any unnecessary questions relative to jurisdictional encroachment. At a minimum, FM O&G believes it is essential to clarify that the standards are not intended to apply to the stormwater catch basin system. Furthermore, the ordinance should include language that requires the "building official" to establish standards by a specified date or alternatively delete the requirement altogether and instead give FM O&G the flexibility to submit a proposal using Best Management Practices for the review of the Public Works Department should FM O&G consider installing a sump facility in the future.
13.C	It shall be unlawful for any person, firm or corporation to set fire to, or to burn, or to cause or permit any other person to set fire to or to burn, any petroleum or liquid with petroleum contents in any sump hole, open pool or reservoir, or to permit oil so situated on premises belonging to such, person, firm or corporation, to be burned.	The proposed language ignores the potential for incidents related to Acts of God or intentional acts of third parties. FM O&G recommends that the proposed language be tied to "intentional" or “authorized” acts. “It shall be unlawful for any person, firm or corporation to *intentionally* set fire to, or to burn, or to cause or ~~permit~~ *authorize* any other person to set fire to or to burn, any petroleum or liquid with petroleum contents in any sump hole, open pool or reservoir, or to permit oil so situated on premises belonging to such, person, firm or corporation, to be burned.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
13.D	All sumps that are used, installed, or maintained for use in connection with any well, and which have not been used for 90 days for the operation of the drilling, redrilling, reworking or maintenance of such well or any other well in the vicinity, shall be cleaned out, and all oil, rotary mud, and rubbish removed.	The proposed requirements encroach upon and conflict with DOGGR's AB 1960 regulations which apply to sumps and fully occupy the regulatory field. Furthermore the language lacks clarity whether the standards are intended to apply to the stormwater catch basin system that is currently in place and integral to controlling stormwater run-off from the oil field. At a minimum, FM O&G believes it is essential to clarify that the standards are not intended to apply to the stormwater catch basin system.
13.E	Each sump of any depth shall have a fence erected and continuously maintained that encloses the sump. This provision shall not apply to sumps that are attended at all times while drilling, redrilling, reworking and maintenance operations.	The proposed requirement is unnecessary in light of the reality that entirety of the Inglewood Oil Field, including the portion of the oil field within the City's jurisdiction, is already behind fencing. Furthermore the language lacks clarity whether the standards are intended to apply to the stormwater catch basin system that is currently in place and integral to controlling stormwater run-off from the oil field. The requirement should be deleted.
14	No Major Facilities shall be constructed within the City of Culver City. Construction activities shall be limited to those necessary for new production and injection wells and associated equipment (tanks, pipes, piping components, etc.) that are needed to support access to such wells and equipment, or as needed for emergency construction activities, such as repairs after earthquakes, floods, or landslides or other catastrophic events.	In order to efficiently and effectively develop the mineral estate of the Inglewood Oil Field, FM O&G needs to have the appropriate facilities, including those defined as "major facilities," which support our existing and intended oil production efforts. As such this prohibition on major facilities is not feasible and must be removed to avoid creating significant questions relative to FM O&G's vested and mineral rights.
15.F	Baseline Inspection. Prior to the operation of a newly constructed tank(s), an internal inspection of the tank(s) shall be conducted by the Fire Chief to establish baseline.	The purpose, need and nexus for this requirement needs disclosure
16.B	Storage tanks shall be located in conformity with the following table and as per NFPA 30 requirement, whichever is more stringent, with measurements to be taken from the shell of the tank. Where the configuration of the property will not permit the spacing requirements as identified on the following table, deviations from such requirement may be made on the written approval of the City's Community Development Director, Building Official and Fire Chief. Tank Capacity in 42-Gallon Barrels /Distance from Nearest Tank 1 to 266 / 2 feet 267 to 720 / 3 feet 721 to 1,600 / 5 feet 1,601 to 2,854 / 6 feet2,855 to 5,000 /7 feet	The proposed limitation on tanks sizes could cause operational issues in the future. We encourage the City to increase the proposed setbacks..

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
16.C	No activity that creates an open flame shall be conducted within 100 feet of a storage tank containing flammable liquids. Where the area under ownership or control of the person, firm or corporation proposing to install or maintain any such tank does not permit the 100 foot spacing, as specified above, the location of any such tank shall be designated by the Building Official and Fire Chief except that in no case shall the distance between any tank containing petroleum or any products, or any flammable liquids and a steam boiler or open flame be less than 25 feet.	Implementation of this policy is infeasible due to typical restraints within the oil field. There are times when FM O&G will need to weld closer than 100' to a tank containing oil. FM O&G's personnel are fully trained in conducting these types of activity and FM O&G maintains an internal permitting process to make sure welding work is tracked and authorized subject to strict conditions designed for each specific task. The requirement should be deleted.
16.D	No new storage tank shall be constructed closer than 500 feet from any Developed Area, or closer than 200 feet from a public road. No building shall be constructed within 50 feet of any oil storage tank. Whenever feasible, new tanks will be located such that they are not visible from residences, parks or other public areas. No tanks will be placed on ridgelines.	Restricting the placement of tanks on ridgelines is infeasible. Operational constraints at the Inglewood Oil Field may require a tank to be placed on ridgelines. Imposing this requirement will create significant constraints on FM O&G's ability to efficiently operate and develop its mineral rights.
17.B.1	All valves directly controlling the flow of flammable liquids from tanks shall be of the rising stem or self-indicating type, or other type commonly used in Oil Operations, which is equally adequate or efficient. This provision shall not apply to valves less than two inches in diameter.	This requirement should be deleted as rising stem valves are not typically used in oil field facilities.
17.C	Any system of piping connected to a positive acting pump shall be equipped with an automatic pressure relief valve or suitable means to relieve the pressure of any such system and prohibit such pressure from exceeding 125% of the normal safe working pressure of the piping system or pump, whichever is the lower pressure.	FM O&G is not familiar with the term "positive acting pump". Clarity is requested as to whether this is a reference to a surface pump only or is only inclusive of downhole pumps? If downhole, FM O&G questions the City's ability to include such a requirement due to DOGGR's occupation of the field of downhole regulations.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
18.A.1 18.A.2	It shall be unlawful for any person to use or cause to be used, or to maintain or cause to be maintained, any surface storage tank or containers located outside of any building, and in which flammable liquids, petroleum or its liquid byproducts, or liquefied petroleum gases are, or may be, placed or stored, unless such surface storage tank or container is surrounded by masonry or reinforced concrete walls, or dikes, so designed, constructed and maintained as to confine at least 110 percent capacity of the largest tank or container within such masonry or reinforced concrete walls or dikes consistent with NFPA 30 requirements. 1. Such walls or dikes shall be increased for each additional tank or container of smaller capacity located within the same vicinity by 10% of the capacity of such additional tank or container. 2. Such walls or dikes shall not be required for tanks of less than 2,000 gallons capacity, except where in the opinion of the Fire Chief and Public Works Director/City Engineer a hazardous condition exists.	FM O&G is not clear on the nexus for this requirement and would further note that the proposed requirement appears to encroach on DOGGR's regulatory authorities under AB 1960. Furthermore, FM O&G believes it is necessary to maintain the firm threshold in 18.A.2 as the phrase –"in the opinion of the Fire Chief and Public Works Director or City Engineer" leaves the regulatory requirement subject to inconsistent application and will create regulatory confusion. It would also appear that these more restrictive requirements are for urban setting, not open field like Baldwin Hills.
20	The Operator shall at all times conduct Oil Operations in a manner that minimizes risk of accidents and the release of hazardous materials in accordance with the best available technology and safety devices for the prevention of accidents. Operator shall give written notice to the Fire Chief and Community Development Director, as well as all other required authorities, of any and all accidents occurring as a result of Oil Operations or on the Oil Field site, within two working days of the accident. Failure to provide the required notice may result in revocation of the Drilling Use Permit in accordance with the provisions of Section 8. The Operator shall comply with the following provisions	The phrase "any and all accidents" needs to be clearly consistent with OSHA and other agency reporting requirements (i.e. spill reporting).

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
20.A	Blowout Prevention. Operator shall not drill a well without equipping such well with adequate blow out prevention equipment, installed and maintained as required by DOGGR and with all safety orders of the State Division of Industrial Safety for drilling and production. Upon cementing of the surface string of casing and prior to drilling out the shoe of said string, blowout prevention equipment, tested and approved by DOGGR, shall be installed in accordance with the most current DOGGR requirements. Such equipment shall be capable of being operated from the driller's station and from another remote station. Redrilling, reworking and maintenance operations shall be equipped with blowout prevention equipment at the onset of operations in accordance with the most recent requirements of DOGGR. Blowout prevention equipment shall be maintained in good condition and shall be required to be tested at intervals as requested by DOGGR. Blowout prevention flanges and kill valves at the casing head shall be kept free of fluids to allow for routine inspection at any time.	FM O&G questions the legality of the City's ability to adopt and implement this policy due to the DOGGR's full occupation of the field of such regulations.
20.B	Well Casings. Operator shall equip the well with casings of sufficient strength and with safety devices in accordance with DOGGR requirements.	FM O&G questions the legality of the City's ability to adopt and implement this policy due to the DOGGR's full occupation of the field of such regulations.
20.D	Belt Guards. Belt guards shall be required over all drive belts on drilling, redrilling, reworking and maintenance equipment. Guarding shall be in compliance with Title 8 of the California Code of Regulations, Section 6622, or as may be subsequently amended.	The source of this policy is from a mitigation measure identified in the CSD EIR related to drilling, redrilling and reworking. The proposed ordinance language however seeks to amend the established regulatory standard for the oil field by including maintenance equipment as well; therefore, providing no appropriate nexus to this requirement. We recommend revising the policy to remove the reference to maintenance equipment and to avoid creating regulatory confusion. As noted previously, despite the fact that roughly 10% of the Inglewood Oil Field lies within the City's jurisdiction the entire field operates as a single facility.
20.E	Secondary Containment for Oil. The Operator shall ensure that all existing oil tanks and all new tanks have secondary containment (berms and/or walls) that can contain at least 110 percent of the largest oil tank volume for as long as necessary to respond and clean up a tank spill, in order to reduce the likelihood of oil spills entering the retention basins. In the event the Public Works Director/City Engineer determines that it would be infeasible to provide 110 percent containment for a particular existing oil tank, the Operator shall provide containment at a level determined by the Public Works Director/City Engineer to be feasible.	Secondary containment requirements are within the purview of the EPA as well as DOGGR's AB 1960 regulatory authorities. The regulatory field is thus fully occupied. To avoid unnecessary legal questions relative to jurisdictional encroachment and to avoid regulatory confusion in the management of the oil field, FM O&G recommends this provision be deleted or at a minimum drafted to track directly with EPA and DOGGR regulations.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
20.E.1	All retention basins in the Oil Field or proposed basins shall be adequately sized, and maintained to handle a 100-year storm event plus a potential spill of the volume of the largest tank that would drain into each basin consistent with NFPA 30 requirements.	FM O&G requests clarity as to the applicability of the NFPA 30 requirement referenced in this policy. It is our understanding that the particular regulation deals with storage of flammable and combustible liquids and is not applicable to the field stormwater basins. Furthermore, this assessment has been previously conducted during environmental reviews of the entire oil field.
20.E.2	All above ground piping in the Oil Field that contains or could contain oil shall be protected by basins or secondary containment measures (berms and/or walls). All new piping shall be above ground and shall have alarm sensors or another comparable system for immediately detecting leaks. All above ground piping shall be visually inspected for leaks on a daily basis. All existing underground piping shall be tested for leaks on an annual basis. Any pipes found to be leaking shall be promptly replaced with new piping meeting the requirements of this Ordinance.	Secondary containment requirements are within the purview of the EPA as well as DOGGR's AB 1960 regulatory authorities. The regulatory field is thus fully occupied. To avoid unnecessary legal questions relative to jurisdictional encroachment and to avoid regulatory confusion in the management of the oil field, FM O&G recommends this provision be deleted or at a minimum drafted to track directly with EPA and DOGGR regulations.
20.F	Basins. All retention basins used in Oil Operations shall be adequately sited, inspected, maintained and operated to the satisfaction of the Public Works Director/City Engineer. The Operator shall demonstrate to the satisfaction of the Public Works Director/City Engineer that the retention basins in the Oil Field satisfy the 100-year storm event requirements of Subsection E.1.	The language lacks clarity whether the term "retention basins" is intended to apply to the stormwater catch basin system that is currently in place and integral to controlling stormwater run-off from the oil field. The stormwater catch basin system is regulated by the Regional Water Quality Control Board. FM O&G recommends this section be deleted from the proposed ordinance to avoid any unnecessary questions relative to jurisdictional encroachment. At a minimum, FM O&G believes it is essential to clarify that the standards are not intended to apply to the stormwater catch basin system. The language is unclear as to whether the term "retention basin" is intended to relate to the stormwater catch basins
21	The Operator shall at all times conduct Oil Operations in accordance with the best available technology, safety devices and measures for the prevention of the release, escape, or emission of dangerous, hazardous, harmful and/or noxious gases, vapors, odors, or substances, greenhouse gases, and shall comply with the following provisions:	Regulatory jurisdiction relative to greenhouse gases (GHG) and emissions are the exclusive purview of the California Air Resources Board (CARB and SCAQMD respectively. Accordingly the regulatory field is fully occupied. There are no BACT requirements for GHGs. FM O&G encourages that the language relative to GHGs needs to be struck. Furthermore, the entirety of the oil field complies with the permit and regulatory requirements of the SC AQMD and the district's relevant BACT requirements. FM O&G requests the proposed language be deleted in light of these existing regulations to avoid creating confusion and questions relative to legality.
21.A	Emission Offsets. The Operator shall obtain emission offsets or RECLAIM credits as defined and required by SCAQMD Regulations for all new or modified emission sources that require a new or modified SCAQMD permit. Proof of SCAQMD review and approval shall be submitted to the Community Development Director.	SCAQMD is responsible for enforcing their own regulations. The proposed requirement creates unnecessary paperwork obligations on the City and FM O&G and further creates legal questions relative to jurisdictional encroachment. The justification or need for this requirement is unclear and should be deleted.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.B	Odor Minimization Plan. Operator shall submit an Odor Minimization Plan to be reviewed and approved or conditionally approved by the Community Development Director. The Community Development Director may consult with the SCAQMD as needed in its review of the Plan. The Plan shall be designed to ensure public health and safety, provide detailed information about the Drilling Project(s), Oil Field and Oil Operations; specify the number, type and location of monitors that will be used; provide detailed information concerning the reliability of the instrumentation, frequency of calibration and other similar information; and address all issues relating to odors from Oil Operations. Matters addressed within the plan shall include setbacks, signs with contact information, logs of odor complaints, method of controlling odors such as flaring and odor suppressants, and the protocol for handling odor complaints. The Plan shall be reviewed by the Operator on an annual basis to determine if modifications to the Plan are required and report findings to the Community Development Director. Such findings and proposed modifications to the Plan shall be submitted to the Community Development Director for review and approval. Operator shall comply with all provisions of the approved Plan.	By using the phrase “number, type and location of monitors” the proposed language appears to confuse the existing Air Monitoring Plan and Odor Minimization Plan requirements that are currently in place for the majority of the oil field’s operations. For the record, monitors are currently strictly related to the Air Monitoring Plan and drilling, redrilling and reworking air monitoring only. To avoid creating conflicting regulatory standards and confusion, FM O&G encourages the City to refocus the proposed condition on Odor Minimization only.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.C.1	Plan. Operator shall submit an Air Monitoring Plan to be reviewed and approved or conditionally approved by the Community Development Director. The Air Monitoring Plan shall include any measure requested by the Community Development Director. The Plan shall be designed to ensure public health and safety through the reduction in air toxics and odorous emissions and reduce greenhouse gas emissions from Oil Operations. The Plan shall also specify the number, type and location of monitors that will be used, and provide detailed information concerning the reliability of the instrumentation, frequency of calibration and other similar information. The Air Monitoring Plan shall also be designed to assess the risk of both acute and chronic exposure to air contaminants from Oil Operations within the Oil Field, and endeavor to determine and distinguish the source of emissions, to the extent feasible, using available and affordable monitoring technology. Additionally, air monitoring may also be required, as requested by the Community Development Director, along the Outer Boundary of the Oil Field to assess the risk of both acute and chronic exposure to air contaminants from Oil Operations in the portion of the Inglewood Oil Field under the jurisdiction of Los Angeles County. During drilling, redrilling, reworking or maintenance operations, the Operator shall monitor for hydrogen sulfide and total hydrocarbon vapors as specified in the approved Plan. Hydrogen sulfide shall also be monitored using mobile monitoring equipment in response to odor complaints or when onsite odors are encountered by operating personnel. Total hydrocarbon vapors shall be monitored, so as to exceed the requirements of SCAQMD Rule 1173, using mobile monitoring equipment at locations surrounding the wells, tanks, piping, piping components, etc. at the locations and frequencies, no less frequent than quarterly, that shall be specified in the approved Plan. The approved monitors shall provide automatic alarms that are triggered by the detection of hydrogen sulfide or total hydrocarbon vapors at levels designated in the approved Plan. For drilling, redrilling, reworking or maintenance monitors, the alarms shall be audible and/or visible to the person operating the drilling, redrilling, reworking or maintenance equipment. When specified alarm levels are reached, the following actions shall be taken:	The SCAQMD fully occupies the regulatory field for air toxics and emissions. CARB has the jurisdictional authority for GHG emissions. The proposed language goes beyond the authority of Culver City and creates legal issues relative to jurisdictional encroachment. Through the Settlement Agreement, an Air Quality Study is ongoing and designed to address the "acute and chronic exposure to air contaminants from Oil Operations". Based on the study, there is no data to support the proposed requirement contained in the draft ordinance at this time. The Air Monitoring Plan was focused on the two areas that had the potential for concerns from hydrocarbons and H2S, which were at the Gas Plant and the Drilling Rigs. There have been no exceedances in the last five years to justify expanding this requirement beyond drilling to now include maintenance and operations. FM O&G encourages that maintenance and operation activities be deleted from this proposal. The Outer Boundary monitoring is another attempt to unnecessarily duplicate the Air Quality Study, which Culver City agreed to in the Settlement Agreement. As drafted, the language also raises legal issues relative to jurisdictional encroachment about the City's ability to monitor emissions from areas outside its jurisdictional boundaries. FM O&G likewise encourages this requirement be deleted.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.C.1.a	At a hydrogen sulfide concentration of equal to or greater than one part per million but less than 10 parts per million, the Operator shall, immediately, and not later than 30 minutes after the alarm, investigate the source of the hydrogen sulfide emissions and take immediate corrective action to eliminate the source. The corrective action taken shall be documented in the drilling, redrilling, reworking and maintenance log, or applicable inspection and maintenance logs. If the concentration is not reduced to less than one part per million within 30 minutes of the first occurrence of such concentration, the Operator shall shut down the drilling, redrilling, reworking or operations or other source in a safe and controlled manner, until the source of the hydrogen sulfide emissions has been eliminated, unless shutdown creates a health and safety hazard.	FM O&G does not believe there is any scientific or regulatory justification for the proposed requirement. For the record, FM O&G would note that per Cal OSHA standards, workers can work in 10 ppm H2S setting for 8 hours without any health impacts. This is considered the Permissible Exposure Limit (PEL) for a worker. FM O&G requests the City provide the data that purportedly supports the reduction from 5 to 1 ppm for immediate investigation on a drilling, redrilling and reworking operation and from 5 ppm in 4 hours to 1 ppm within 30 minutes. The maintenance operation should be eliminated since this is included in baseline, day-to-day operations. FM O&G requests the City to provide a nexus and support for inclusion, delete the requirement altogether, or revise it to conform with existing regulatory standards that are in place for the majority of the oil field operations. Actual data for the past 5 years has shown there to be no exceedances of the 5 ppm limits currently established in the CSD at all. .
21.C.1.b	At a hydrogen sulfide concentration equal to or greater than 10 parts per million, the Operator shall immediately commence the shutdown of the drilling, redrilling, or reworking operations or other source in a safe and controlled manner until the source of the hydrogen sulfide emissions has been eliminated, unless shutdown creates a health and safety hazard. The corrective action taken shall be documented in the drilling, redrilling, or reworking log, or applicable inspection and maintenance logs. When an alarm is received, the Operator shall immediately notify, and provide access and the right to investigate the event as necessary to all agencies with jurisdiction over the Oil Field, including, but not limited to, the Culver City Fire Department, the Los Angeles County Fire Department - Health Hazardous Materials Division, DOGGR, and SCAQMD.	FM O&G does not believe there is any scientific or regulatory justification for the proposed requirement. For the record, FM O&G would note that per Cal OSHA standards, workers can work in 10 ppm H2S setting for 8 hours without any health impacts. This is considered the Permissible Exposure Limit (PEL) for a worker. Accordingly the requirement to shut down activities and place unnecessary calls to the listed regulatory agencies should be deleted. At a minimum, the word "promptly" should be added to the draft language for operational consistency with the rest of the field. The maintenance log requirement should also be deleted since maintenance activities are included in baseline, day-to-day operations. Actual data from the last five years supports no exceedances occurring.
21.C.1.c	At a total hydrocarbon concentration equal to or greater than 500 parts per million but less than 1,000 parts per million, the Operator shall immediately investigate the source of the hydrocarbon emissions and take immediate corrective action to eliminate the source. The corrective action taken shall be documented in the drilling, redrilling, reworking or maintenance log, or applicable inspection and maintenance logs. If the concentration is not reduced to less than 500 parts per million within 30 minutes of the first occurrence of such concentration, the Operator shall shut down the drilling, redrilling, reworking or maintenance in a safe and controlled manner, until the source of the hydrocarbon emissions has been eliminated, unless shutdown creates a health and safety hazard.	The maintenance log requirement should also be deleted since maintenance activities are included in baseline, day-to-day operations. Actual data from the last five years supports no exceedances occurring.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.C.1.d	At a total hydrocarbon concentration equal to or greater than 1,000 parts per million, the Operator shall immediately commence the shutdown of the drilling, redrilling, reworking or maintenance operations, or other source, in a safe and controlled manner, until the source of the hydrocarbon emissions has been eliminated, unless shutdown creates a health and safety hazard. The corrective action taken shall be documented in the drilling, redrilling, reworking or maintenance log, or applicable inspection and maintenance logs. When an alarm is received, the Operator shall immediately notify and provide access and the right to investigate the event as necessary to all agencies with jurisdiction over the Oil Field, including; the Culver City Fire Department, the Los Angeles County Fire Department - Health Hazardous Materials Division, DOGGR, and SCAQMD.	The word "promptly" should be added to the draft language for operational consistency with the rest of the field. The maintenance log requirement should also be deleted since maintenance activities are included in baseline, day-to-day operations. Actual data from the last five years supports no exceedances occurring.
21.C.1.e	The Operator shall keep a record of the levels of total hydrocarbons and hydrogen sulfide detected at each of the monitors, which shall be retained for at least five years. The Operator shall notify the Fire Chief within 48 hours in the event of the occurrence of any hydrogen sulfide concentration of one part per million or more, or any total hydrocarbon concentration of 500 parts per million or more. At the request of the Fire Chief, the Operator shall make available the retained records from the monitoring equipment.	FM O&G does not believe there is any scientific or regulatory justification for the proposed requirement. For the record, FM O&G would note that per Cal OSHA standards, workers can work in 10 ppm H2S setting for 8 hours without any health impacts. This is considered the Permissible Exposure Limit (PEL) for a worker. FM O&G requests the City provide the data that purportedly supports the tracking of H2S concentrations at levels of 1 ppm and that an incident of such a reading justifies a 48 hour notice to the Fire Chief.
21.C.2	City Testing. In the event of a gas release in the Oil Field or in response to complaints received regarding odors in the Oil Field, the City may take grab samples of the air to test for airborne toxins including hydrogen sulfide. The Operator shall be required to pay for all of the City's cost to sample the air including, without limitation, the costs to obtain vacuum canisters and teflar bags for air sampling, the costs to contract with a local laboratory to pick up the canisters and teflar bags immediately after sampling takes place and transport the samples to a laboratory for immediate analysis as required to obtain a valid and accurate test of the air and report for the presence and concentration of airborne toxins. The Operator shall also be responsible for the costs for City personnel to be trained in the proper techniques for conducting the air sampling.	The proposed requirement lacks the appropriate controls to ensure the testing requirement do not become a daily activity for the City. The ordinance should include language that states the testing must be tied to an identified and validated event that occurs within the portion of the oil field in the City's jurisdiction. Requiring the City to run to the oil field to conduct a test every time an unsubstantiated complaint is registered creates administrative burdens on the City's resources and unnecessary expenses for FM O&G. Furthermore, only third party approved personnel by FM O&G shall be authorized to access the field and conduct samples. Adding this requirement is necessary for the purposes of promoting safety as untrained individuals can pose a safety risk to themselves and the facility in an active oil field setting.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.E	Oil Tank Pressure Monitoring and Venting. All oil tanks that contain or could contain oil shall have a fully operational pressure monitoring system, of a type and design approved by the Fire Chief that continuously measures and digitally records the pressure in the vapor space of each tank. The detection system shall notify the Operator via an alarm when the pressure in the tank reaches within 10 percent of the tank relief pressure, and a proximity switch shall be installed at the tank relief outlet (vent) to alarm and notify the Operator if any release occurs. In the event of an alarm, the Operator shall immediately take corrective action to reduce the tank pressure. The corrective action shall be documented in the applicable inspection and maintenance log. The Operator shall notify the Fire Chief and SCAQMD within 24 hours if the pressure in any tank covered by this Subsection ever exceeds such tank's relief pressure or if the hatches on the tank(s) have lifted and allowed gas to vent to atmosphere. Within seven calendar days after any tank vapor release, the Operator shall submit a report of the incident to SCAQMD as a breakdown event pursuant to Rule 430, and shall provide the Fire Chief with a written report of the event and the corrective measures undertaken and to be undertaken to avoid future oil tank vapor releases. The Operator shall make any changes to such report that may be required to obtain approval from the Fire Chief and SCAQMD, shall promptly institute all corrective measures called for by the report, and shall report the completion of the corrective measures to the Fire Chief and the Community Development Director within one week of their completion.	The type of system referenced in the proposed language is already installed field-wide, including the Culver City portion of the oil field without the "proximity switches". FM O&G requests that the language requiring "proximity switches" be deleted for operational consistency. The requirement to retrofit tanks that occur in 10% of the field and operate them differently from tanks located throughout the balance of the oil field creates unnecessary expense and operational inconsistencies that could create logistical problems for FM O&G's personnel. If the City is intent on imposing this requirement, FM O&G requests that the City provide data that validates the need for these additional controls. Furthermore, for the record it must be noted that all tanks installed in the oil field are under vapor recovery and fully compliant with SCAQMD's regulations, as well as DOGGR's AB 1960 regulations. Should there be an emergency release, a breakdown report would be filed with SCAQMD in accordance with their regulations. The regulatory field relative to the tanks in the oil field is already fully occupied.
21.F	Odor Suppressant for Drilling and Redrilling Operations. The Operator shall use an odor suppressant spray system on the mud shaker tables for all drilling and redrilling operations to ensure that no odors from such operations can be detected at the Outer Boundary of the Oil Field. In addition, a proximity switch shall be installed at the tank relief outlet (vent) to alarm and notify the Operator if any release occurs. The odor suppressant used shall be approved by the Community Development Director and shall suppress rather than mask odors.	The proposed language incorporates the reference to installation of "proximity switches". This appears to be a drafting error that should needs to be corrected as there is no relevance between the use of odor suppressants and "proximity switches". FM O&G can identify no added value in requiring the pre-approval for use of a particular odor suppressant. Furthermore, FM O&G questions whether the Community Development Directors possesses the technical background to make informed approval decisions and distinctions on the use of different types of odor suppressants. FM O&G encourages this requirement to be deleted for administrative efficiencies purposes.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.H.1	H. Off-Road Diesel Construction Equipment Engines. All off-road diesel construction equipment shall comply with the following provisions: 1. Utilize CARB/EPA Certification Tier 3 or better certified engines for engines below 750 horsepower and Tier 2 engines for engines at or above 750 horsepower or other methods approved by CARB as meeting or exceeding the Tier 2 or Tier 3 standards.	Unless an appropriate nexus is provided, the ordinance should add back in the ability for Tier II certified engines to be utilized as long as no drilling or redrilling occurs during construction.
21.I.1	I. Drill Rig Engines. All drilling, redrilling, reworking and maintenance rig diesel engines shall comply with the following provisions: 1. Utilize CARB/EPA Certification Tier 2 or better certified engines or other methods approved by CARB as meeting or exceeding the Tier 2 standard.	The reference to maintenance rigs should be deleted since they do not conduct the same activity as drilling and redrilling. Maintenance rigs used in the oil field are portable rigs propelled by on-road engines versus the industrial, portable engines on drilling rigs. On-road engines with license plates that operate maintenance rigs run 30% cleaner overall than industrial engines on drilling rigs .
21.I.2	I. Drill Rig Engines. All drilling, redrilling, reworking and maintenance rig diesel engines shall comply with the following provisions: 2. Utilize second generation heavy duty diesel catalysts capable of achieving 90 percent reductions for hydrocarbons and for particulate matter smaller than 10 microns. Said catalysts shall be properly maintained and operational at all times when the diesel engines are running.	The reference to maintenance rigs should be deleted since they do not conduct the same activity as drilling and redrilling. Maintenance rigs used in the oil field these are portable rigs propelled by on-road engines versus the industrial, portable engines on drilling rigs. On-road engines with license plates that operate maintenance rigs run 50% cleaner than industrial engines on drilling rigs from a PM standpoint. Catalyst requirements for drilling rigs are justified based on the significant operational differences in the equipment.
21.I.3	I. Drill Rig Engines. All drilling, redrilling, reworking and maintenance rig diesel engines shall comply with the following provisions: 3. Utilize natural gas-powered drill rigs or other engine technologies that are capable of reducing environmental impacts in comparison to the requirements set forth in Subsections 15.14.100.I.1 and 15.14.100.I.2, hereinabove, when such technologies have been determined to be feasible and commercially available through a Clean Technology Assessment in the Annual Drilling Plan.	The reference to maintenance rigs should be deleted since they do not conduct the same activity as drilling and redrilling and run cleaner as noted in previous comments.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.J.1.d	Drilling and Redrilling Setbacks. The following setbacks shall apply within the Oil Field for drilling or redrilling: d. As part of the Consolidation and Annual Drilling, Redrilling, Well Abandonment, and Well Pad Restoration Plan (Section 31.B) the Operator shall provide an inventory of existing wells that encroach into the setback area specified above. Said inventory shall also include a schedule for properly abandoning the wells encroaching into the setback area, based upon their respective current productive life without redrilling.	The proposed policy raises concern as abandonment estimations may not always be accurate due to a variety of technical and economic considerations. As such, we encourage the City to remove the requirement to set an abandonment schedule consistent with our existing and intended oil production efforts in the Inglewood Oil Field.
21.K	Fugitive Dust Control Plan. Within 120 days following the Effective Date, or at such later date as may be approved by the Public Works Director/City Engineer for good cause shown, Operator shall submit a Fugitive Dust Control Plan to the Public Works Director/City Engineer for review. The plan shall comply with all requirements of SCAQMD Rule 403 and shall cover all existing operations and any future projects that may or may not require a grading permit. The Operator shall review the plan every five years and incorporate any modifications deemed necessary due to amendments to SCAQMD Rule 403 or as required by the City. Any revisions to the Fugitive Dust Control Plan shall be reviewed and approved by the Public Works Director/City Engineer. The plan shall include consideration of the following measures, other measures listed in SCAQMD Rule 403, Tables 1 through 3, and other measures at the discretion of the Public Works Director/City Engineer.	The proposed language promotes inconsistency between SCAQMD, L.A. County, and Culver City. As noted previously, although 10% of the oil field lies within the City's jurisdiction, the entire oil field operates as a single facility. As such, it is essential that there is conformity in regulations of this nature. Fugitive dust control is the regulatory jurisdiction of the SCAQMD and, as such, FM O&G's operations are subject to a Rule 403 Plan. No alterations to the plan are required or allowed, except from the SCAQMD.
21.K.1	Application of water at least every four hours, or more frequently if conditions so require, to the area within 100 feet of a structure being demolished, to reduce vehicle trackout, and to other actively disturbed areas within a construction site	See 21.K
21.K.2	Application of CARB-precertified, or equivalently effective. non-toxic soil binders to disturbed areas upon completion of demolition	See 21.K
21.K.3	Application of water to disturbed soils after demolition is completed or at the end of each day of cleanup;	See 21.K
21.K.4	Prohibition against demolition activities when wind speeds exceed 25 mph;	See 21.K

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.K.5	Requirement of minimum soil moisture of 12% for earthmoving by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe	See 21.K
21.K.6	Requirement that all trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches	See 21.K
21.K.7	When backfilling, mix backfill soil with water prior to moving, dedicate water truck or high capacity hose to equipment, minimize drop height from loader bucket and empty loader bucket slowly	See 21.K
21.K.8	Requirement of paved interior roads to be at least 100 feet long, 12 feet wide per lane and edged by rock berm or row of stakes, or addition of four-foot shoulder for paved roads	The proposed language promotes inconsistency between SCAQMD, L.A. County, and Culver City. As noted previously, although 10% of the oil field lies within the City's jurisdiction, the entire oil field operates as a single facility. As such, it is essential that there is conformity in regulations of this area. Fugitive dust control is the regulatory jurisdiction of the SCAQMD and, as such, FM O&G's operations are subject to a Rule 403 Plan. No alterations to the plan are required or allowed, except from the SCAQMD.
21.K.11	Implementation of watering three times a day for active unpaved roads, or more often as necessary to ensure that no visible emissions occur during unpaved road travels. As an alternative to watering, unpaved roads may be treated with CARB-precertified, or equivalently effective, non-toxic soil binders in a manner and at a frequency based on manufacturer recommendations	There is no data or information to suggest it is necessary to increase watering from one time per day to three times per day. If the City possesses such data, FM O&G requests that the information be presented to justify the proposed requirement. The proposed language promotes inconsistency between SCAQMD, L.A. County, and Culver City. As noted previously, although 10% of the oil field lies within the City's jurisdiction, the entire oil field operates as a single facility. As such, it is essential that there is conformity in regulations of this nature. Fugitive dust control is the regulatory jurisdiction of the SCAQMD and, as such, FM O&G's operations are subject to a Rule 403 Plan. No alterations to the plan are required or allowed, except from the SCAQMD.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
21.K.12	Application of CARB-precertified, or equivalently effective, non-toxic soil binders annually to unpaved parking areas;	There is no data or information to justify the need for this requirement. If the City possesses such data, FM O&G requests that the information be presented to justify the proposed requirement. The proposed language promotes inconsistency between SCAQMD, L.A. County, and Culver City. As noted previously, although 10% of the oil field lies within the City's jurisdiction, the entire oil field operates as a single facility. As such, it is essential that there is conformity in regulations of this nature. Fugitive dust control is the regulatory jurisdiction of the SCAQMD and, as such, FM O&G's operations are subject to a Rule 403 Plan. No alterations to the plan are required or allowed, except from the SCAQMD.
21.K.13	Application of CARB-precertified, or equivalently effective, non-toxic soil binders, or daily watering, or installation of temporary coverings to storage piles	There is no data or information to justify the need for this requirement. If the City possesses such data, FM O&G requests that the information be presented to justify the proposed requirement. The proposed language promotes inconsistency between SCAQMD, L.A. County, and Culver City. As noted previously, although 10% of the oil field lies within the City's jurisdiction, the entire oil field operates as a single facility. As such, it is essential that there is conformity in regulations of this nature. Fugitive dust control is the regulatory jurisdiction of the SCAQMD and, as such, FM O&G's operations are subject to a Rule 403 Plan. No alterations to the plan are required or allowed, except from the SCAQMD.
21.K.15	Planting of tree windbreaks, consistent with the approved Landscaping Plan, on the windward perimeter of construction projects if adjacent to open land	FM O&G requests this requirement be deleted since this is proposed as a permanent fix for a temporary construction project. Implementation of this requirement is inappropriate and infeasible since this could lead to planting and then having to remove the planting for the drilling of a well or construction of a facility.
21.K.16	Planting of vegetative ground cover in disturbed areas, consistent with the approved Landscaping Plan, as soon as possible	The language needs to include the word "replace" vegetation. The way the proposed language is written it implies that FM O&G would have vegetate all disturbed areas, which is infeasible.
21.L	Inspection and Maintenance Program Information. Upon request, the Operator shall make available for inspection by City staff all required SCAQMD, CARB, and EPA inspection and maintenance program records. This requirement applies to all sites subject to SCAQMD, CARB, and EPA inspection and maintenance programs within City limits.	This requirement needs to include a reasonable notice provision and a confidentiality provision to make it workable.
22.A	All Oil Operations shall be conducted in a manner that implements and is consistent with the best available measures for the prevention of excessive, annoying or unusual noise, and shall comply with the following provisions:	We recommend the City modify this policy as follows: "...for the prevention of ~~excessive, annoying or unusual~~ noise,..." Without a clear definition of what the stricken terms are, FM O&G would run into policy interpretation and operational consistency issues.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
22.A.2	Hourly, A-weighted equivalent noise levels associated with well drilling, redrilling, reworking and maintenance shall not elevate existing baseline levels by more than five dBA during daytime hours (7:00 am to 10:00 pm).	The source of this policy proposal was derived from the CSD EIR which found a nexus for a similar requirement as the result of drilling, redrilling and reworking operations. The City's proposed policy however includes maintenance activities without providing for an appropriate nexus. Further, clarification is necessary as to where the monitoring locations will be required to be installed. For example the CSD established baseline at certain locations around the perimeter of the field. During drilling activity FM O&G is required to use the baseline monitoring location closest to the rig for noise monitoring/compliance monitoring. Lastly, a policy inconsistency between this ordinance and the City's existing noise ordinance must be rectified. Both of the aforementioned ordinances indicate that it will supersede in the event of conflicting regulations.
22.A.4	If well drilling, redrilling, reworking and maintenance operations elevate nighttime baseline noise levels by more than 10dBA for more than 15 minutes in any one hour, as independently verified and determined by the City, the Operator, in consultation with the City, shall identify the cause and source of the noise and takes steps to avoid such extended periods of noise elevation in the future.	The source of this policy was derived from the CSD EIR which found a nexus for a similar requirement as the result of drilling, redrilling and reworking operations. The proposed policy includes maintenance activities however without providing for an appropriate nexus. FM O&G requests that maintenance activities be deleted from the requirement for the purposes of regulatory consistency.
22.A.5	Noise produced by Oil Operations shall include no pure tones when measured beyond the Outer Boundary or, for other locations, as determined by the Public Works Director/City Engineer.	The term "beyond the outer boundary" and "other locations" is to broad and beyond our reasonable control to address. That is why compliance is always limited to the property line. . As drafted the proposed requirement raises issues of jurisdictional encroachment and the legal ability of the City brings to implement this regulation outside of its jurisdictional boundary.
22.C	Quiet Mode Drilling Plan. All Drilling Projects shall include the preparation and approval of a Quiet Mode Drilling Plan that would apply between the hours of 6:00 p.m. and 8:00 am. The Plan shall be submitted at the time of application or at such later date as may be approved by the Community Development Director, for good cause shown. All Oil Operations shall be conducted in conformity with the Plan that has been reviewed and approved by the Community Development Director. The Plan shall be reviewed by the Operator on an annual basis to determine if modifications to the Plan are required and report findings to the Community Development Director. Such findings and the modified Plan shall be submitted to the Community Development Director for review and approval. Operator shall comply with all provisions of the approved Plan. The Plan shall include, but is not limited to the following:	This policy would require the submittal of a Quiet Mode Drilling Plan with every "Drilling Project." It is more efficient and would provide operational consistency to require one, master Quiet Mode Drilling Plan that is applicable to all Drilling operations. Please provide this clarification within this policy.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
22.C.5	When picking up drill pipe or casing personnel shall use the high line, and try to prevent hitting the pipe against the cat walk and v-door.	The proposed language calls into question whether the City understands the terms being used. Use of the high line is used for laying down pipe and rubber mats/V-door are used for picking up pipe. Please update the proposed policy with these technical distinctions accordingly.
22.C.13	Any other additional information required by the Community Development Director.	Such a requirement could result in requests not related to any appropriate nexus; hence, FM O&G requests this policy be deleted.
22.D	Engines. Critical grade or better exhaust muffler systems shall be used to reduce noise from diesel drilling rig engines. All other equipment powered by internal combustion engines shall use residential grade or better exhaust muffler systems to reduce noise.	FM O&G is unclear as to the reasoning behind requiring critical grade or better exhaust muffler systems to reduce noise, especially since there have been no drilling related noise complaint over the past five years. Sound walls, sound enclosures around the generators and sound muffling equipment and rubber mats are installed on the drilling rigs with great results. The noise modeling conducted by FM O&G's noise expert does not suggest the need for further noise reduction during drilling. FM O&G is currently using residential grade muffler systems on the drill rig engines, which is consistent with the residential receptors. The noise standards will set the criteria, leaving the operator to devise the best way to comply.
22.E	Equipment Servicing. All noise producing Oil Field equipment shall be regularly serviced and repaired to minimize increases in pure tones and other offensive noise output over time and to ensure that tonal and other offensive noise from worn bearings, metal-on-metal contact, valves and other equipment does not cause perceptible tonal or other offensive noise at the Outer Boundary or any neighboring property. The Operator shall maintain an equipment service log for all noise- producing equipment, which shall be subject to inspection by the City.	Clarification on the allowable noise levels at the property lines is required in order to effectively implement this policy. Please update accordingly.
22.F.1	Except as provided in Section 22.E.2, deliveries shall not be permitted after 8:00 p.m. and before 7:00 a.m. except in cases of emergency. Deliveries on Sundays or legal holidays shall not be permitted after 8:00 p.m. and before 9:00 a.m., except in cases of emergency.	The reference to 22.E.2 does not exist: please remove this reference.
22.H	Construction Equipment. All construction equipment shall be selected for low- noise output. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. The Operator shall maintain an equipment service log subject to inspection by the Public Works Director/City Engineer.	It is not practical to implement this policy as most of the referenced equipment is rental equipment and outside of the purview of the Operator. FM O&G requests this provision be deleted.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
22.K	Monitoring. The Operator shall employ an independent qualified acoustical engineer, approved by the Public Works Director/City Engineer to install equipment to continuously monitor and digitally record noise levels at and near the Oil Field or Drilling Project location. Such monitors shall be placed at locations and for the frequency and duration identified by the Public Works Director/City Engineer, and shall include adjacent sensitive receptor locations and at locations where complaints were received regarding Drilling Project activities. The results of all monitoring shall be submitted to the Public Works Director/City Engineer on a quarterly basis. The monitoring required by this subsection shall be implemented no later than 180 days following the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown.	The Inglewood Oil Field is unique in the sense that it is already subject to oversight by a third party Environmental Compliance Coordinator that is retained by L.A. County. This requirement is unique to our operations. No other urban oil field in L.A. County or the State of California is subject to this type of oversight. The proposed language promotes regulatory inconsistency with how noise monitoring is currently during drilling activity in the 90% of the oil field that falls outside of the City's jurisdiction. For regulatory consistency alone, FM O&G recommends the City tailor its requirements to other established frameworks. Finally, FM O&G believes the proposal is "over kill" and the costs associated with implementing this requirement are unnecessary in light of the fact that there has been no drilling related noise complaints lodged in the last five years.
23	All Oil Operations shall be conducted in a manner that minimizes vibration, and shall comply with the following provisions:	This policy was originated from mitigation in the CSD EIR related to possible vibration from the gas plant flare. Since the flare is not within the Culver City portion of the field, it is questionable as to why this policy is included in this ordinance and what nexus substantiates this requirement. FM O&G requests the requirement be deleted for regulatory efficiencies as it is not relevant to any facilities located within Culver City's jurisdiction.
23.A	Vibration levels from Oil Operations shall not exceed a velocity of 0.25 mm/s over the frequency range 1 to 100 Hz at the Outer Boundary.	This policy was originated from mitigation in the CSD EIR related to possible vibration from the gas plant flare. Since the flare is not within the Culver City portion of the field, it is questionable as to why this policy is included in this ordinance and what nexus substantiates this requirement. FM O&G requests the requirement be deleted for regulatory efficiencies as it is not relevant to any facilities located within Culver City's jurisdiction.
23.B	Should vibration levels at any time exceed the thresholds specified above, or should the Operator otherwise fail to comply with all of the provisions specified herein, the Operator shall immediately notify the City and shut down the source of drilling and redrilling found to be in non-compliance with the thresholds specified in this Ordinance, and no new drilling or redrilling activities may be commenced or approved until the Operator has taken all steps necessary to assure future compliance with the thresholds and other provisions. The foregoing remedies are not exclusive, but shall be in addition to any other remedies available for a violation of the CCMC.	This policy was originated from mitigation in the CSD EIR related to possible vibration from the gas plant flare. Since the flare is not within the Culver City portion of the field, it is questionable as to why this policy is included in this ordinance and what nexus substantiates this requirement. FM O&G requests the requirement be deleted for regulatory efficiencies as it is not relevant to any facilities located within Culver City's jurisdiction.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
23.C	The Operator shall hire an independent qualified engineer, approved by the Public Works Director/City Engineer, to install equipment to continuously monitor and digitally record vibration levels at the Outer Boundary. Such monitors shall be placed at locations selected by the Public Works Director/City Engineer. The results of all such monitoring shall be submitted to the Public Works Director/City Engineer on a quarterly basis.	This policy was originated from mitigation in the CSD EIR related to possible vibration from the gas plant flare. Since the flare is not within the Culver City portion of the field, it is questionable as to why this policy is included in this ordinance and what nexus substantiates this requirement. The proposal is “over kill” and the costs associated with implementing this requirement are unnecessary since there have been no recorded incident of vibration oriented complaints originating from Culver City ever to our recollection. It would be more appropriate if and ever if there is a complaint about alleged vibration, then, monitoring could be implemented. Furthermore, it must be noted for the record that the Inglewood Oil Field is unique in the sense that it is already subject to oversight by a third party Environmental Compliance Coordinator that is retained by L.A. County. This requirement is unique to our operations. No other urban oil field in L.A. County or the State of California is subject to this type of oversight. FM O&G requests the requirement be deleted for regulatory efficiencies as it is not relevant to any facilities located within Culver City’s jurisdiction.
24.B	Geotechnical Investigation. A site-specific geotechnical investigation shall be completed for permanent structures and for grading in excess of 1,000 cubic yards. The Public Works Director/City Engineer may waive this investigation requirement for grading involving between 1,000 and 5,000 cubic yards if there are no permanent structures proposed and grading would not create slopes higher than five feet. The investigation shall be completed by a licensed California Professional Geologist and Geotechnical Engineer and submitted to the Public Works Director/City Engineer for review and approval. The following items must be addressed in the geotechnical investigation.	In order to achieve full field operational consistency, FM O&G requests request that the language with regard to the " licensed California Professional Geologist and Geotechnical Engineer" be changed to "California certified engineering geologist."

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
24.C	Accumulated Ground Movement Plan. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator shall submit an Accumulated Ground Movement Plan, including subsidence and uplift, which addresses post-Baldwin Hills Reservoir failure studies to be reviewed and approved by the Public Works Director/City Engineer. The Plan shall identify all measurement locations that will be used and shall include points within and beyond the Oil Field. Measurement locations shall extend a minimum of 1,000 feet beyond the horizontal limit of proposed Bottom Holes. Use of existing measurement locations within the Los Angeles County portion of the Oil Field may be included within the Plan. The Plan shall include both vertical and horizontal ground movement, and shall utilize Global Positioning System technology, as well as any other survey methods deemed appropriate by the Public Works Director/City Engineer to provide the level of accuracy required in monitoring ground movement. The Plan shall identify a monitoring period that extends five years after the end of Oil Operations. The Operator shall promptly address any changes, additions, revisions or modifications that may be required to receive the approval of the Plan by DOGGR and the Public Works Director/City Engineer. This requirement may be waived by the Public Works Director/City Engineer if the Operator can demonstrate that this requirement is being implemented and has been approved for other parts of the Inglewood Oil Field and can conclusively show that the Accumulated Ground Movement Plan applies to the Oil Field within the jurisdiction of the City.	The proposal appears to have originated from the CSD EIR. The Accumulated Ground Movement Plan as required by the CSD was a one-time requirement that included an analysis of the Culver City portion of the Inglewood Oil Field. Since the study was done and the results have been previously made available to Culver City FM O&G requests that this policy be deleted for the purposes of administrative efficiencies and elimination of unnecessary and significant cost.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
24.D	Accumulated Ground Movement Study/Survey. Within 60 days of approval of the Plan required in Section 24.C, above, the Operator shall implement the Accumulated Ground Movement Study/Survey as described in the approved Plan. For drilling proposed within the Oil Field, the Operator must submit the results of the Accumulated Ground Movement Study to the Public Works Director/City Engineer. The study shall be prepared by a licensed expert approved or selected by the Public Works Director/City Engineer, for determining annual ground movement, including subsidence or uplift. The Study results shall identify ground movement during this first study period, including subsidence or uplift, and include a description of how future ground movement survey results will be analyzed and reported. Measurements shall be made using repeat pass Differentially Interferometric Synthetic Aperture Radar technology to establish baseline conditions, since the post-Baldwin Hills Reservoir failure, to measure future ground movement. Within 30 days of completing the ground movement study, the results of the annual monitoring survey shall be forwarded to DOGGR for review and appropriate action and to Public Works Director/City Engineer for review and comment, and the Operator shall see that any changes, additions, revisions or modifications that may be required to receive the approval of such agencies are promptly made and approved. Annual survey reports shall be submitted for a minimum of 5 years after cessation of Oil Operations and the fifth report shall provide conclusions and recommendations regarding the need for continued surveying and reports. If an annual study is not approved, the Operator shall promptly take such actions as are necessary to obtain approval. This requirement may be waived by the Public Works Director/City Engineer if the Operator can demonstrate that this requirement is being implemented and has been approved for other parts of the Oil Field, However, the Operator must conclusively show that the annual ground movement studies apply to the Oil Field within the jurisdiction of the City in order for this requirement to be waived.	The proposal appears to have originated from the CSD EIR. The Accumulated Ground Movement Plan as required by the CSD was a one-time requirement that included an analysis of the Culver City portion of the Inglewood Oil Field. Since the study was done and the results have been previously made available to Culver City FM O&G requests that this policy be deleted for the purposes of administrative efficiencies and elimination of unnecessary and significant cost.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
24.E	Ground Movement Threshold Limits. In the event that the annual monitoring surveys indicate that ongoing ground movement, equal to or greater than 0.6 inches or a lesser value determined by the Public Works Director/ City Engineer, at any given location is occurring in an upward or downward direction in the vicinity of or in the Oil Field, the Operator shall review and analyze all claims or complaints of Subsidence or Settlement damage that have been submitted to the Operator or the City by the public or a public entity in the 12 months since the last ground movement survey. Based on this information, the Operator shall prepare a report that assesses whether any of the alleged subsidence damage was caused by Oil Operations and submit said report to DOGGR and the Public Works Director/City Engineer. 1. No further drilling or redrilling shall be commenced or approved, and all existing drilling shall immediately cease if required by the Public Works Director/City Engineer, until the cause of the movement has been determined. 2. If the Operator's operations are the cause or a contributing factor no further drilling or redrilling shall be commenced or approved, and all existing drilling shall immediately cease if required by the Public Works Director/City Engineer, until a remedy, such as adjustments in ground water flood operations, has been fully implemented to alleviate the ground movement to the satisfaction of DOGGR and the Public Works Director/City Engineer. 3. Injection pressures associated with secondary recovery operations shall not exceed reservoir fracture pressures as specified in California Code of Regulations Title 14, Division 2, Section 1724.10, and as approved by DOGGR.	Ground movement surveys continue to be done on an annual basis pursuant to other regulatory frameworks that govern the oil field. These surveys examine ground movement throughout the entirety of the oil field, including the area within Culver City's jurisdiction. The focus of those studies is to determine if oil field activities are resulting in ground movement and property damage in the area surrounding the oil field. As FM O&G has publicly reported in the past, the cause of any alleged subsidence damage may not be determined in the immediate future as several years' worth of data will be required. FM O&G can say with certainty that those determinations cannot be made within a reasonable time period to meet the requirements of the requirement proposed in the City's draft ordinance. As such, a threshold including substantial evidence of scientific facts needs to be included.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
24.G	Seismic Activity Tracking. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator must demonstrate ability to track and record seismic activity relating to Oil Operations by using a fully operating and properly maintained accelerometer (in coordination with the Cal Tech Seismological Laboratory). The accelerometer shall determine site-specific ground accelerations as a result of any seismic event in the region (Los Angeles/Orange County and offshore waters of the Santa Monica Bay and San Pedro Channel). Readings from the accelerometer shall be recorded and transmitted in real-time to the Caltech Seismological Laboratory. The Operator shall cease operations and inspect all pipelines, tanks, and other infrastructure following any seismic event that exceeds a ground acceleration of 13 percent of gravity (0.13 g). The Operator shall promptly notify the Public Works Director/City Engineer if there is a seismic event that necessitates the ceasing of operations. The Operator shall not reinstitute operations and use of associated pipelines until all infrastructure is structurally sound as determined by DOGGR and the Public Works Director/City Engineer. Documentation of this requirement shall be submitted with the Drilling Use Permit application.	The proposed requirement is not feasible to implement. The accelerometer currently installed in the oil field is completely controlled by 3rd party (CalTech). The accelerometer cannot track the cause of seismic activity, just the activity itself. The requirement that DOGGR and Public Works must make findings that the oil field is structurally sound is not appropriate and should be deleted. FM O&G's technical personnel are the best equipped to make those determinations as the people skilled and most knowledgeable about the equipment and facilities in the field. FM O&G has maintains detailed procedures of what to do if field goes down due to a seismic reading of significance by the accelerometer. FM O&G's policies include shutting all equipment down, conducting a thorough inspection of all equipment and slowly bringing the equipment back on line while monitoring the equipment to ensure there are not operational issues that would lead to safety or environmental concerns.
24.H	Erosion Control Plan. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, Operator shall develop and submit for review and approval by the Public Works Director/City Engineer an Erosion Control Plan. All grading and other Drilling Project activities shall be in complete conformity with the approved Erosion Control Plan. The Erosion Control Plan shall include, but is not limited to, the following measures:	This requirement is already a component of the Inglewood Oil Field NPDES permit as authorized and within the purview of the RWQCB. As such, FM O&G requests this policy be deleted.
24.H.1	Graded areas shall be stabilized with riprap (i.e., crushed stone) or other ground cover as soon as grading is completed. The surface of slopes shall be roughened during the construction period to retain water, increase infiltration, and facilitate establishing vegetation. Tracked machinery shall be operated up and down (parallel with) slopes to leave horizontal (perpendicular) depressions in the soil, which run across the slope, on the contour;	This requirement is already a component of the Inglewood Oil Field NPDES permit as authorized and within the purview of the RWQCB. As such, FM O&G requests this policy be deleted.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
24.H.2	Slope breaks, such as diversions, benches, or contour furrows shall be constructed to reduce the length of cut- and fill-slopes, thus limiting sheet and rill erosion and preventing gully erosion;	This requirement is already a component of the Inglewood Oil Field NPDES permit as authorized and within the purview of the RWQCB. As such, FM O&G requests this policy be deleted.
24.H.3	Sediment barriers shall be used around construction areas to retain soil particles on-site and reduce surface runoff velocities during rainfall events. Sediment barriers could include straw bales, silt fences, and gravel and earth berms. Silt fences shall be placed on slope contours in areas where shallow overland flow is anticipated	This requirement is already a component of the Inglewood Oil Field NPDES permit as authorized and within the purview of the RWQCB. As such, FM O&G requests this policy be deleted.
24.H.4	Temporary and permanent drainages shall be employed, as necessary, to reduce slope erosion and prevent damage to construction areas. Sheet flow across or toward a disturbed area shall be intercepted and conveyed to a low to moderate gradient (1 to 5 percent slope) sediment basin, erosion-resistant drainage channel, or a level, well-vegetated area. Drainages include swales, diversion dikes, and slope drains; and	This requirement is already a component of the Inglewood Oil Field NPDES permit as authorized and within the purview of the RWQCB. As such FM O&G requests this policy be deleted.
24.H.5	Waterbars, rolling dips, and outsloping roads shall be constructed as part of new road construction to disperse runoff and reduce the erosive forces associated with concentrated flows.	This requirement is already a component of the Inglewood Oil Field NPDES permit as authorized and within the purview of the RWQCB. As such, FM O&G requests this policy be deleted.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
25	Groundwater Monitoring. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator shall develop, implement, and carry out a Groundwater Monitoring Program for the Drilling Project site or Oil Field that is reviewed and approved by the Public Works Director/City Engineer. The Operator's Groundwater Monitoring Program shall be consistent with all requirements of the RWQCB, and shall be submitted to the Water Replenishment District of Southern California, the West Basin Municipal Water District, and Golden State Water Company for review. Pursuant to the approved Program, the Operator shall install and maintain groundwater monitoring wells in the vicinity of each surface water retention basin, which is permitted by the RWQCB. Such monitoring wells shall be completed to the base of the permeable, potentially water-bearing, alluvium, Lakewood Formation, and San Pedro Formation, and to the top of the underlying, non- water bearing Pico Formation, as determined by a California-certified professional geologist to be approved by the Public Works Director/City Engineer. The Program shall address water level and water quality, and shall include deep zone water level monitoring within the Pico Formation and other cap rock units on both east and west sides of the Newport Inglewood Fault Zone. The RWQCB and the Public Works Director/City Engineer shall be advised of the results of such monitoring on a quarterly basis and shall be immediately advised if such monitoring indicates a potential problem.	The Regional Water Quality Control Board, Los Angeles Region, is the responsible agency with jurisdiction over the groundwater quality beneath the Baldwin Hills. The Regional Board was directly engaged in the Baldwin Hills CSD, both as a commenting agency, and through the modification of Waste Discharge Requirements for the land treatment units on the Inglewood Oil Field. As such, the County deferred to the opinions of the Regional Board with respect to CSD condition E.19 and L.13, both of which are substantially equivalent to Culver City Ordinance condition 25. Specifically, the Regional Board modified the CSD condition for wells targeting deeper aquifers (Lakewood and San Pedro Formations), and instead required that the groundwater monitoring focus on the first groundwater encountered, typically in the alluvial formations. Only in the event of detections of oil field-related contamination in these units would further investigation be triggered (see attached letter from RWQCB, 2010). FM O&G's predecessor company PXP voluntarily extended the CSD provisions to also address conditions in Culver City. As such, monitoring wells MW-6, 7,9 and 10 were installed downstream of the single catch basin located in Culver City (Dabney Lloyd), and it has been monitored since installation without detection of any oilfield-related contamination. Furthermore, the Regional Board has extended their oversight of groundwater quality beneath the Baldwin Hills with their recent revision of the Waste Discharge Requirements (WDR) for the land treatment units. The Board is using the WDR to expand the groundwater monitoring beneath the Baldwin Hills. The expansion includes additional wells, including wells to the top of the Pico formation (the base of fresh water beneath the Baldwin Hills), and a more rigorous statistical treatment of the data as it is developed. The intent is to more closely monitor groundwater quality, and provide triggers for further action. As with the County's deference to the Regional Board's special expertise and jurisdiction over groundwater, FM O&G believes Culver City should also defer to the Board's comments on the substantially equivalent conditions in the CSD, as well as the Board's current, direct oversight of the groundwater quality beneath the Baldwin Hills in the new WDR. As with the County, copies of all reports can be provided to the City, as well as the other entities identified in this condition. Finally, the Culver City portion of the oilfield is entirely west of the Inglewood Newport fault. As such, wells to the east of the fault fall outside of the City's jurisdiction and are not relevant to the proposed condition (see attached map). No reason is provided in the draft ordinance for monitoring within the Pico formation. The Pico formation is marine, has saline water, and in places is oil-bearing.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
		There are no relevant significance criteria to apply to any testing results. The monitoring array in place and used currently , is under the direct oversight of the agency with expertise and jurisdiction on this question, and it does not include investigation of potentially oil-bearing formations.
26	Water Management. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator shall submit a Water Management Plan, to be reviewed and approved by the Public Works Director/City Engineer, that documents best water management practices, which includes water conservation measures, the use of a drip irrigation system, and provisions for the use of surface water runoff in the retention basins for dust suppression and landscaping. The Plan shall also address the availability of reclaimed water at the Drilling Project site and use of such water to the greatest extent technically feasible if and when it becomes available. The Plan shall also include any additional information required by the Public Works Director/City Engineer. Once a Drilling Use Permit is approved, the Operator and Public Works Director/City Engineer shall review the Water Management Plan every three years to determine if modifications are required. If a source of reclaimed water should become available in subsequent years, the Operator shall be required to modify the Plan to accommodate the use of reclaim water to the greatest extent technically feasible. Any modifications to the Program shall be submitted to the Public Works Director/City Engineer for review and approval.	To ensure operational consistency throughout the entirety of the Inglewood Oil Field, the language should be revised to validate that the existing Water Management Plan in place for the oil field will meet the requirements of this policy.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
27.A	Stormwater Pollution Prevention Plan (SWPPP). The Operator shall at all times maintain and implement all provisions of a SWPPP that has been inspected by the RWQCB and the Public Works Director/City Engineer. Prior to conducting any Drilling Project activities, the Operator shall provide the Public Works Director/City Engineer with a copy of the SWPPP, and any future modifications, revisions, alterations, or replacements.	The Regional Water Quality Control Board, Los Angeles Region, renewed the site-specific NPDES permit for the Inglewood Oil Field on February 7, 2013. The permit includes a provision to prepare a SWPPP that addresses both industrial and construction-related stormwater pollution prevention. The Regional Board is the responsible agency for this provision, and has the special technical expertise required to review and approve such a plan. As such, once approved by the Regional Board, the plan will be submitted to the City of Culver City in compliance with this condition. By tying this requirement to "any Drilling Project activities," FM O&G would be required to submit the SPCC multiple times. The language should be revised so the intent is clear that the SPCC must only be submitted once upon adoption of the Ordinance and when the SPCC is modified, revised, or altered, or replaced.
27.B	Spill Prevention, Control, and Countermeasure Plan (SPCCP). The Operator shall maintain and implement all provisions of a SPCCP, which meets the requirements of the Local California Unified Program Agency and the EPA. Prior to conducting any Drilling Project activities, the Operator shall provide the Fire Chief with a copy of the SPCCP and any future modifications, revisions, or alterations, or replacements.	By tying this requirement to "any Drilling Project activities," FM O&G would be required to submit the SPCC multiple times. The language should be revised so the intent is clear that the SPCC must only be submitted once upon adoption of the Ordinance and when the SPCC is modified, revised, or altered, or replaced.
28.C	Recycling Plan. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator shall prepare a Recycling Plan, to be reviewed and approved by the Public Works Director/City Engineer, which shall identify how recycling will be incorporated into its operations, including debris generated during construction, drilling and other operations; use mulching, composting, and grass-cycling on landscaped areas; design and allocate recycling collection and storage space; create an employee participation recycling program; and conduct employee education through a series of brief educational sessions to demonstrate how employees can further contribute to recycling and conservation.	To ensure operational consistency throughout the entirety of the Inglewood Oil Field, the language should be revised to verify that the existing Recycling Plan in place for the oil field will meet the requirements of this policy.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
29.A	Oil Spill Response. The Operator shall comply with all provisions of the approved ERP to protect biological species and to revegetate any areas disturbed during an oil spill or clean-up activities. At a minimum, the ERP shall include:	FM O&G currently implements an Emergency Response Plan for 90% of the field as required by the County of Los Angeles. The training requirements and emergency response protocols need to remain consistent throughout the entirety of the oil field to ensure the safety of people, the environment and property. As such, the language should be revised to verify that the ERP already in place will provide compliance with this policy.
29.A.1	Measures to avoid impacts on native vegetation, wildlife habitats, plant and animal species, and environmentally sensitive habitat areas during response and cleanup operations;	This requirement is not consistent with the content of an Emergency Response Plan. Such requirements are within the Inglewood Oil Field's Integrated Contingency Plan that is under the authority and jurisdiction of the EPA. FM O&G requests this condition be deleted.
29.A.2	2. Measures that identify low-impact site-specific methods for addressing spills or other accidents such as hand-cutting contaminated vegetation and using low- pressure water flushing; and	This requirement is not consistent with the content of an Emergency Response Plan. Such requirements are within the Inglewood Oil Field's Integrated Contingency Plan that is under the authority and jurisdiction of the EPA. FM O&G requests this condition be deleted.
29.A.3	3. If disturbance cannot be avoided, the ERP shall provide site-specific habitat restoration plans and species-specific measures to mitigate impacts on sensitive species and to restore native plant and animal communities to pre- spill conditions. This plan shall include a schedule for re-establishing vegetation that replicates the habitat disturbed, or, for disturbed habitat previously dominated by non-native species, replacement with suitable native species.	This is a duplicative requirement that is already covered, more appropriately, within the Special Status Species and Habitat Protection Plan in 29.B. Accordingly, we recommend it be deleted in this section..

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
29.B	Special Status Species and Habitat Protection Plan. Within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator shall prepare, using a qualified biologist approved by the City, a Special Status Species and Habitat Protection Plan, which shall be submitted to the Community Development Director for review and approval. Prior to any disturbance of sensitive natural habitat areas as identified in the Plan, the biologist shall conduct a survey of the Drilling Project area to determine if impacts to sensitive natural habitat, including coastal sagebrush, coyote bush scrub, riparian scrub, and oak woodland will occur. If the biologist determines that impact to sensitive natural habitat will occur, then the Operator shall have a City-approved restoration specialist, with expertise in southern California ecosystems and revegetation techniques, identify habitat restoration and revegetation measures for the Plan. No removal of sensitive natural habitat shall occur until the Plan has been approved by the City. The Operator shall comply with all provisions of the Plan. Any modifications to the Plan shall be submitted to the Community Development Director for review and approval.	Clarification is necessary on the intent of this policy. In particular, what is the exact intent of the phrase "No removal of sensitive natural habitat shall occur until the Plan has been approved by the City?" Does this mean that in every instance vegetation is to be removed, it requires City approval on a case by case basis? Alternatively, is the plan to be approved and then will govern vegetation removal as a cumulative project with appropriate tracking and revegetation requirements described in policies below? The latter is operationally consistent with the rest of the field and would be feasible to implement. FM O&G recommends this section be revised in a manner that promotes operational and regulatory consistency.
29.C.3	Breeding and nesting bird survey(s) if the drilling activities will occur during the breeding season (February 1 to August 31 for raptors, and March 15 to September 15 for sensitive/common birds), conducted by a City-approved biologist.	The source of this policy is from a mitigation measure identified in the CSD EIR related to *construction* activities – not “drilling activities”. There is no nexus to the requirement and drilling activities on predisturbed areas. We recommend revising the text to tie this requirement to *construction* activities to resolve this issue and promote regulatory consistency.
29.D	Listed Plant or Wildlife Species. If federal-or state-listed threatened, endangered, candidate, or special-status plant or wildlife species are found, then the Operator shall comply with all applicable US Fish and Wildlife and California Department of Fish and Game rules and regulations. The Operator shall provide written documentation to the Community Development Director demonstrating compliance with the US Fish and Wildlife Service and California Department of Fish and Game requirements.	FM O&G questions the necessity of preparing a report of this nature for Culver City, which documents compliance with the regulations of other agencies. The requirement creates unnecessary paperwork obligations on the part of FM O&G and the City. The USFWS and CDFG are responsible for maintaining compliance with their regulations and it is unnecessary to spend City resources “checking up” on those agencies. FM O&G recommends this section be deleted in order to promote regulatory efficiencies.
29.E	Monitoring. If the project-specific surveys, identified in Subsection C above, find sensitive plants, wildlife species, or nesting birds, a biological monitor hired by the Operator, and approved by the Community Development Director, shall be on site during well drilling operations to monitor the impact that the Drilling Project activities might have on sensitive resources. The biological monitor shall be responsible for the following:	The source of this policy is from a mitigation measure identified in the CSD EIR related to construction activities – not “drilling activities”. There is no nexus to the requirement and drilling activities on predisturbed areas. We recommend revising the text to tie this requirement to construction activities to resolve this issue and promote regulatory consistency.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
29.E.4	Ensuring exclusionary fencing is installed around Drilling Project sites to reduce impacts to sensitive wildlife.	The source of this policy is from a mitigation measure identified in the CSD EIR related to construction activities – not "drilling activities". There is no nexus to the requirement and drilling activities on predisturbed areas. We recommend revising the text to tie this requirement to construction activities to resolve this issue and promote regulatory consistency.
29.F	Tree and Riparian Scrub Removal. Removal of native or non-native trees and riparian scrub vegetation shall be scheduled, as possible, for removal outside the nesting season to avoid impacts to nesting birds. If avoidance of removal of trees or riparian scrub during the recommended periods is not possible, a City-approved biologist shall perform a survey to ensure that no nesting birds are present prior to removal. If for any reason a nest must be removed during the nesting season, the Operator shall provide a written report to the Community Development Director documenting compliance with the US Fish and Wildlife Service and California Department of Fish and Game, authorization of the nest relocation, and all relocation efforts.	FM O&G questions the necessity of preparing a report of this nature for Culver City, which documents compliance with the regulations of other agencies. The requirement creates unnecessary paperwork obligations on the part of FM O&G and the City. The USFWS and CDFG are responsible for maintaining compliance with their regulations and it is unnecessary to spend City resources "checking up" on those agencies. FM O&G recommends this section be deleted in order to promote regulatory efficiencies.
29.G	Habitat Restoration. Within 60 days of completing Drilling Project activities that **impact** sensitive natural habitat, the Operator shall begin habitat restoration consistent with the approved Special Status Species and Habitat Protection Plan. Restoration priority shall be given to areas of degraded habitat connecting areas of higher quality habitat and where restoration would produce larger corridors to support the migration and movement of wildlife. The Operator shall replace **any** loss of sensitive natural habitat at the following ratios:	As an initial matter, the source of this policy is from a mitigation measure identified in the CSD EIR related to construction activities – not "drilling activities". There is no nexus to the requirement and drilling activities on predisturbed areas. We recommend revising the text to tie this requirement to construction activities to resolve this issue and promote regulatory consistency. Further, we request that the policy be changed to apply only to "*significantly impacted"* habitat and any "*significant"* loss to habitat. Currently FM O&G hires a biologist that is approved by the County of Los Angeles to track any sensitive vegetation removal. If the removal is not "*significant"* as determined by the biologist and within the requirements of the County approved Special Status Species and Habitat Protection Plan, immediate replacement is not necessary as replacing small amounts of vegetation typically is not of much biological value. Therefore, the biologist maintains a record of how much vegetation was removed, and when the 1-acre threshold is reached, a habitat restoration and revegetation plan is prepared for review and approval by the County. This allows a *significant* amount of sensitive vegetation to be reinstalled, which results in a much higher likelihood of success of the biological community. The framework has worked efficiently for the purposes of managing and conducting habitat restoration throughout the oil field and we recommend that the process be utilized by the City to promote regulatory consistency.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
30.A	Archeological Training. The Operator shall provide archeological training for all persons who will be involved with ground disturbance activities for the proposed Drilling Project. Documentation that such training has occurred shall be submitted to the Community Development Director prior to conducting any ground disturbance activities. All such persons shall be required to participate in the training and must receive training material prepared by a qualified archaeologist prior to working on ground disturbance activities. The training material shall include, at a minimum, the following: 1. Review of the types of archaeological artifacts that may be uncovered; 2. Examples of common archaeological artifacts to examine; 3. Review of what makes an archaeological resource significant to archaeologists and local Native Americans; 4. Procedures for notifying involved or interested parties in case of a new discovery; 5. Reporting requirements and responsibilities of construction personnel; 6. Procedures that shall be used to record, evaluate, and mitigate new discoveries; and 7. Procedures that shall be followed in the case of discovery of disturbed, as well as intact, human burials and burial-associated artifacts.	The source of this policy is from a mitigation measure identified in the CSD EIR related to construction activities – not “drilling activities”. There is no nexus to the requirement and drilling activities on predisturbed areas. We recommend revising the text to tie this requirement to construction activities to resolve this issue and promote regulatory consistency. Secondarily, the policy would require submittal of training records prior to each ground disturbance. We recommend that this be changed to require submittal of annual training records to maintain operational consistency and to prevent unnecessary paperwork and compliance requirements.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
30.B.1	Prior to conducting ground disturbance activities, the Operator shall submit a Cultural Resources Assessment to be reviewed and approved or conditionally approved by the Community Development Director. The Assessment shall be prepared by a qualified City-approved archaeologist and shall contain an archeological, cultural resources, and paleontological assessment of the proposed Drilling Project area to determine the likelihood of identifying resources. The Assessment shall include a records search, and site reconnaissance, and include recommendations for mitigating potential impacts. In the event that unknown archaeological artifacts are encountered during grading, clearing, grubbing, and/or other Drilling Project activities, work shall be stopped immediately in the vicinity of the find and the resource shall be evaluated by a qualified independent archaeologist, approved by the Community Development Director. The archeologist shall also identify whether the proposed Drilling Project would require monitoring and the preparation of a Treatment Plan to ensure that any new discoveries are adequately recorded, evaluated, and, if significant, mitigated. If a Treatment Plan is required, it shall be submitted prior to ground disturbance activities. The Treatment Plan shall be approved by the Community Development Director, and the Operator shall comply with all provisions of the Assessment.	FM O&G requests that this policy be edited to clarify that, consistent with the Construction Treatment Plan in place for the remainder of the oil field, that a master Construction Treatment Plan (CTP) may be prepared and approved prior to any ground disturbing activities, and that the CTP will be effective for all future ground disturbing activities.
30.C	Human Remains. In the event human remains are discovered, the qualified archeologist, in consultation with the Community Development Director, shall determine disposition of the remains in accordance with California Health and Safety Code §7050.5 and CEQA Guidelines §15064.5(e).	This requirement duplicates structures and programs that are in place already for the majority of the oil field operations. In this instance, FM O&G is required to report to the Los Angeles County Sherriff Department Coroner and the California Native American Heritage Commission in the event human remains are found. To the extent possible, we encourage the City promote regulatory consistency and tier off of this existing monitoring programs and requirements currently in place.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
31	CONSOLIDATION AND ANNUAL DRILLING, REDRILLING, WELL ABANDONMENT, AND WELL PAD RESTORATION PLAN.	The oil produced at the Inglewood Oil Field, and the LA Basin in general, is located in thousands of feet of stacked, vertically discrete (non-vertically connected) sands. In the most prolific reservoirs at the oil field, the Vickers and Rindge, we identify 26 separate zones (Alpha, A-Z). And within all of these zones or layers are sublayers. In the N, for example, we have 7-10 discrete sand sublayers, from 10' to 2' in vertical thickness. These sand layers have no vertical connection between them. It is this tremendous thickness of stacked sands, with lack of vertical connection, i.e. lack of vertical permeability, which is the critical component that makes vertical wells necessary at the Inglewood Oil Field. Additionally, there are known, technological limitations specific to each well on how far the surface locations of the well can be placed from the bottom hole location to produce the Vickers Rindge zone. Vickers Rindge wells are limited to having the surface location, on average, 200' from the bottom hole location. This number varies 100' or so in each direction based upon the depth of the Alpha (top) of the Vickers Rindge zone. As such, consolidation of the Inglewood Oil Field, as required by this policy, is not feasible. We recommend that the last sentence of this policy be stricken to resolve this issue and avoid creating legal questions relative to FM O&G's vested and mineral rights.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
31.A	A. Consolidation. The Operator shall consolidate well drilling operations within the Oil Field to reduce impacts to surrounding land uses.	The oil produced at the Inglewood Oil Field, and the LA Basin in general, is located in thousands of feet of stacked, vertically discrete (non-vertically connected) sands. In the most prolific reservoirs at the oil field, the Vickers and Rindge, we identify 26 separate zones (Alpha, A-Z). And within all of these zones or layers are sublayers. In the N, for example, we have 7-10 discrete sand sublayers, from 10' to 2' in vertical thickness. These sand layers have no vertical connection between them. It is this tremendous thickness of stacked sands, with lack of vertical connection, i.e. lack of vertical permeability, which is the critical component that makes vertical wells necessary at the Inglewood Oil Field. Additionally, there are known, technological limitations specific to each well on how far the surface locations of the well can be placed from the bottom hole location to produce the Vickers Rindge zone. Vickers Rindge wells are limited to having the surface location, on average, 200' from the bottom hole location. This number varies 100' or so in each direction based upon the depth of the Alpha (top) of the Vickers Rindge zone. As such, consolidation of the Inglewood Oil Field, as required by this policy, is not feasible. We recommend that the last sentence of this policy be stricken to resolve this issue and avoid creating legal questions relative to FM O&G's vested and mineral rights.
31.B.1	The maximum number of wells to be drilled or redrilled on an annual basis, which shall be no more than two wells per year for the first two years; if in any year thereafter, the Community Development Director determines that this Ordinance is protective of health, safety, and general welfare of the public, then three wells per year may be drilled, until such time that the Community Development Director determines otherwise;	This policy restricts the number of wells that may be drilled to two to three per year. Section 4.A.1 only allows a maximum of 30 wells to be drilled through 2028. FM O&G believes these proposals arbitrarily and unfairly cap the number of new wells that can be installed at an artificially low number. It is further our view that these restrictions are in conflict with California Laws for Conservation of Petroleum and Gas as administered by the DOGGR and are further inconsistent from a proportional perspective with the number of wells the City agreed to in the context of the CSD Settlement Agreement. The aforementioned regulations and oversight are in place to maximize the potential of each field and to prevent harm to the formations within the field. Optimum field development to achieve the maximum recovery factor in Culver City would need to be consistent with that of the existing field development plan of the Inglewood Oil Field. Based upon an initial, technical review of this issue, to properly develop FM O&G's mineral interests we believe it is necessary the ordinance allow the installation of up to 140 wells at a rate of 8-10 per year through 2028. These numbers are consistent with the mitigation levels designed in the CSD EIR and could easily be accommodated with no adverse impacts to the surrounding community. These estimates assuming drilling within the Culver City portion of the oil field will begin in 2014.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
31.B.3	Approximate location of all wells proposed to be drilled or redrilled. This information shall also include proposed and existing wells in the Los Angeles County portion of the Inglewood Oil Field to the extent such wells may result in overconcentration of impacts to Culver City neighborhoods	Overconcentration, as described by the CSD and the CSD EIR, is only applicable to drilling and redrilling activities. As such, providing the location of all existing wells within the entirety of the field would not provide any value toward the goal of ensuring overconcentration does not occur. Therefore, we recommend that this policy be edited as follows to resolve this inconsistency: "This information shall also include proposed ~~and existing~~ wells in the Los Angeles County portion of the Inglewood Oil Field..."
31.B.6	A narrative of the steps that have been taken to maximize use of existing well pads, maximize use of redrilled wells, and maximize the consolidation of wells. Where well consolidation is not proposed, sufficient detail, as determined and requested by the Community Development Director, shall be provided for the City to review the extent to which well consolidation is not technically feasible and commercially reasonable;	The oil produced at the Inglewood Oil Field, and the LA Basin in general, is located in thousands of feet of stacked, vertically discrete (non-vertically connected) sands. In the most prolific reservoirs at the oil field, the Vickers and Rindge, we identify 26 separate zones (Alpha, A-Z). And within all of these zones or layers are sublayers. In the N, for example, we have 7-10 discrete sand sublayers, from 10' to 2' in vertical thickness. These sand layers have no vertical connection between them. It is this tremendous thickness of stacked sands, with lack of vertical connection, i.e. lack of vertical permeability, which is the critical component that makes vertical wells necessary at the Inglewood Oil Field. Additionally, there are known, technological limitations specific to each well on how far the surface locations of the well can be placed from the bottom hole location to produce the Vickers Rindge zone. Vickers Rindge wells are limited to having the surface location, on average, 200' from the bottom hole location. This number varies 100' or so in each direction based upon the depth of the Alpha (top) of the Vickers Rindge zone. As such, consolidation of the Inglewood Oil Field, as required by this policy, is not feasible. We recommend that the last sentence of this policy be stricken to resolve this issue and avoid creating legal questions relative to FM O&G's vested and mineral rights.

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31.B.7	Location of all proposed well Abandonments in accordance with DOGGR integrity testing program of idle wells;	FM O&G recommends the language be changed as follows: "Location of all proposed well Abandonments, <u>if known,</u> in accordance with DOGGR…" It is not unusual to identify a well to abandon half way through the year after the Annual Drilling Plan has already been approved. This policy would restrict abandonment of the newly identified well since it would not be listed in the Annual Drilling Plan.
31.B.11	Location of specific landscaping and/or fencing used to visually screen the Oil Operations and related equipment from residential, recreational, and institutional land uses or adjacent public streets, and to improve the visual appearance of existing Oil Field operations. If no landscaping is proposed, an explanation as to the infeasibility of screening particular operations and/or equipment;	The inclusion of landscaping requirements in the Annual Drilling Plan is not appropriate. Landscaping screening within the active field is not feasible due to fire, safety and other general operational considerations specific to the Inglewood Oil Field. Perimeter landscaping will achieve the goal of reducing perceived visual impacts to surrounding uses.
31.B.12	A description of all grading that will be conducted, which shall be considered the annual grading plan for the Oil Field;	We recommend that this policy be removed from the Annual Drilling Plan requirement and instead be incorporated in the master grading plan policies within Section 24.
31.B.15	Identify and report on condition of all existing wells within 1,000 feet of any proposed injection wells.	FM O&G questions the City's authority to impose such a policy due to the DOGGR's exclusive regulatory jurisdiction over downhole activities. We recommend this requirement be deleted to avoid legal questions of jurisdictional encroachment.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
32	Hydraulic Fracturing is prohibited until DOGGR or the State Legislature adopts comprehensive regulations that will adequately protect the public health and safety and the environment.	This provision purports to regulate a subject unrelated to land use or other recognized municipal affair, and as such the City lacks authority to impose such a restriction due to the DOGGR's exclusive regulatory jurisdiction over downhole activities. As the City is aware, hydraulic fracturing is a downhole completion technique used in certain types of wells. We recommend this requirement be deleted to avoid legal questions of preemption. The City is acutely aware that DOGGR is currently in the process of developing comprehensive regulations relative to hydraulic fracturing and prospectively other types of stimulation completion activities. It is not a matter of "if" but "when" these regulations will be in effect. FM O&G is aware that the City is under external pressures to use the City's resources to "push the legal envelope" and establish a statewide precedent on the topic of hydraulic fracturing. FM O&G believes those efforts are unnecessary in the context of this long overdue ordinance update and create distractions for the purposes of symbolism over substance. For that reason alone the City should avoid the external political pressures to "push the legal envelope" on this topic. Setting aside the legal questions related to this proposal, as drafted the policy presents potential ambiguities in its intent. Specifically, this policy allows the City to second guess the "adequacy" of the regulations enacted by the DOGGR or the State Legislature, and their efficacy in protecting public health, safety and the environment. It is not for the City to determine adequacy or efficacy of State regulations, and the City is not allowed to enter a field occupied by the State even if the City is not satisfied with the substance of the State regulations. The Hydraulic Fracturing regulations as proposed by the DOGGR have and continue to proceed through a series of public workshops, hearings and all required due process for a proposal of this sort. Such a public process was designed to, and provides for policies of the State of California that will protect the health, safety and general welfare of the residents of the state.
33.A	No more than two rigs used for reworking, maintenance and/or abandonment shall be present within the Oil Field at any one time, unless an emergency condition requires additional rigs.	Maintenance and abandonment activities, and the rigs used for those activities, were considered a part of the environmental baseline in the CSD EIR and are part of the existing, vested, operations. The EIR included an evaluation of activity within the portion of the oil field located within Culver City's jurisdiction. As such, FM O&G questions the City's inclusion of those two activities into this policy due to the lack of an appropriate nexus to regulation of future operations and further questions the arbitrary limit proposed in this section.
33.B	With the exception of emergencies, well reworking, maintenance and abandonment rig operations shall not be allowed after 7:00 p.m. or before 7:00 a.m., nor on Saturdays, Sundays or legal holidays.	FM O&G is unclear as to the justification for the proposed limitation on essential work activity. FM O&G requests that this section be removed.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
33.C	Rigs used for rework, maintenance and abandonment shall be removed from the Oil Field within seven days following the completion of reworking, maintenance and abandonment operations unless the rig will be used on another well at the Oil Field within five days.	Maintenance and abandonment activities, and the rigs used for those activities, were considered a part of the environmental baseline in the CSD EIR and are part of the existing, vested, operations. The EIR included an evaluation of activity within the portion of the oil field located within Culver City's jurisdiction. As such, FM O&G questions the City's inclusion of those two activities into this policy due to the lack of an appropriate nexus to regulation of future operations.
34	All processing operations shall be conducted in accordance with the best available technology and shall comply with the following provisions:	Clarification is necessary on the intent of this policy. Is it to require the retrofitting of all existing processing operations with the Culver City portion of the field with "best available technology?" Potential significant impacts have been mitigated to insignificance in almost all cases and BAT was used as necessary to achieve those results. There is no basis to nexus to require blanket BAT.
34.C	Well Pumps. Downhole submersible pumps and low-profile pumping units for production wells must be used when there is the potential for the pump or pumping unit to be visible to surrounding residences and park users, as determined by the Community Development Director.	This policy requires the use of submersible pumps and low-profile pumping units when there is potential for the pump to be visible to surrounding residences and park users. FM O&G requests this be changed to indicate "where feasible" and to add language clarifying that the new ordinance requirements will not impact FM O&G's ability to continue to operate our existing pumps. The selection of a pump for service in oil wells is dependent on many factors including what type and volume of liquid is to be handled, total suction and dynamic head needed, as well as the temperature, vapor pressure and specific gravity of the fluid. The task of pump selection is further complicated by the potential presence of solids, corrosion and scale requiring use of special materials and elastomers. Submersible pumps are not an appropriate selection for wells that are very low volume, produce solids and/or have higher corrosion and scale potential. Furthermore, submersible pumps are inefficient as compared to rod driven positive displacement pumps and require the consumption of more energy. The mandated use of improper equipment will create operational issues for FM O&G and prospectively create impacts to our vested and mineral rights.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
34.D	Removal by Pipeline Only. All oil, gas, and other hydrocarbon substances, except propane, produced from any well within the Oil Field shall be shipped and transported through pipelines, except in case of an emergency or when access to a pipeline becomes unavailable. If the Operator provides documentation satisfactory to the Fire Chief that any pipeline through which oil or gas is currently transported is unavailable for the safe transportation of said products due to maintenance problems with the pipeline, or lack of sufficient capacity within the pipeline to handle the volume of oil and gas needing transportation, or because the owner or operator of such pipeline elects to discontinue transporting oil or gas through such pipeline, then the Operator shall, within 180 days of the date the existing pipeline becomes unavailable, seek to acquire a private right of way or easement, or shall file an application for a right of way, easement, encroachment permit, or franchise for the construction of a replacement pipeline and shall diligently prosecute such application until such pipeline is completed. During any emergency situation, or during such time as any existing pipeline becomes unsafe or unavailable, oil and gas may be transported by truck for up to 180 days as allowed by the Fire Chief until the emergency situation is resolved or until a replacement pipeline is permitted and constructed in compliance with all applicable laws and regulations. In addition, the Operator shall coordinate with emergency service providers to alert them regarding the emergency and provide an oversight mechanism to ensure prompt resolution.	With regard to the following text: "during any emergency situation, or during such time as any existing pipeline becomes unsafe or unavailable, oil and gas may be transported by truck for up to 180 days…" FM O&G requests that the 180-day restriction be removed. In the unlikely event that an emergency requiring trucking from Culver City portions of the field does arise, both the City and FM O&G need the flexibility to resolve the situation in the most safe manner possible without the interference of such timelines. This policy also needs to exclude propane and other related natural liquids and not just propane. Lastly, the sentence regarding emergency service providers must be deleted as such issues is under the authority of USDOT and CSFM.
34.E	Pipelines. The Operator shall comply with the following provisions:	The pipeline provisions within this section need to provide clarity on how pig launchers and receivers would be impacted by such policies.
34.E.3	Any and all water or brine produced during pipeline construction shall either be injected in accordance with DOGGR requirements, or disposed of in accordance with other local, state or federal regulations. Documentation of compliance with this Section shall be submitted to the Public Works Director/City Engineer;	DOGGR has exclusive jurisdiction over the Underground Injection Control (UIC) program which regulates the injection of oil fluid fields including produced water. FM O&G questions the necessity of preparing a report of this nature for Culver City, which documents compliance with the regulations of other agencies. The requirement creates unnecessary paperwork obligations on the part of FM O&G and the City. DOGGR is responsible maintaining compliance with their regulations and it is unnecessary to spend City resources “checking up” on DOGGR or any other agency. Further, all compliance records from other agencies are public record and available to the City from the other agency at any time. FM O&G recommends this section be deleted in order to promote regulatory efficiencies

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34.E.5	Upon completion of pipeline construction, the site shall be restored to the approximate previous grade and condition to the satisfaction of the Public Works Director/City Engineer.	To provide clarity, we suggest that the last portion of this policy: "to the satisfaction of the Public Works Director/City Engineer" be removed. Inclusion of such a broad requirement creates unnecessary permitting and operating delays.
34.F	Active Pipeline Plot Plan. Within one year of the Effective Date, or at such later date as may be approved by the Fire Chief, for good cause shown, the Operator shall prepare and submit to the Fire Chief a plot plan depicting the location of all active pipelines regulated by the California Department of Transportation or California State Fire Marshall owned by the Operator that are located within and outside the Oil Field, including waste water, and trunk and gathering line to transport crude oil or hydrocarbon substances. In addition, the Operator shall submit to the Fire Chief an ALTA survey indicating the exact location of all such pipelines. New pipelines or relocation of existing pipelines shall require the submittal of a revised plot plan within 30 days of installation of the pipelines, or at such later date as may be approved by the Fire Chief, for good cause shown.	The requirement for the ALTA survey for DOT and CSFM jurisdictional lines should be deleted since these lines are not in the jurisdictional purview of the City of Culver City.
34.I	Transportation Risk Management and Prevention Plan. Within 180 days of the Effective Date, or at such later date as may be approved by the Public Works Director/City Engineer, Operator shall prepare and submit to the Public Works Director/City Engineer for review and approval a Transportation Risk Management and Prevention Plan, which shall include, but is not limited to, the following:	FM O&G questions the City's ability to implement and enforce this policy and all sub-policies within Section 34.I due to 1) the occupation of this regulatory field by the State of California and 2) the lack of an appropriate nexus for this requirement. The California Highway Patrol (CHP) and CalTrans have primary responsibility for enforcing Federal and State regulations and responding to hazardous materials transportation emergencies. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) implements regulations governing the generation, transportation, and disposal of hazardous wastes. The California Department of Transportation (DOT) implements extensive regulations regarding driver safety. FM O&G requests the proposed requirement be deleted for the purposes of promoting regulatory efficiencies.

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34.I	Transportation Risk Management and Prevention Plan. Within 180 days of the Effective Date, or at such later date as may be approved by the Public Works Director/City Engineer, Operator shall prepare and submit to the Public Works Director/City Engineer for review and approval a Transportation Risk Management and Prevention Plan, which shall include, but is not limited to, the following:	FM O&G questions the City's ability to implement and enforce this policy and all sub-policies within Section 34.I due to 1) the occupation of this regulatory field by the State of California and 2) the lack of an appropriate nexus for this requirement. The California Highway Patrol (CHP) and CalTrans have primary responsibility for enforcing Federal and State regulations and responding to hazardous materials transportation emergencies. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) implements regulations governing the generation, transportation, and disposal of hazardous wastes. The California Department of Transportation (DOT) implements extensive regulations regarding driver safety. FM O&G requests the proposed requirement be deleted for the purposes of promoting regulatory efficiencies.
34.I.3	Provisions for conducting biennial comprehensive audits of the carriers to assure satisfactory records, driver hiring practices, driver training programs, programs to control drug and alcohol abuse, safety incentive program, satisfactory vehicle inspections and maintenance procedures and emergency notifications;	FM O&G recommends this section be deleted as it is redundant with Section 34.I.2.
35.A	Cellar Fluids. Well cellars shall be kept free of all oil, water, or debris at all times. During drilling, redrilling, reworking and maintenance, the cellar shall be kept free of excess fluids by a pump that discharges into a waste tank, mud pit, vacuum truck, or other approved disposal system.	FM O&G questions the City's ability to regulate well cellar fluids due to the DOGGR's and SCAQMD's jurisdiction over this very specific matter. As written, this policy conflicts with the regulations both aforementioned bodies' have in place related to the issue. FM O&G recommends the language be deleted so as to avoid the creation of any legal issues relative to jurisdictional encroachment.
36	Lighting. Outdoor lighting shall be restricted to only those lights that are required by the CCMC for the lighting of building exteriors, drilling, and redrilling rigs and for safety and security needs. In addition, the Operator shall comply with the following provisions:	Recommend changing the phrase "...lights that are required by the CCMC …" to "...lights that are required by code..." This is necessary due to lighting requirements from other agencies including, but not limited to, the DOGGR and OSHA.
36.A	Screening. All new point lighting sources within the Oil Field shall be screened and directed to confine direct rays to the Oil Field and to prevent offsite spillover of lighting to surrounding residential, recreational, and other Sensitive Developed Areas.	The phrase "to the extent feasible" must be added to this policy.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
37.A	Landscaping Plan. Within 180 days of the Effective Date or at such later date as may be approved by the Community Development Director, for good cause shown, Operator shall submit a Landscaping Plan to be reviewed and approved or conditionally approved by the Community Development Director. The Plan shall be designed to: (1) specify landscaping and fencing that will be used to visually screen the Oil Operations and related equipment from Developed Areas or adjacent public streets; (2) improve the visual appearance of the existing Oil Field; and (3) ensure compatibility with the surrounding environment. The Plan shall be reviewed by the Operator on an annual basis to determine if modifications to the Plan are required and report its findings to the Community Development Director. Such findings and proposed modifications to the Plan shall be submitted to the Community Development Director for review and approval. Operator shall comply with all provisions of the approved Plan.	Certain aspects of this policy require clarification. First, why is an annual review of the landscaping plan required? Landscaping plans are traditionally part of a larger development plan, and the landscaping as shown on the plan is installed and required to be maintained for the life of the project. This traditional method is much more feasible for implementation on the Inglewood Oil Field, especially since visual screening only at the perimeter of the field would achieve the goal of this policy. Further, additional landscaping within the active field is not feasible due to fire, safety and other general operational considerations specific to the Inglewood Oil Field.
40.A	Abandoned and Unused Equipment Removal Plan. For projects within the Oil Field, within 180 days of the Effective Date or at such later date as may be approved by the Public Works Director/City Engineer, for good cause shown, the Operator shall submit an Unused or Abandoned Equipment Removal Plan to the Public Works Director/City Engineer for review and approval. The Plan shall include an inventory of all unused or abandoned equipment identifying all parts, equipment and machinery that is no longer in service and is not intended for prompt use in connection with Oil Operations. All existing facilities that have reached the end of their useful economic life shall be properly decommissioned and removed from the Oil Field within one year from the Effective Date and, thereafter, all new facilities that have reached the end of their useful economic life shall be properly decommissioned and removed from the Oil Field within one year. The Operator shall file a quarterly compliance report to the Public Works Director/City Engineer. Equipment and materials not necessary to Oil Operations as identified by the Public Works Director/City Engineer shall be promptly removed from view of Sensitive Developed Areas.	What is the nexus for requiring quarterly compliance reports? This requirement is unnecessary to ensure compliance with the Plan, and creates unnecessary paperwork requirements that, together with other similar requirements, waste the resources of the City and FM O&G..
41.A	Security. All unmanned entrances to the Oil Field shall be equipped with sliding gates that shall be kept closed at all times except when authorized vehicles are entering or leaving the field. The Operator shall have a security guard on duty 24 hours per day.	Additional clarity is needed on the intent of this proposal. For instance, is the policy requesting that FM O&G maintain a dedicated security guard to the gate to the field in Culver City? If this is the case, we cannot determine what nexus exists for such a requirement. The portion of the oil field located within Culver City's jurisdiction is not accessed at a rate to justify the presence of security guards.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
41.C	Storage of Equipment. There shall be no storage of material, equipment, machinery or vehicles which are not intended for prompt use in connection with Oil Operations. Any equipment that is not intended for prompt use shall be removed from the Oil Field.	The proposed policy would remove FM O&G's ability to store any materials within the Culver City portion of the field. The nature of oil operations requires material storage within a close proximity to individual operations/projects, and hence, this policy is infeasible as currently written.
41.D	Painting. Within two years of the Effective Date, or at such later date as may be approved by the Community Development Director for good cause shown, all Oil Operations-related structures visible from public roadways and surrounding properties shall be painted or otherwise surfaced or textured with a color that is compatible with Developed Areas and has been approved by the Community Development Director. The painting or other surfacing of structures shall be maintained in good condition.	The intent of this policy is unclear. The entirety of the Inglewood Oil Field was repainted a color determined by FM O&G and the County of Los Angeles to be compatible with surrounding areas as a part of CSD compliance. It is thus necessary that this color choice also provide compliance with this policy to ensure operational and aesthetic consistency throughout the field as a whole. All of the facilities within the Culver City portion of the oil field were painted in conjunction with the balance of the oil field to ensure aesthetical consistency. The proposal would require FM O&G to unnecessarily waste resources to redo what has already been done.
42	DIRECTIONAL SURVEYS REQUIRED ON CERTAIN WELLS. Whenever Operator drills, re-drills, or deepens any well, or well hole, and the Top Hole or Bottom Hole location is within 400 feet of any exterior boundary line of any City- owned property, the Operator shall make, record and keep true and accurate sub- surface directional surveys of such well or well hole, with stations at not more than 100 foot intervals in such well or well hole. The result of each survey shall be fully and accurately shown on a plat, which shall be submitted to the Community Development Director. Each plat shall include: A. The exterior boundaries of the property on which such well or well hole has been or is being drilled, re-drilled or deepened; and, if such property is part of, but less than the whole of, a larger parcel of land owned, leased or controlled, or operated or to be operated, as a single drilling or operating unit of lease, the exterior boundaries of such larger parcel. B. The location of such well or well hole on the surface in relation to such boundaries. C. The sub-surface location of the point of cementing each string of casing. D. The sub-surface location of the lowest point in such well or well hole, from which production of oil, gas and/or other hydrocarbon substances is procured or obtained. E. The continuous and entire course of the well hole, as surveyed, shall be presented accurately on one plat.	FM O&G questions the City's ability to adopt and implement this policy due to the DOGGR's exclusive occupation of downhole regulations. The proposed language should be deleted to avoid raising legal questions relative to jurisdictional encroachment.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
43.A	A surface survey, which indicates the location and number of well heads within the Oil Field, and a plat of each sub-surface directional survey, shall be prepared by a land surveyor or civil engineer registered in the State of California and qualified to prepare such surveys. The surveyor or civil engineer shall place a certification on the survey maps stating: "I hereby certify that I am a registered land survey (or civil engineer) of the State of California; that this map consisting of (#) sheet(s) is a true and complete survey as shown and was made by me or under my direction on (date); and accurately reflects the requirements contained in Section 43 of this Ordinance."	The requirement that the surface map showing well heads be prepared by a land surveyor or civil engineer is unnecessary. All recent well heads are surveyed and the coordinates are filed with mapping technicians qualified to prepare surface maps showing these surveyed locations. As such, the requirement that these maps be prepared by a surveyor/engineer should be removed. Also, the intent of the surface map is unclear. Is the City requesting the location of all existing well heads or is this request intended to include the location of all abandoned wells (which no longer have a well head)? Secondly, FM O&G questions the City's ability to require subsurface maps of the oil field as the DOGGR has exclusive jurisdictional s authority of such subsurface regulations. The proposed language should be deleted to avoid raising legal questions relative to jurisdictional encroachment.
43.B	The survey shall be based on the City's GPS coordinate system and be in AutoCAD format (latest version).	See comment on 43.A
43.C	A digital copy of the survey shall also be submitted.	See comment on 43.A
44	Duplicate Notices. The Operator shall file with the Community Development Director a duplicate notice of all notices required by any State regulatory agency.	We question the necessity of this requirement due to pre-emption of other agencies of their particular fields. This requirement would necessitate an undue amount of paperwork that, when added to many other similar requirements in this ordinance, make compliance difficult and waste the resources of FM O&G and the City. As such, we request this policy be deleted as it is unnecessary and all such records are readily available to the City by all applicable agencies.
45	INSPECTION OF PREMISES. Any City official shall have the right and privilege, at any time, to enter upon any property owned or operated by the Operator within the City for the purpose of making inspections.	This policy would allow "any city official" to have the "right and privilege at any time" to enter the property. While we understand the City's right to inspect the property, it must be done in strict compliance with FM O&G's health and safety requirements; thus, requiring that City officials be escorted into and through the field by a FM O&G employee. Additionally, this policy must be updated to indicate that inspections will only occur when the inspection is directly related to ensuring compliance with this ordinance and/or a permit required under this ordinance. Further, the term "any City official" must be clearly defined so that it is limited to City employees and/or agents that are qualified to inspect oil field operations. The qualification threshold for inspectors must also be disclosed and vetted. Allowing unfettered access to "any" city official, regardless of the reason for their visit or lack of training creates an unacceptable safety risk.

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46	WELL AND PRODUCTION REPORTING. Operators proposing well drilling operations on the Oil Field shall provide annual Production Reports to the Community Development Director on the well production within the area of the field under the jurisdiction of the City as well as the overall field. This reporting shall include all copies of all DOGGR Forms 110 and 110B during the previous 12 months; amount of oil and gas produced by well number; number and mapped location of all wells (active, injection); the number and mapped location of abandoned and idle wells, including date each well was idled or abandoned; and any other information requested by the City.	The proposed language creates legal questions related to jurisdictional encroachment. FM O&G questions the City's ability to request information in excess of that provided to DOGGR, the agency with exclusive authority related to well and production reporting. Further, the requirement to provide the "amount of oil and gas produced by well number" would create a regulatory and reporting structure that is inconsistent with the majority of the oil field and would lead to significant confusion and operational consistency issues. FM O&G recommends that this section be deleted.
49	ABANDONED WELL TESTING. The Operator shall conduct quarterly testing of abandoned wells for hydrocarbon vapor leaks. The first quarterly testing shall be completed within 120 days of the Effective Date. The procedures and equipment for such testing shall be reviewed and approved by the Public Works Director/City Engineer. Abandoned wells that are found to be leaking hydrocarbons shall be reported to the Public Works Director/City Engineer and DOGGR within 12 hours of the abandoned well testing. DOGGR shall determine if the well needs to be re-abandoned. If directed by DOGGR, the Operator shall re-abandon the well in accordance with DOGGR rules and regulations. Any abandoned well that is not found to be leaking hydrocarbon vapors for eight consecutive quarters (after a hydrocarbon leak is found), shall thereafter be tested on annual basis and such test results shall be submitted to the Public Works Director/City Engineer.	The Inglewood Oil Field, as a whole, has established 94 grids, all of which have been tested annually for five years. All of the grids within the Culver City portion of the Field have tested below background levels for the last two years; hence, FM O&G questions the nexus of this requirement - particularly, the quarterly testing. Furthermore, the proposal raises legal questions relative to jurisdictional encroachment as DOGGR has exclusive regulatory authority over abandoned and idle wells and fully occupies the regulatory field relative to testing requirements. FM O&G recommends that this section be deleted.

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50	WELL AND WELL PAD ABANDONMENT. Wells which remain idle for five years shall be subject to review by the Community Development Director, Fire Chief, and DOGGR to determine if the well should be abandoned, unless Operator can show that the well will go back into production within 180 days. Idle wells shall be abandoned within 180 days of receiving an order from the Fire Chief or DOGGR to abandon. If DOGGR orders the Operator to plug and abandon any wells, the Operator shall commence promptly and proceed diligently with the plugging and Abandonment operations in accordance with DOGGR rules and regulations and the terms of the DOGGR permit to plug and abandon the well. The Operator shall also file DOGGR form titled "Notice of Intention to Abandon/Re-Abandon a Well" with the Fire Chief and the Community Development Director. Well Abandonment may commence once all necessary permits and approvals are obtained. All wells abandoned at the Oil Field shall utilize a total of 150-foot cement surface plug. If the well pad associated with the well Abandonment does not contain other production, injection, or idle wells, and will not be used for future drilling, then the Operator shall promptly abandon the well pad consistent with the following provisions:	This provision goes well beyond land use or any municipal affair. The City's ability to implement the 150' plug requirement on well abandonments is preempted by DOGGR's exclusive regulation of downhole activities.
52	OIL FIELD ABANDONMENT PROCEDURES. Within 180 days prior to permanent facility shut down, the Operator shall submit an Abandonment Plan to DOGGR and shall submit to the Community Development Director for review and approval a timeline for facility removal, site assessment, and remediation as necessary. The Operator shall begin abandonment of the site no later than 20 days after the Director's approval of the timeline, and shall provide to the Director quarterly updates on the abandonment process until such time as the Oil Field is abandoned and remediated. Immediately following permanent shut down of the facility, all facilities within the Oil Field shall be removed; the site shall be recontoured and revegetated in accordance with a City-approved plan within one year of shutdown. The Operator shall post a performance bond in an amount determined by the Community Development Director to ensure compliance with all provisions of this Section and the Operator and landowners shall continue to pay property taxes at the rates assessed during Oil Operations until all site restoration work has been fully completed, as determined by the Community Development Director. The Operator, Operator and landowners shall be jointly and severally liable for compliance with this Section. A partial closure of the facility, if feasible, shall be permitted as an interim step to full closure.	This provision goes well beyond land use or any municipal affair. The City's ability to implement this policy is preempted by DOGGR's exclusive occupation of all downhole operations and site decommissioning for oil fields. Furthermore, the L.A. County Assessor's office occupies the regulatory field relative to all properties within Los Angeles County, including those within incorporated cities.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
53	SAFETY INSPECTION, MAINTENANCE, AND QUALITY ASSURANCE PROGRAM (SIMQAP). Within 180 days of the Effective Date, Operator shall submit to the Community Development Director and Fire Chief for review and approval, a detailed SIMQAP that covers all existing and proposed Oil Operations. The Operator shall ensure that all persons working on the site fully comply with the SIMQAP, and shall provide for involvement of City staff and the City's On-Site Monitor in all inspections. The following provisions relate to the SIMQAP:	In order for FM O&G to ensure operational consistency on the field as a whole, it is necessary that the SIMQAP already prepared for the County CSD satisfy the requirements of this Discussion Draft policy. One prominent inconsistency is the proposed requirement to conduct a SIMQAP on *proposed* operations. Lastly, FM O&G would like to ensure involvement by all appropriate staff on compliance inspections and at the same time ensure that precarious implementation costs are avoided. As such, we question the necessity of multiple inspectors on site for inspections typically handled by one inspector with expertise in oil operations. Also, FM O&G believes the ordinance should require any City staff and the On-Site Monitor to be properly trained and have the professional expertise to conduct these types of inspections.
53.A	SIMQAP Review and Revisions. The Operator shall periodically review and update the plan to incorporate changes in procedures, and new safety and maintenance technologies. The Operator shall review and revise the plan at least every five years or more frequently if the Operator determines changes are necessary, or if requested by the Community Development Director or the Fire Chief. Revisions to the SIMQAP shall be submitted to the Community Development Director and the Fire Chief for their review and approval. The Operator shall respond to any request for additional information within 30 days of receiving such request, unless extended by the City.	Same as 53
53.B	SIMQAP Requirements. The SIMQAP shall include but not be limited to the following: 1. Inspection of construction techniques; 2. Regular maintenance and safety inspections; 3. Periodic safety audits; 4. Corrosion monitoring and leak detection; and 5. Inspections of all trucks carrying hazardous and/or flammable material prior to loading.	Same as 53

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53.C	Worker Notification. The Operator shall ensure that all personnel comply with all provisions of the currently approved SIMQAP.	The Discussion Draft requires that all personnel working "on the oil field" shall be trained on the SIMQAP. This language is vague and creates questions as to whether accountants and clerical staff that strictly perform administrative and support work and do not physically work in the field setting need to be trained in order to achieve compliance. The language should be clarified to tie the training requirements to personnel actively working in the field.
53.D	Inspections. The SIMQAP shall provide for involvement of City staff and the City's On-Site Monitor in all inspections required by this section.	FM O&G would like to ensure involvement by City staff on compliance inspections; however at the same time ensure that precarious implementation costs are avoided. As such, we question the necessity of multiple inspectors on site for inspections typically handled by one inspector with expertise in oil operations. FM O&G believes the ordinance should require any City staff and the On-Site Monitor to be properly trained and have the professional expertise to conduct these types of inspections.

CC Ord Section	Culver City Ordinance Text	FM O&G Response Comment
54	COMPLIANCE AND SAFETY AUDITS. At the discretion of the Community Development Director, the Operator may be required to fund a comprehensive third-party Compliance and Safety Audit of all or a portion of the Oil Operations within the jurisdiction of the City. The audit will ensure the safety of Oil Operations and compliance with all federal, state, regional and local laws, rules and regulations. The third-party auditor shall be approved by the Community Development Director and the Fire Chief. In addition to auditing compliance with agency rules and regulations, there shall also be a Comprehensive Facilities Safety Audit for Oil Operations, including all wells and facilities. In addition to the physical condition of the site, operations and procedures manuals for employees and equipment shall be reviewed, as well as manuals addressing emergency planning and procedures. The results of the Compliance and Safety Audits, together with correction action plans for any non-compliance items or unsafe conditions found in the audit, shall be submitted to the Community Development Director and Fire Chief. The corrective action plan shall identify the non-compliance and unsafe items, describe the corrective action to be taken, and provide the timeline for each element of the corrective action. The Operator shall be in violation of the provisions of this section if the Operator fail to complete any corrective action called for by the corrective action plan within the approved time limits specified in the plan, and be subject to penalties as set forth in Section 9.F. The Operator shall submit to the Director monthly updates on the corrective action plan until such time as all corrective actions have been completed.	The purpose of the safety audit in the CSD EIR was specific to the gas plant. Since the gas plant is not within Culver City's jurisdiction, there is no nexus to the Discussion draft requiring the same. Further, as written, this policy would extend beyond Culver City's authority by requiring an audit of FM O&G's compliance with State, Federal, County and any local laws outside of Culver City's own. Hence, this requirement should be deleted to avoid creating legal questions relative to jurisdictional encroachment.

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55	COMPLAINTS. All complaints related to Oil Operations received by the Operator shall be reported on the same business day to the Community Development Director and Fire Chief. Notification of complaints relating to immediate life safety issues shall be made to the affected emergency response agencies no later than 30 minutes after receiving the complaint. In addition, the Operator shall maintain a written log of all complaints and provide that log to the Community Development Director and Fire Chief and other interested parties (i.e. community groups or other interest groups) as identified by the City on a quarterly basis. Depending upon the nature of the complaint, the Operator shall report the complaint to SCAQMD, DOGGR, and any other appropriate agencies with oversight authority regarding the complaint at issue. If the complaint is received after normal business hours, it shall be reported to the Community Development Director and Fire Chief and the agencies at the opening of the next business day.	This section lacks the defined term "Oil Field" which creates ambiguity as to whether City is attempting to over reach its authority by requiring FM O&G to notify the City about complaints originating outside the City's jurisdiction. Furthermore, agencies such as DOGGR and AQMD have different reporting and notification thresholds. FM O&G questions the City's legal ability to compel us to provide notifications to agencies outside the City's jurisdiction in a manner that is inconsistent with their own regulations. The language and requirements should be clarified and tied strictly to complaints that originate from residents within Culver City.
56	COMMUNITY OUTREACH. Operator shall hold community meetings on an annual basis to provide updates on Oil Operations.	FM O&G currently holds an annual community meeting for the purposes of providing the public an update on oil field activity. The ordinance should include language verifying that the aforementioned community meeting will satisfy compliance with the proposed Culver City Oil Drilling Regulations.
X	X	The Discussion Draft lacks any permit procedures section, including procedures for permit amendments, modifications, variances, appeals, etc. Provisions relative to these topics should be included in future revisions of the proposed ordinance.

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