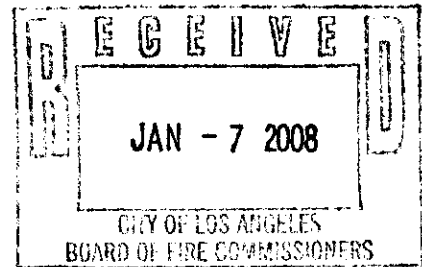


FEB 5 2008

C-001-08



Response to LAFD Comm. Dec. 18. 2007

DECEMBER 27, 2007

TO: FIRE CHIEF, DOUGLAS L. BARRY and cc'd to the BOARD OF FIRE COMMISSIONERS & LAFD attor

FROM: GRASSROOTS COALITION, Patricia McPherson

SUBJECT: Response to the Commissioner's Report of December 11, 2007 regarding PLAYA VISTA and;

LAFD's role and responsibilities regarding Methane Mitigation Programs and Playa Vista's Methane Mitigation Program.

The following questions are in response to the LAFD Commissioner's verbal request made during a December 18, 2007 LAFD COMMISSION Meeting which agendized the methane mitigation measures (PLAYA VISTA). The request made by the LAFD Commissioner's was for specific questions to be written by Grassroots Coalition to elicit a response from Chief Barry. The LAFD COMMISSIONERS suggested that Grassroots provide the questions to Chief Barry in December in order to provide for the ability to place the methane mitigation issues on the agenda for January. The following questions are in response to the LAFD COMMISSION request.

It is the hope of Grassroots Coalition that the LAFD will, as a result of reading the materials provided (in November 2007) to the LAFD Commission, its attorney and staff, honor its numerous codes and City Council Directives in order to fully engage in oversight of the oilfield gas mitigation safety systems. Since the LADBS report(s) done by the City Controller it is evident that LADBS and the Planning Department have not complied with LA City ordinances including the 2001 CLA Report and Directives. The City Controller's working pages of the Report reveal that the gas safety systems for Phase 1 of Playa Vista, cannot be shown to have been implemented or implemented properly. Controller Chick has stated that she cannot vouch for the safety of the Playa Vista Phase 1 site and that the "poor record keeping, in my opinion, is the surest way to cover things up." "what we found, quite frankly, was mush." Laura Chick- KNBC interview regarding the Playa Vista audit regarding the gas mitigation systems.

Since the Controller's Report there has been no new data for Phase 1 provided. Instead, the new Memorandum of Understanding (MOU) between city departments which was revealed recently before the full city council, focuses upon the "future" of Phase 2 of Playa Vista and other "future" areas of the city which require gas mitigation.

This leaves the glaring and dangerous gap of how to investigate and determine what has and has not been implemented at Phase 1 of Playa Vista and what actually works and what does not.

It is the hope of Grassroots Coalition that the LAFD will step up to help bridge this dangerous gap of oversight. Mechanisms for such oversight already exist within LAFD and, with the help of the LAFD Commission requesting further independent investigation and oversight, true full disclosure and safe mitigation may be possible.

HISTORY:

On November 20, 2007 both Grassroots Coalition and Friends of the Children spokespeople requested- and were granted- to be agendized in order to address concerns about Methane Mitigation (both Citywide Methane Code and the Methane Mitigation for the Playa Vista development site) and the Fire Department's response to those concerns. The LAFD Commissioners, attorney and

Response to LAFD Comm. Dec. 18, 2007

staff were provided with key background information regarding the history of the City's actions regarding the methane mitigation measures for Playa Vista. The materials provided, included disturbing data that cites dangerous safety hazards of the methane systems and improper- if not illegal- actions of various city departments pertaining to those safety systems.

December 18, 2007 both Grassroots Coalition (GC) and Friends of the Children (FOC) spokespersons came before the LAFD Commissioners during the public comment period for agenda item - SUBJECT PLAYA VISTA. After comments made by GC and FOC regarding an extreme and dangerous disconnect between what we had requested be reviewed and a total lack of review response, the LAFD Commissioners requested a letter, outlining our concerns in question form, to Chief Barry. The Commissioners suggested that GC and FOC questions and concerns again be upon the agenda for January.

Provided at the Dec. 18, 2007 meeting, was a Dec. 11, 2007 Board report prepared by Craig A. Fry, Assistant Chief, Office of the Fire Marshal. This report, as understood by Grassroots, was to have been a response to the documents and queries provided in November 2007 to the LAFD Commission. NO RESPONSE was provided regarding the materials given to the Commission. Instead, Chief Fry's response was to the "Summary" of Controller Chick's audit and to some points generally part of the MOU.

Please respond to the following comments and concerns:

1. None of the GC and FOC concerns, questions and issues raised within the materials given to the LAFD Commissioners were acknowledged or addressed by either the LAFD Commissioners or the Board Report by Craig Fry.
2. The Fry Report (Board Report) provided false and misleading information to the public and the Commissioners. Unlike the materials provided to the Commissioners by GC and FOC, there were no substantiating documents provided by the Board Report to support contentions and conclusions made within the Board Report. Numerous and dangerous contradictions to the data provided by GC and FOC were made by Chief Fry in the Board Report's information and conclusions. No explanation or supportive data was provided to answer why such an incongruity exists.
3. Collaboration by LAFD has not occurred as provided for in the 2001 CLA Report and Directives regarding the Playa Vista development site and as allowed for under the 2004 Citywide Methane Code (including the City Council approved Methane Task Force - (a city multidepartmental, public, independent expert and interested party group designed to provide full disclosure regarding all methane safety systems)

LAFD's role exists and could be implemented to enforce that this task force exist as ordered by the city council and to that end provide a legitimate task force providing full disclosure and the ability to monitor what is and isn't implemented and what works and what doesn't work.
4. The Dec. 11, 2007, Commissioner's Board Report on Playa Vista provides a 'broadly sweeping cushion of safety security' that is non-existent. The Board Report broadly mischaracterizes the role of the LAFD at Playa Vista and the history of Los Angeles with regard to oilfield gases.
5. Please acknowledge and respond to numbers 8-11 of documents entitled CONCERN REGARDING PLAYA VISTA... regarding LAFD's role in monitoring and design of the methane mitigation measures. Since, number 8- May 9, 2000 letter from LADBS clearly acknowledges its lack of expertise on environmental issues and relies upon other departments for such topics, what role has and what role will LAFD assume to fill this gap of expertise in order to protect the public?
-What internet monitoring oversight is specifically done by LAFD? PLEASE ELABORATE.
Public Record Act requests and written communications with LADBS have stated that the online monitoring is "gibberish" and that no one is actually performing any

meaningful oversight of this safety system. And, where is LAFD's 24/7 monitoring of the 50' aquifer level gases as cited in the MELLO ROOS bond document disclosure statements of protective systems? (E of documents RE: Nov. 7, 2007 Audit &...)

- Page 3- "The mitigation requirements of the 1986 ordinance have been effective as evidenced by the lack of subsequent methane related building fires and gas explosions in the Fairfax area."

-Please provide any data to support this hypothesis.

-Why does the Board Report ignore the LADBS Commission documents (number 6 of documents entitled CONCERNS REGARDING PLAYA VISTA..) and the experimental and uproven nature of the 2004 CITYWIDE METHANE CODE which is based upon the 2001 CLA Report (eg. number 2 of documents entitled CONCERNS..)

-Why does the Board Report fail to acknowledge the failure of the key safety systems at Playa Vista as cited by (eg. documents entitled RE: Nov 7, 2007... number 3, 5,6B10,17,D, E)

-Why does the LAFD not have any concerns regarding the gas safety systems at Playa Vista Phase 1 in light of the concerns of the City Controller's audit- 600 "working pages" that clearly establishes that there is no document support as required under city law to establish that the gas safety systems have been implemented or work properly?

-Please provide any and all data to support , "Playa Vista contains state-of-the-art methane mitigation systems developed after numerous site-specific studies of the methane concentrations and gas levels that were done in collaboration with methane technical experts, LADBS, AND THE LAFD."

Please provide data as to the involvement by LAFD to support the above statement. Please provide the data, the required inspection data which the City Controller's own audit proved was nonexistent to assure the gas safety systems had been implemented and implemented and tested properly and monitored as required.

-Please provide an explanation as to what occurred in 1989 in the Fairfax area when the deep vertical Anthony vent clogged with water.

-Why does the Commission Report attempt to cover up all the fires that have been openly acknowledged by LAFD members as being caused by methane ignition (eg. during rainy seasons).

-
6. Since the 2007 City Controller's audit of Playa Vista has revealed that there is not the inspection data to support the gas safety systems have been implemented or implemented properly (600 working pages- spread sheets), WHAT will the LAFD Commission do in order for a site by site investigation to occur upon Phase 1 of Playa Vista to determine what has and has not been implemented and/or implemented properly and what does and does not work safely.

Page 4 of the Commission Report states,

"CONCLUSION: The Bureau of Fire Prevention and Public Safety is well aware of the needs and safety concerns of the the residents of Playa Vista and the(y) have worked diligently to meet their needs and expectations. The LAFD has been and will remain in the forefront to provide leadership and to assure for the public safety regarding Methane Mitigation throughout the City of Los Angeles."

This statement is a gross misrepresentation of the role the LAFD has played regarding methane mitigation systems in Los Angeles. As shown by the documentation provided to the LAFD Commission and as shown by the 600 working pages of the 2007 City Controller's Audit and the Controller's statements of deep flaws found in the City's oversight of the Playa Vista project and serious issues that have not been addressed, her voiced concerns of a cover-up (KNBC DVD) and her statement of inability to vouch for the safety of the Playa Vista site ALL point to the need for an independent investigation of Playa Vista Phase 1 and that the role of the LAFD should become one of much greater involvement in the oversight of the gas safety systems. The known toxins -BTEX and H2S that are carried to the surface with the methane have not been addressed whatsoever. LAFD could help to implement scrubbers to eliminate the toxic components of oilfield gases that are surfacing at Playa

Response to LAFD Comm. Dec. 18. 2007
Vista and elsewhere in the city.

7. Please respond to each of the issues raised in the KNBC review of the Controller's audit. (Review of the Work Papers Behind the City Controller's... #1 of CONCERNS)

8. Please provide a response to the concerns raised in the DECLARATION of ALFRED BAYBAYANS and BERNARD ENDRES (regarding the 50' vent well performance)

9. The MOU discusses the success of the 'matrix' used by the city departments. This statement of success is in direct contradiction to the city's comments (in particular LADBS personnel) regarding its failures and problems that are cited within the city's briefs in ETINA et al. V CITY OF LA et al. . What is LAFD's response to the legal briefs and their attachments which reveal LADBS's own personnel citing grievous problems with the matrix?

Additionally, the city has stated in numerous briefs (ETINA V CITY OF LA) that its electronic inspection system, the PCIS system, cannot be trusted and that the only mechanism to determine what has occurred onsite would be contained within the inspection pages themselves. Has LAFD reviewed the briefs containing these statements and what is LAFD's response to the unreliability of the PCIS system? What legal collaboration has occurred between LADBS and LAFD in signing on to the MOU? Has LAFD and the LAFD COMMISSION attorney been apprised of the ETINA V CITY OF LA litigation? There are numerous discrepancies and contradictions within what is stated in the MOU and what is stated by the City in the briefs that directly reflect the gas mitigation system safety issues.

Please respond to the following concerns and questions:

a. Why is LAFD not fully involved in the monitoring of the gas safety systems such as the 50' vent wells? Please respond to this in light of Sec. 91.7106 (A). And,

- Please acknowledge, review and respond to the following documents as per the question(s) cited under "a".
City documents provided by GC and FOC (eg. documents entitled RE: Nov. 7, 2007 Audit & Gov. Efficiency Hearing.. : 1-7, E; and documents entitled CONCERNS REGARDING PLAYA VISTA METHANE MITIGATION SYSTEMS : items 1-10), provide data and discussion regarding the critical safety element- the 50' vent wells. The documents cite the role of the Fire Department in collaboration to provide monitoring and development of this key safety element. The documents also provide proof of the failure of this system.

b. What testing program is LAFD collaborating in that would provide monitoring and testing to ensure that the gas intake pipes are not clogged with water and silt? Please provide an answer for both the lateral intake pipes as well as the vertical piping.

c. What testing program is LAFD collaborating in that would provide monitoring and testing to ensure that the gas mitigation systems meet state plumbing code standards and that the systems perform safely?

d. Please provide an exact listing of testing and monitoring that is and has been performed by LAFD. Please provide the exact system and/or portion of the gas system that LAFD provides monitoring and testing oversight. Please provide an exact listing of system and/or part of gas safety system that Michael Ng and Captain Holloway of the LAFD have done "due diligence in assuring safety for residents of the Playa Vista community."(pg. 2 , Board Report)

Please delineate for the public exactly what is meant by this statement and what is

not included as part of the oversight by LAFD regarding the gas safety systems.

e. Please acknowledge and respond to Number 1 (2005 Appeal Court Ruling) in documents titled RE: November 7, 2007 Audit & Gov. Efficiency Hearing....

The 2001 CLA Report and Directives, as cited by the 2005 Appellate Court Ruling in ETINA v City of LA, are given the full force of law and are therefore NOT 'GUIDELINES' as cited by the Commission Report therefore, please respond to why the Commission Report and LAFD continue to refer to the methane mitigation measures of Playa Vista as "guidelines".

- Why has LAFD failed to adhere to the 2005 Court Order that 'vacated the approval of the methane mitigation systems' by approving methane systems and provided approval signatures for Certificates of Occupancy?

f. Has LAFD reviewed the 600 "working pages" of the 2007 City Controller's audit of Playa Vista ?

g. What exact "training" has been provided by LAFD to any city employee regarding the gas mitigation systems?

h. What expertise does LAFD cite for its oversight role of the gas mitigation systems, including the experimental systems such as the 50' vent wells and the sub-slab portal monitoring (as cited by ETI in Number 3 of documents titled RE: Nov. 7, 2007 Audit...)

What expertise (training, resume regarding gas mitigation and oilfield gas migration hazards) of LADBS personnel does LAFD personnel eg. Inspector Ng or Captain Holloway acknowledge, have personal knowledge, rely upon? Please respond to same for any and all consultants that Inspector Ng and or Captain Holloway rely.

i. Why is Capri 1 development site at Playa Vista still without any gas detection devices?

Thank you for your attention to these very serious matters,

Grassroots Coalition, Patricia McPherson
310 397 5779