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OCTOBER 8, 2020

TO: BOARD OF DIRECTORS

THROUGH: PHILLIP A. WASHINGTON PAW
CHIEF EXECUTIVE OFFICER

FROM: RICHARD CLARKE RFC
CHIEF PROGRAM MANAGEMENT OFFICER

SUBJECT: CALGEM LETTER ON PURPLE LINE SECTION 2

ISSUE

On October 7, 2020, the California Geologic Energy Management Division (CalGEM), the State agency which regulates oil, gas, and geothermal wells in California, transmitted a letter to the CEO regarding tunneling activities for Section 2 of the Westside Purple Line Extension (WPLE2). The letter requests that Metro suspend tunneling, in an abundance of caution, until a legacy oil well located approximately 15 feet away from the path of one of Metro's tunnels under Beverly Hills High School (BHHS) is abandoned in early November 2020. CalGEM's concerns are based on the unavailability of accurate data to assess the condition of the well at depth.

BACKGROUND

In January 2020, Metro's Contractor, Tutor-Perini O&G Industries (TPOG) discovered two legacy oil wells in the path of the tunnel boring machine (TBM) that will be used to excavate the westbound subway tunnel (BR tunnel) under BHHS. No legacy oil wells have been found in the path of the eastbound subway tunnel (BL tunnel). In accordance with mitigation measure CON-53 in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) and the Supplemental Environmental Impact Statement (SEIS), the oil wells in the path of the BR tunnel must now be abandoned in accordance with State requirements.

On June 17, 2020, Metro entered into a Reimbursement Agreement with BHUSD and pledged to cover the mutually agreed upon costs to abandon the two oil

wells in the path of the BR tunnel. The abandonment of the legacy oil wells is being coordinated with CalGEM.

In July 2020, BHUSD's contractor began the abandonment of the first well, Wolfskill 23, adjacent to Metro's staging yard. As of early September 2020, abandonment activities for Wolfskill 23 have been completed and BHUSD is awaiting final certification from CalGEM.

Preparations for the abandonment of the second well, Rodeo 107, began in earnest last week. BHUSD's original plan for the work was to start the abandonment of Rodeo 107 while work for Wolfskill 23 was ongoing.

On September 21, 2020 the law firm of Tao Rossini sent a letter to Metro's CEO, Phillip Washington and Board Chair, Mayor Eric Garcetti, alleging health and safety concerns related to upcoming tunneling activities for WPLE2 beneath Beverly Hills High School (BHHS). The letter alleged that tunneling within 15 feet of a legacy oil well will present an unnecessary risk to the BHHS campus.

For several months, BHUSD has been aware of TPOG's planned schedule to excavate the BL tunnel before the path of the BR tunnel was cleared by BHUSD. Tao Rossini alleged that Metro has violated the SEIS and the Reimbursement Agreement with its plan to excavate the BL tunnel prior to the completion of the abandonment of Rodeo 107. County Counsel and Metro's outside counsel strongly disagree that Metro has violated the terms of either document. BHUSD sent copies of its letter dated September 21, 2020 and a previous letter sent to Metro staff on September 11, 2020 to CalGEM in what appears to be an effort by BHUSD's attorney to delay the BL tunnel until Rodeo 107 is abandoned.

Most importantly, BHUSD's consultant, WZI, also alleged that the action of tunneling within 15 feet of Rodeo 107, prior to the start of abandonment work, will create an unsafe condition for BHUSD. Metro's technical consultants have evaluated the proposed tunneling activities in the vicinity of Rodeo 107 and disagree with BHUSD's conclusions. They insist the tunnel can be excavated safely, and that the nominal risk of advancing the BL tunnel is no greater than the risk of operating pressurized face tunnel boring machines elsewhere on the Purple Line Extension.

Metro's outside counsel replied to Tao Rossini's letter on September 23, 2020, and Metro staff met with representatives from CalGEM and BHUSD later that day, and again on September 25, 2020 to discuss the schedules for tunnel excavation and well abandonment. The letter received today, states "While CalGEM appreciates LACMTA's position that LACMTA can tunnel safely past Rodeo 107 while it's being abandoned by WZI, in an abundance of caution we request that WZI complete its work before Metro tunnels nearby to ensure work is performed in a manner most protective of public health and safety.

Metro staff believe that ignoring CalGEM's request would likely result in further action by the State which could have the same impact as voluntarily suspending tunneling operations. Therefore, staff plan to direct TPOG to delay excavation of the BL tunnel until late October at the earliest in order to avoid getting close to Rodeo 107 while BHUSD is abandoning it. CalGEM is currently forecasting completion for November 5, 2020, but given BHUSD's slow progress to date, it is doubtful that they will complete abandonment of Rodeo 107 on the timeline they have promised. It is possible that this issue will create a minor critical path delay to the WPLE2 project.

NEXT STEPS

- Closely monitor progress of the abandonment of Rodeo 107.
- Direct TPOG to resume tunneling as soon as possible.
- Look for opportunities to mitigate a delay to the critical path to the greatest extent possible.