

**DEPARTMENT OF CONSERVATION  
GEOLOGIC ENERGY MANAGEMENT DIVISION  
SB 1137 FIRST EMERGENCY IMPLEMENTATION REGULATIONS  
TEXT OF PROPOSED REGULATIONS**

**CALIFORNIA CODE OF REGULATIONS, TITLE 14  
DIVISION 2. DEPARTMENT OF CONSERVATION  
CHAPTER 4. DEVELOPMENT, REGULATION, AND CONSERVATION OF OIL AND  
GAS RESOURCES**

**Subchapter 2. Environmental Protection**

**Article 2.5. Health Protection Zones**

**§ 1765. Scope and Purpose.**

The purpose of this article is to implement and make specific the provisions of Public Resources Code, Division 3, Chapter 1, Article 4.6 (commencing with section 3280), to accomplish the purposes of Article 4.6 as declared in Statutes of 2022, chapter 365, section 1 (SB 1137).

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106, 3280, 3281, 3281.5, 3284 and 3285 Public Resources Code.

**§ 1765.1. Definitions.**

(a) For the purpose of this article, “area” means surface area, and all measurement of distances is on the surface of the land.

(b) For the purpose of this article, “Health Protection Zone” means the area within 3,200 feet of a sensitive receptor. The measurement shall be made from the property line of the receptor unless the receptor building is more than 50

feet set back from the property line, in which case the measurement shall be made from the outline of the building footprint to 3,200 feet in all directions.

(c) For the purposes of this article, a “sensitive receptor” means any of the following:

(1) A residence, including a private home, condominium, apartment, and living quarter.

(2) An education resource, including a preschool, school maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, daycare center, park, playground, university, and college. Where a university or college is the only sensitive receptor within 3,200 feet of the operator’s wellheads or production facilities, the university or college is not a sensitive receptor if the operator demonstrates to the Division’s satisfaction that no building with nominal daily occupancy on the university or college campus is located within 3,200 feet of the operator’s wellheads or production facilities.

(3) A community resource center, including a youth center.

(4) A health care facility, including a hospital, retirement home, and nursing home.

(5) Live-in housing, including a long-term care hospital, hospice, prison, detention center, and dormitory.

(6) Any building housing a business that is open to the public.

(d) A park is an education resource for purposes of subdivision (c) if it is an area that is open to the public for outdoor recreation that is at least partially within one-quarter mile of a residence or another education resource. Only the portion of a park that is within one-quarter mile of a residence or another education resource shall be considered a sensitive receptor.

(e) If a building is open to the public, then for purposes of subdivision (c) it is either a business that is open to the public or it is a community resource center. A building is open to the public if visitors are regularly permitted on the premises who are not the owner of the building or a tenant of the building and are not employees, contractors, or service providers of the owner of the building or of a tenant of the building.

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106 and 3280 Public Resources Code.

### **§ 1765.2. Measuring Distances.**

(a) For the purposes of this article distances shall be measured in feet as horizontal distance.

(b) When distance from a sensitive receptor is measured from the property line, the measurement shall be from the property line directly between the sensitive receptor and the wellhead or production facility and from the point on the property line that is nearest to the wellhead or production facility.

(c) Distances from production facilities may be measured from the geometric center of the location of the production facility, except if precise measurement from the edge of the production facility nearest a sensitive receptor would result in a finding that the production facility is within a Health Protection Zone.

(d) When latitude and longitude coordinates are required under this article, the coordinate shall be provided in decimal degrees with an accuracy of plus or minus ten feet using the geodetic datum North American Datum of 1983 (NAD83).

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106, 3280, 3281 and 3285 Public Resources Code.

### **§ 1765.3. Additional Requirements for a Notice of Intention.**

(a) If a notice of intention submitted under Public Resources Code section 3203 is for a well with a wellhead that is not within a Health Protection Zone, then the operator shall provide a statement to that effect and all the supporting information and explanation described in Section 1765.9, subdivision (a), upon which the operator based its determination. The Division will not approve the notice of intention unless the Division has verified the wellhead location is not within a Health Protection Zone.

(b) If a notice of intention submitted under Public Resources Code section 3203 is for a well with a wellhead that is within a Health Protection Zone, then the operator shall include the following:

(1) Identification of the sensitive receptor nearest to the wellhead location. Information regarding the sensitive receptor shall be provided in a sensitive receptor inventory in accordance with Section 1765.7 and a sensitive receptor map in accordance with Section 1765.8.

(2) Identification of the type, purpose, and size of production facilities that will be constructed or operated in association with the notice of intention, including any production facilities that are planned to be newly constructed or operated in association with notice of intention.

(3) A statement of the basis for approving the notice of intention under Public Resources Code section 3281, subdivision (a), or Public Resources Code section 3281.5, as applicable.

(c) If a notice of intention submitted under Public Resources Code section 3203 is for a well with a wellhead that is within a Health Protection Zone, and the basis for approving the proposed operations is to prevent or respond to a threat to public health, safety, or the environment, then the operator shall include the following:

(1) A description of the threat to public health, safety, or the environment.

(2) A description and characterization of the magnitude of the risks and harms associated with the threat, including the likely populations or protected resources that may be affected.

(3) Discussion of the timeframe of the threat, including potential short- and long-term impacts of the threat.

(4) Discussion of any potential alternative approaches to address the threat and reasons why the alternatives were not selected by the operator.

(5) Any data or engineering studies demonstrating the existence of the threat and the magnitude of potential harms, including any relevant well test results, pressure test results, mechanical integrity logs, cement bond logs, and any other relevant documentation.

(6) An explanation of how the proposed operations will reduce or eliminate the threat.

(7) Any other information requested by the Division to evaluate the threat to public health, safety, or the environment, and the proposed operations responding to the threat.

(d) The requirements of this section do not apply to a notice of intention to plug and abandon or reabandon a well or to drill an intercept well necessary to plug and abandon or reabandon a well. The requirements of this section are in addition to and do not replace the requirements for a notice of intention under any other statute or regulation.

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106, 3203, 3281, 3281.5 and 3285 Public Resources Code.

#### **§ 1765.4. Water Sampling and Testing.**

(a) Except as provided in subdivisions (b) and (c), operators shall not commence any work that requires a notice of intention under Public Resources Code section 3203 in a Health Protection Zone unless notice requirements under Public Resources Code section 3284 have been met and until at least five working days after providing the following to the Division:

(1) The declaration of completion of notice required under Section 1765.4.1, subdivision (a)(8).

(2) For each water source where an owner or tenant has requested water quality testing under Public Resources Code section 3284, the date that the baseline sampling and testing was performed. If the operator was unable to do the requested testing because the property owner or tenant was unable to provide the necessary access, then a description and timeline of the efforts made by the operator to obtain access to the water source.

(b) The Division may waive the requirements of Public Resources Code section 3284 if the operator demonstrates that the delay in well work associated with the requirements of this section is likely to result in significant damage to life, health, or natural resources. An operator's request for a waiver shall adhere to the following requirements:

(1) The operator shall specifically request a waiver of the requirement under this exemption when submitting the notice of intention.

(2) The operator shall provide documentation of the risk associated with the delay caused by the sampling and testing process including a qualitative discussion of the probability that the harm will occur and a rough estimate of the potential magnitude of the impacts of the harm that is likely to result.

(3) Documentation provided shall include an analysis of contributing hazards and risk factors, any available data that evidences the details of

existing conditions that contribute to the risk, and an analysis of the time sensitivity of that risk.

(c) A notice of intention to plug and abandon a well within a Health Protection Zone is not subject to the requirements of Public Resources Code section 3284.

(d) Operators receiving at least one request from a property owner or tenant for water testing under Public Resources Code section 3284 shall provide the following documentation to the Division no more than 120 days after the well work is complete:

(1) For each water source where a baseline sample was taken, the date or dates that the follow-up sample was taken or documentation of reasons why testing was unable to be performed including a description and timeline for efforts made by the operator to gain access to the water source;

(2) Water quality sampling data and analysis for each water source sampled, including identification of the property owner or tenant that made the request;

(3) Documentation, including date, of the delivery of the water quality data to each property owner or tenant entitled to receive the data under Public Resources Code section 3284, subdivision (d)(4);

(4) Date that the water quality data for each sampling location were transmitted to the appropriate regional water quality control board and the State Water Resources Control Board.

(e) When notifying the appropriate regional water quality control board prior to collecting a sample under Public Resources Code section 3284, subdivision (d)(5), the operator shall also notify the State Water Resources Control Board.

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106 and 3284 Public Resources Code.

**§ 1765.4.1. Notice to Property Owners and Tenants**

(a) Operators shall adhere to the following requirements when providing notice to property owners and tenants under Public Resources Code section 3284:

(1) The notice shall describe the nature, location, duration, and timing of the work to be performed.

(2) The notice shall offer to sample and test water wells or surface water on their property before and after drilling in accordance with the requirements of Public Resources Code section 3284.

(3) The notice may be given by any of the following means:

(A) Personal delivery;

(B) Overnight delivery by an express service carrier;

(C) Registered, certified, or express mail;

(D) Electronic mail or facsimile, but only if the person to be notified has agreed in writing prior to the notice to accept notice by electronic mail or facsimile. The prior written agreement shall contain the email address or facsimile number of the person to be notified. The email address or facsimile number contained in the agreement shall be used until otherwise instructed by the person to be notified.

(4) The notice required under this section is deemed to have been provided at the following times:

(A) If given by personal delivery, when delivered;



(B) If given by overnight delivery by an express service carrier, 2 calendar days after the notice is deposited with the carrier;

(C) If given by registered, certified or express mail, 5 calendar days after the notice is deposited in the mail;

(D) If given by electronic mail or facsimile, 2 calendar days after the notice is transmitted.

(5) Any notice that is given to surface property owners by overnight delivery by an express service carrier or by registered, certified, or express mail shall be addressed to the address of record for that person, or his/her duly authorized agent, as shown on the latest equalized assessment roll, county assessor or tax collector records. In addition, if the owner's address of record is different from the physical address of the property within the notification radius, and if that property is capable of receiving mail, a copy of the notice shall also be delivered or mailed to that property.

(6) Notice to a tenant shall not be considered deficient for lack of a named individual. Notice to any tenant can be addressed generally to "current resident," "current occupant," or such other non-specific addressee, as may be appropriate.

(7) In addition to the means set forth in subdivision (a)(3), tenants of a residential or commercial property that has 10 or more individual units for lease may be provided notice by leaving a copy of the notice at each individual residential or commercial unit within the residential or commercial property between the hours of 8:00am and 6:00pm, with some person not less than 18 years of age who provides a signature acknowledging receipt of the notice. Notice given in accordance with this subdivision shall be treated as a personal delivery for purposes of determining when such notice is deemed provided under subdivision (a)(4).

(8) The operator shall, within 5 calendar days of all required notices having been provided, submit to the Division in a text-searchable electronic format a declaration of completion of notice that provides all of the following:

(A) Identifying information for the well that is the subject of the notice of intention;

(B) A list of all notices provided, itemized by the County Assessor's Parcel Number for the property within the notification radius that corresponds to each notice provided;

(C) The name of each surface property owner and tenant notified, or indication that the addressee was unspecified, as allowed under subdivision (a)(6);

(D) The specific method of providing each notice, including the physical or electronic address to which each notice was sent;

(E) The date each notice was personally delivered, deposited with an express carrier or mail service, or transmitted electronically;

(F) The date each notice is deemed to have been provided in accordance with subdivision (a)(4); and

(G) Representative copies of the notices that were provided.

(9) If any additional surface property owners or tenants are notified after the original declaration of notice is provided to the Division, then the operator shall within 5 calendar days submit to the Division a supplemental declaration of notice that contains the information listed in subdivision (a)(8).

(10) The operator shall retain copies of all of the following:

(A) Representative copies of the notice provided to surface property owners and tenants;

(B) Documentation demonstrating that the notices required under this section were provided, including documentation from the United States Postal Service or express service carrier such as proof of payment records, return receipts, delivery confirmations, and tracking records; and

(C) Records relied upon to identify surface property owners and tenants who must receive notice under Public Resources Code section 3284.

(11) Records specified for retention under subdivision (a)(10) shall be made available to the Division promptly upon request, and shall be maintained for at least 5 years from the date that the declaration of notice required under subdivision (a)(8) is submitted to the Division.

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106 and 3284 Public Resources Code.

#### **§ 1765.5. Required Notice for New Production Facilities**

(a) Except as provided in subdivision (c), operators shall submit a New Production Facility Notice containing information specified in Section 1765.5.1 to the Division prior to new construction or operation of any of the following, even if construction and operation of the new production facility is on a temporary basis:

(1) Tanks, including wash tanks, produced water tanks, oil storage tanks, stock tanks, waste oil tanks, skim tank, recirculation tanks, reject tanks, and chemical tanks.

(2) Pressure vessels, including separators, test separators, gas scrubbers, vent scrubbers, compressor scrubbers, pressure filters, and free water knockouts.

(3) Fired pressure vessels or boilers, including heater treaters, steam generators, and glycol reboilers.

(4) Compressors, including sales gas compressors, booster compressors and vapor recovery compressors.

(5) Water treatment equipment, including reverse osmosis or produced water filtration units, clarifiers, and gas floatation cells such as air or gas sparger units.

(6) Gas treatment equipment, including hydrogen sulfide removal, sulfatreat, iron sponge, dehydration units, glycol units, and dew point control units.

(7) Pipelines, including above ground pipelines and plant piping, underground pipelines and underground plant piping, flowlines, gathering lines, trunk lines, production lines, headers, manifolds, pig launchers, pig receivers, and pipeline vaults.

(8) Pits or sumps, whether open or covered, and including catch basins.

(9) Pumps, including surge pumps, recirculating pumps, boost pumps, charge pumps, transfer pumps, shipping pumps, produced water injection pumps, and wastewater injection pumps.

(10) Flares, open vent filters and vapor control systems.

(11) Production safety systems, including instrumentation, alarms, shut-downs, and detection equipment.

(12) Any other equipment that would increase production capacity associated with the oil field.

(b) If a New Production Facility Notice is required under subdivision (a), then construction or operation of the new production facility shall not commence unless the Division has verified at least one of the following:

(1) The production facility is outside of a Health Protection Zone.

(2) The production facility is associated with a notice of intention that was approved by the Division under Public Resources Code section 3281, subdivision (a).

(3) The Division has determined that the production facility is necessary to protect public health and safety.

(c) A New Production Facility Notice under subdivision (a) is not required for the following:

(1) Equipment that is not attendant to oil and gas production or injection operations.

(2) Repairs or replacements of existing production facilities if all of the following is true of the replacement production facility:

(A) The replacement production facility performs the same function as the production facility it replaced.

(B) The replacement production facility is in the same physical location and does not exceed the geographic footprint of the replaced facility.

(C) The replacement production facility does not result in an increase in throughput capacity.

(D) The operator collects and maintains detailed records, including photographs, demonstrating that the replacement production facility replaces an existing production facility, and makes those records available to the Division upon request.

Authority: Sections 3013, 3106, 3270 and 3288 Public Resources Code.

Reference: Sections 3011, 3106, 3270 and 3281 Public Resources Code.

### **§ 1765.5.1. Contents of a New Production Facility Notice**

(a) The requirements for a New Production Facility Notice required under Section 1765.5, subdivision (a), are as follows:

(1) The operator shall provide an accurate point location for the proposed new production facility including latitude and longitude coordinates. If the proposed new production facility is a pipeline, then the operator shall provide the longitude and latitude coordinates for one or more point locations of the pipeline that are near enough to a sensitive receptor to establish that the pipeline is within a Health Protection Zone.

(2) If the new production facility will be within a Health Protection Zone, then the operator shall identify the sensitive receptor nearest to where the production facility will be. Information regarding the sensitive receptor shall be provided in a sensitive receptor inventory in accordance with Section 1765.7 and a sensitive receptor map in accordance with Section 1765.8.

(3) If the new production facility will not be within a Health Protection Zone, then the operator shall provide verification from the Division in accordance with Section 1765.9 that the location is not within a Health Protection Zone.

(4) If the new production facility is associated with a notice of intention that was approved by the Division under Public Resources Code section 3281, subdivision (a), then the operator shall provide the API number for the well and the date that the notice of intention was approved by the Division.

(5) If the operator believes that the new production facility is necessary to protect public health and safety, then the operator shall provide a statement as to how the production facility is necessary to protect public health and safety with supporting documentation, data, or studies.

Authority: Sections 3013, 3106, 3270 and 3288 Public Resources Code.

Reference: Sections 3011, 3106, 3270, 3281 and 3285 Public Resources Code.

### **§ 1765.6. Annual Submission of Sensitive Receptor Inventory and Map**

(a) For purposes of the annual submission of a sensitive receptor inventory and a sensitive receptor map as required under Public Resources Code section 3285, an operator shall submit all of the following:

(1) A sensitive receptor inventory consistent with Section 1765.7 that includes all of the operator's wellheads and production facilities located in a Health Protection Zone.

(2) One or more sensitive receptor maps consistent with Section 1765.8 that include all of the operator's wellheads and production facilities located in a Health Protection Zone.

(3) For each of the operator's wellheads and production facilities determined by the operator not to be located within a Health Protection Zone, a statement to that effect and all the supporting information and explanation described in Section 1765.9, subdivision (a), upon which the operator based its determination.

Authority: Sections 3013, 3106, 3270 and 3288 Public Resources Code.

Reference: Sections 3011, 3106, 3270 and 3285 Public Resources Code.

### **§ 1765.7. Content and Format Specifications for Sensitive Receptor Inventories**

(a) A sensitive receptor inventory submitted by an operator to satisfy the requirements of this article shall conform to the following content specifications.

(1) The scope of the inventory shall encompass the following:

(A) If the inventory is submitted in connection with a notice of intention under Public Resources Code section 3203, then the scope of the

inventory may be limited to identification of sensitive receptors based on the location of the wellheads or proposed wellheads associated with that notice of intention.

(B) If the inventory is submitted in connection with a New Production Facility Notice under Section 1765.5, then the scope of the inventory may be limited to identification of sensitive receptors based on the location of the production facilities or proposed production facilities associated with that New Production Facility Notice.

(C) If the inventory is submitted in connection with an annual inventory submission under Public Resources Code section 3285, then the scope of the inventory shall include identification of sensitive receptors based on the location of all of the operator's wellheads and production facilities, consistent with Section 1765.6.

(2) Each sensitive receptor identified in the inventory shall have one or more entries that provide all of the following descriptive information about the sensitive receptor:

(A) A unique identifier to facilitate reference;

(B) A categorical identification of the sensitive receptor, referencing one or more of the category types specified in Section 1765.1, subdivision (c);

(C) Latitude and longitude coordinates for the sensitive receptor;

(D) The physical address of the sensitive receptor, including the city, postal zip code, street name and number, and, if necessary to distinguish the sensitive receptor, a unit or building number; and

(E) The distance in feet between the sensitive receptor and each of the operator's wellheads, proposed wellheads, production facilities, or



proposed production facilities that are identified in the inventory and are within 3,200 feet of the sensitive receptor.

(3) Each wellhead or proposed wellhead identified in the inventory shall have an entry that provides all of the following descriptive information about the wellhead or proposed wellhead:

(A) The 10-digit API number assigned to the well with which the wellhead is associated;

(B) The name of the well with which the wellhead is associated;

(C) A categorical description of type of well with which the wellhead is associated, such as steamflood injection, cyclic steam injection, oil production, water disposal injection, etc.;

(D) The name of the oil or gas field where the wellhead is located, and;

(E) Latitude and longitude coordinates for the wellhead;

(4) Each production facility or proposed production facility identified in the inventory shall have an entry that provides all of the following descriptive information about the production facility or proposed production facility:

(A) The unique facility identification number that the Division has assigned to the production facility, or, if no facility identification number has been assigned to the production facility, a new unique identifier to facilitate reference;

(B) A categorical identification of the type of production facility, such as stock tank, steam generator, gas compressor, etc.;

(C) The name of the oil or gas field where the production facility is located, and;

(D) Latitude and longitude coordinates for the production facility. If the production facility is a pipeline or a proposed pipeline, then the operator shall provide the latitude and longitude coordinates for one or more point locations of the pipeline that are near enough to a sensitive receptor to establish that the pipeline is within a Health Protection Zone.

(b) A sensitive receptor inventory submitted by an operator to satisfy the requirements of this article shall be formatted as an Excel file (.xls or .xlsx) or a comma-separated value file (.csv).

(c) A sensitive receptor inventory submitted by an operator to satisfy the requirements of this article shall not associate the name of any individual person with the addresses, coordinates, and other location information for sensitive receptors identified in the inventory.

Authority: Sections 3013, 3106, 3270 and 3288 Public Resources Code.

Reference: Sections 3011, 3106, 3270, 3281 and 3285 Public Resources Code.

### **§ 1765.8. Content and Format Specifications for Sensitive Receptor Maps**

(a) A sensitive receptor map submitted by an operator to satisfy the requirements of this article shall conform to the following content specifications.

(1) The scope of the map shall encompass the following:

(A) If the map is submitted in connection with a notice of intention under Public Resources Code section 3203, then the scope of the map may be limited to identification of sensitive receptors based on the location of the wellhead or proposed wellhead associated with that notice of intention.

(B) If the map is submitted in connection with a New Production Facility Notice under Section 1765.5, then the scope of the map may be limited to identification of sensitive receptors based on the location of the

production facility or proposed production facility associated with that New Production Facility Notice.

(C) If the map is submitted in connection with an annual map submission under Public Resources Code section 3285, then the scope of the map shall include identification of sensitive receptors based on the location of all of the operator's wellheads and production facilities, consistent with Section 1765.6.

(2) Each wellhead, proposed wellhead, production facility, and proposed production facility identified on the map shall be marked by a symbol that displays its location on the map relative to any sensitive receptors identified on the map. If the production facility or proposed production facility is a pipeline, then there shall also be a line on the map that marks the path of the pipeline.

(b) A sensitive receptor map submitted by an operator to satisfy the requirements of this article shall conform to the following format specifications.

(1) The map shall be presented in a letter-sized (8.5" x 11") layout.

(2) The map shall include a descriptive title and a legend that identifies all symbols used on the map, the map scale, and any other information pertinent to understanding the map.

(3) All annotations and other text on the map shall be arranged so as not to significantly obscure visual representation of the wellheads, production facilities, buildings, and any other important features depicted on the map.

(4) The map scale shall be as follows:

(A) If the map is submitted in connection with a notice of intention under Public Resources Code section 3203, or a New Production Facility

Notice under Section 1765.5, then the map scale shall be no greater than 1:12,000.

(B) If the map is submitted in connection with an annual map submission under Public Resources Code section 3285, then the map scale shall be no greater than 1:24,000.

(5) The map shall be formatted as a Portable Document Format file (.pdf) and have a resolution of at least 300 dots per inch.

(c) An operator may submit two or more maps corresponding to a single sensitive receptor inventory if a single map of the size and scale specifications described in subdivision (b) is insufficient to depict the spatial relationships between the sensitive receptors and the wellheads, proposed wellheads, production facilities, and proposed production facilities.

(d) If an operator submits more than one map to the Division under this article, then the operator shall submit a larger-scale overview map showing how each of the separate maps relate.

(e) A sensitive receptor map submitted by an operator to satisfy the requirements of this article shall not associate the name of any individual person with any addresses, coordinates, or other location information for sensitive receptors depicted on the map.

Authority: Sections 3013, 3106, 3270 and 3288 Public Resources Code.

Reference: Sections 3011, 3106, 3270, 3281 and 3285 Public Resources Code.

## **§ 1765.9. Determination that a Location is Not Within a Health Protection Zone**

(a) Operators seeking to demonstrate that a location is not within a Health Protection Zone shall provide a statement to the Division that adheres to the following requirements:

(1) The statement shall identify all of the following features located within 3,200 feet of the location:

(A) All buildings, including all permanent, installed, rigid-walled structures;

(B) All parks, including all areas open to the public for outdoor recreation; and

(C) Any site that the Division has identified as a potential sensitive receptor.

(2) The statement shall explain why each of the features identified do not meet the definition of a “sensitive receptor” under Section 1765.1.

(3) The statement shall be submitted in .txt, .docx, or .pdf format.

(b) When the Division reviews a statement provided under subdivision (a), the Division will review the information provided, and any other relevant information, and determine on a case-by-case basis whether each feature identified is a sensitive receptor as defined in Section 1765.1 and consistent with the purposes of this article. If the Division agrees that the location is not within a Health Protection Zone, then the Division will provide a written verification that, as of the date of determination, the subject location is not within a Health Protection Zone.

(c) If the Division finds that the location is within a Health Protection Zone or that the operator has not sufficiently demonstrated that the location is not within

a Health Protection Zone, then the subject location is within a Health Protection Zone.

Authority: Sections 3013, 3106, 3270 and 3288 Public Resources Code.

Reference: Sections 3011, 3106, 3270, 3281 and 3285 Public Resources Code.

**§ 1765.10. Underground Gas Storage Facilities in the Health Protection Zone**

(a) Underground gas storage wells and attendant production facilities are not subject to this article.

(b) For the purposes of this article and Public Resources Code section 3281, subdivision (d), underground gas storage wells and their attendant production facilities include:

(1) All wells associated with an underground gas storage facility operator under Public Resources Code section 3403.5 including all wells associated with an underground gas storage facility except those that have been plugged and abandoned; and

(2) All elements of an underground gas storage project as defined in Section 1726.1, subdivision (a)(6).

Authority: Sections 3013, 3106 and 3288 Public Resources Code. Reference: Sections 3011, 3106, 3281 and 3403.5 Public Resources Code.