SB 1137 FIRST IMPLEMENTATION REGULATIONS

PUBLIC COMMENT SUMMARY AND RESPONSE

Public Comment Period:
August 1, 2025 – September 18, 2025

Public Comment Hearing:
Hybrid – September 17, 2025

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INTRODUCTION

The following comments, objections, and recommendations were made regarding the proposed SB 1137 First Implementation Regulations rulemaking action during a public comment period beginning August 1, 2025, and ending September 18, 2025. During that public comment period, a hybrid (virtual and in person) public comment hearing was conducted on September 17, 2025. Over the course of the public comment period, the California Geologic Energy Management Division (CalGEM) of the Department of Conservation (Department) received a number of public comments by email and during the public comment hearing. These comments ranged from support for and opposition to the regulations to general concerns about oil and gas activities and suggested modifications to the regulations.

To facilitate the process of reviewing and responding to comments, the Department assigned a unique numerical signifier to each comment. This signifier consists of three components: first, a unique commenter number assigned to each commenter (listed in the table below); second, a separating hyphen; and, third, a sequential number assigned to each comment from the identified commenter. Within this document, you will find either grouped or individual numerical signifiers, followed by a comment summary or a specific comment repeated verbatim, followed by the Department's response (italicized). Comments are grouped by subheadings indicating similar comment topics.

INDIVIDUAL COMMENTERS

Commenter Number	Name and/or Entity
001	Isabel Wu and Cate Carlson
002	Sudarshan Gokul & Elise Yi Gao
003	Shivani Menon & Gabriella Levin-Meer
004	VISIÓN: Voices in Solidarity Against Oil in Neighborhoods
005	Tara Akin and Anushka Kalyan
006	Western States Petroleum Association, Christine Zimmerman
007	Center for Biological Diversity, Cooper Kass
008	Renaissance Petroleum, Mark Traut
009	Ventura County, Philip Hess
010	California Independent Producers Association, Megan Schwartz
011	Bruce Laverty
012	City of Culver City, Dan O'Brien
013	Salinan Tribe, Patti Dunton

014	Steve Snitchler
015	Valerie Bengal
016	Rita Meuer
017	Bill Woodbridge
018	Louise Gray
019	General Crude Company, Inc, Collier Weiner
020	Randy Davis
021	Kyle Bracken
022	Sharon Horan
023	Mindy Schwartz
024	Diana Wright
025	Milly Itzhak
026	Debra Bass
027	Karin Wilson
028	Michael McClune
029	Mary Lydon
030	Karen McClune
031	Shawna Cohen
032	Julie Herz
033	Dr. Joel Gerwein
034	Mark Grossman
035	Stephen Greenberg
036	Dr. Jaimie Baron
037	Nora Privitera
038	Rose Strogatz
039	Alan Brody
040	Betty Kissilove
041	Linda Waldroup
042	Prof. Kelsi Perttula
043	Erica Silverman
044	Susan Mattisinko
045	Joan Bradus
046	Patricia Margulies
047	Mel Kronick
048	Gwen Weil
049	Maggie Wineburgh-Freed
050	Sarah Steen
051	JL Angell
052	Jerry Malamud
053	Susan Jaffe
054	James Kastelman
055	Martin Horwitz

056	Madeline Silver
057	Cesar Aguirre
058	Center on Race Poverty and the Environment, Kayla Karimi
059	Physicians for Social Responsibility, Emma Silber
060	Climate First Replacing Oil and Gas, Brooke Balthaser
061	Evelyn Tsang
062	Stephen Rosenblum
063	Leah Yananton
064	San Francisco Bay Area Physicians for Social Responsibility, Bonnie Hamilton
065	Stand Together Drilling Los Angeles Coalition, Tianna Shaw-Wakeman
066	Earthjustice, VISIÓN Coalition, Elizabeth Fisher
067	Anabel Marquez
068	Sierra Club California, Gabriella Facio
069	Dayenu, Muriel MacDonald
070	Karen Urso

ACRONYMS

CalGEM	California Geologic Energy Management Division
CCR	California Code of Regulations, title 14
EIA	Economic Impact Assessment
HPZ	Health Protection Zone
ISOR	Initial Statement of Reasons
NOI	Notice of Intention
PRC	Public Resources Code
SB	Senate Bill

COMMENTS

Section 1765.1 - Definitions

006-1
The commenters state that PRC section 3280(c)(2) is clear that a park or playground is included as a sensitive receptor only if it is an education resource like the list outlined, such as a school or college. Accordingly, they request that the regulations clarify that a "park or playground" is "connected with or adjacent to an education resource such as a preschool, daycare, school, university or college," which could be done in CCR section 1765.1(d) which was removed from the proposed regulations.

Response to 006-1: *CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. Proposed section 1765.1, subdivision (c)(2), is based on the definition of "education resource" in PRC section 3280, subdivision (c)(2). Park and playground are two independent examples in a list of examples of an educational resource, and there is no indication in the statute that a park or playground must be connected with or adjacent to another education resource to qualify as a sensitive receptor.*

010-7
The commenter recommends that CalGEM re-include the language regarding non-authorized residences that was previously in the discussion draft. Without this clarification, they contend illegal encampments, RVs, and trailers used as "living quarters" would qualify as a sensitive receptor.

Response to 010-7: *CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. The requested changes would unduly limit the statutory definition of residence in PRC section 3280, subdivision (c)(1), upon which proposed regulation section 1765.1, subdivision (c)(1), is based. The term "living quarter" is not defined in the residence definition but must be considered something distinct from the other examples listed (private home, condominium, and apartment) and could include a recreational vehicle or trailer. In the event of a dispute over whether or not a specific RV or trailer qualifies as a residence, CalGEM makes a case-by-case determination.*

008-1
The commenter states that proposed CCR section 1765.1 must include a definition of surface water and that without a clear definition, property owners and Operators are left to wonder what constitutes surface water.

***Response to 008-1**: CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. PRC section 3284, subdivision (a), provides that a property owner or tenant may request an operator to sample and test water wells and surface water before and after drilling. Subdivision (d)(7) provides that an operator does not have to sample or test water if the "relevant authorities" have determined that the water is not an underground source of drinking water and has no beneficial uses. The relevant authorities that may determine whether specific surface water falls within the (d)(7) exception include CalGEM, in consultation with the State Water Resources Control Board and the appropriate regional water quality control board, rather than an operator, property owner, or tenant. Proposed regulation section 1765.4, subdivision (a)(6), requires submittal of all communications between an operator and requester relating to water sampling and testing and has been added to facilitate the relevant authorities' evaluation of any sampling requests, including the water to be tested, and CalGEM's determination whether sampling is or is not required.*

Section 1765.2 - Measuring Distances

004-47
The commenter acknowledges that the definition of "Health Protection Zone" in section 1765.1(b) tracks the language in SB 1137, but expresses disagreement with using a different metric for measuring distance based solely on yard size. The commenter contends that the property line should be the measurement point in all situations, regardless of whether a receptor building is set back more than 50 feet because people use yards for outdoor recreation, and the regulation as currently drafted is inadequate to protect public health by resulting in a Health Protection Zone of less than 3,200 feet.

***Response to 004-47:** CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3282, subdivision (b), prescribes that measurement shall be made from the property line of the receptor unless the receptor building is more than 50 feet back, and, by law, the regulations cannot contradict the statute.*

Section 1765.3 - Additional Requirements for a Notice of Intention

001-1
The commenter is concerned that operators will abuse the PRC section 3281, subdivision (a)(1) exception for preventing or responding to a threat to public health, safety, or the environment, that CalGEM will not have the resources to adequately analyze whether the exception truly is necessary, and about the lack of community input into whether the requested exception is necessary. Commenter urges CalGEM to include explicit opportunities for community influence over the writing and approval of each notice of intention exception in a health protection zone.

001-2
In order for SB1137 to truly support the communities it aims to protect, the bill must include provisions, such as requiring operators to provide written notice to the public regarding any NOI seeking an exemption, establishing a public comment period for NOIs seeking exemption, and including a required public opinion outreach within exemption one. These additions would enhance transparency, increase public trust in the regulatory process, and ensure that SB 1137's core objective—protecting the health and safety of Californians living near oil and gas operations—is fully achieved.

002-4
For Class II wells, CalGEM can directly mandate HPZ safeguards such as setbacks, neighbor notification, baseline water testing, and maintenance reporting. These measures ensure that exemptions for operating oil fields or rework projects do not erode community protections. CalGEM should strengthen verification and accountability for Class II wells. Operators should not be allowed to self-certify compliance. Independent review of monitoring data, proof of community notification, and enforceable penalties for late or incomplete reporting are critical to maintaining public trust.

004-15
The commenters are concerned about the potential for public health, safety, and the environment exemptions to be misused by the oil industry and improperly expanded in scope without guidelines promulgated as part of the implementation regulations, and contend that even if CalGEM receives a large number of NOIs, it does not mean they should be approved.

The commenters encourage CalGEM to specify the following:

- SB 1137's general prohibition on NOIs in health protection zones will be liberally construed in favor of protecting human health and the environment.

- The health, safety, and environment exemption will be narrowly construed against granting an exemption.
- The operator shall have the burden of proof to demonstrate entitlement to an exemption based on objective evidence, with doubts resolved in favor of denying the NOI.
- Determinations will be on a case-by-case basis based on the objective evidence.
- "Necessary" will be interpreted to mean actions required to protect public health, safety, or the environment, as opposed to actions merely considered "appropriate," "reasonable," or "suitable."
- CalGEM will assess the benefit of allowing an exception against the additional harm to public health, safety, and the environment of allowing a rework or redrill to proceed rather than plugging and abandonment.
- CalGEM will consider whether there is a substantial, ongoing threat or a mere hypothetical possibility of future harm.
- Where the primary purpose of an NOI is to prolong the active life of a well or production facility as opposed to addressing a truly emergency situation, CalGEM should deem the exemption inapplicable.

005-1
The commenters urge CalGEM to strengthen its approach to health and safety exemptions under SB 1137, and that providing exemptions without adequate review and oversight provides an incentive for companies for more exemptions than are required. The commenters contend CalGEM should allocate resources for new staff specifically tasked with oversight of exemptions to avoid loopholes that undermine the law's health-protective intent.

Response to 001-1, 002-4, 004-15 and 005-1*: CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. When an NOI is received for work contemplated within an HPZ and the operator is seeking an exception under PRC section 3281, subdivision (a)(1), CalGEM staff undertake a careful and thorough case-by-case review. CalGEM has the staff necessary to perform a comprehensive and effective review of every exception request. The statement of basis describing the threat, supporting documentation such as failed mechanical integrity tests, and the work proposed to address the threat are thoroughly evaluated, along with other known well history. If the information provided is insufficient, further information is requested. If the information is not provided or CalGEM determines that the work is not necessary, CalGEM will deny the notice of intention.*

Commenters have suggested that CalGEM apply additional or different standards than specified within the PRC section 3281, subdivision (a)(1) exception, such as requiring the operator to prove entitlement, granting exceptions only in a true emergency or when a threat is substantial and ongoing, including public input about whether the proposed work is necessary, and balancing the harms of reworking a well against the benefits of plugging and abandonment.

CalGEM implements HPZ requirements in accordance with the statutory requirements. As touched on above, CalGEM makes a case-by-case determination whether there is a threat to public health, safety, or the environment and that the proposed work is necessary to prevent the threat from happening or to respond to the threat if it has already happened. The identification of a threat and need for work on a well does not always originate with an operator; CalGEM may order an operator to undertake work that CalGEM determines to be necessary for public health, safety, or the environment and the operator may not agree. The statute expressly contemplates that a threat may not have occurred yet but instead is to be prevented. There is no requirement that an emergency be in progress, or that a threat be substantial or ongoing, though if a threat is insubstantial, the work may not be necessary.

The statute does not provide for a public comment process for CalGEM's determination of whether a threat exists or that the proposed work is necessary. The statute also does not contemplate balancing harms from continued oil production if a repair is made against public health, safety or environmental benefits from plugging and abandonment instead. Adding such requirements would exceed the statute's scope and likely significantly delay approval of work that might otherwise be determined to be necessary to protect public health, safety, or the environment.

010-8
The commenters contend language in proposed section 1765.3(b)(2) does not appear to be supported by SB 1137 as there is no mention of needing to provide information related to facilities with an NOI.

Response to 010-8: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. This section is required for the operator to report facilities associated with submitted NOI. PRC section 3281, subdivision (b), prohibits new production facilities in a health protection zone "unless associated with a notice of intention approved pursuant to subdivision (a) or as determined by the division to be necessary to protect public health and safety." Proposed section 1765.3, subdivision*

(b)(2) is necessary so that CalGEM can confirm that the operator's proposed production facilities are associated with an approved NOI, rather than prohibited.

010-9
The commenters contend section 1765.3(c) language is open-ended and needs to be well defined in order to facilitate CalGEM's ability to efficiently process the request. In reality there may be no threat, short or long term, and operators may need to do work in order to comply with existing regulations, or address a Notice of Violation, and ensure the health and safety of the public through proper maintenance of existing wells.

The commenters recommended amendment of section 1765.3(c)(7) to state: 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. An explanation of the purpose and need for the proposed operations as it relates to prevention or response of a threat to public health, safety, or the environment.

Response to 010-9: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The language in proposed section 1765.3, subdivisions (c)(1) through (c)(6) already captures commenter's recommended language. Section 1765.3, subdivision (c)(7), is intended to be inclusive of the preceding elements rather than exclusive of them.*

009-4
The commenter asks whether there will be a process to appeal the determination should an Operator be disapproved to perform work within any HPZ, and if so, to whom.

Response to 009-4*: CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. SB 1137 does not require an administrative appeal process. There are various reasons why an NOI may be denied, but in each case, CalGEM will give notice to the operator about what is missing or inadequate and an opportunity to supplement the operator's submittal or otherwise attempt to address a deficiency before CalGEM issues a denial.*

004-16
The commenters contend it is important that the public health, safety, and environment exemption not apply to wells or production facilities that have reached the end of their active lives and cannot be put to further active use without being reworked. In such circumstances, plugging and abandonment should be deemed necessary to protect health, safety, and the environment. Even though wells and production facilities at the

end of their active lives may have issues such as cracked casing that could create some degree of public health risk, or may have been constructed using materials and technologies that are no longer the best available, a rework NOI to repair casing would not be truly "necessary" in the case of a well no longer capable of actively producing.

Response to 004-16: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The State Oil and Gas Supervisor (Supervisor) can order remedial work that is "necessary to prevent damage to life, health, property, and natural resources" (PRC, section 3224), but SB 1137 did not give CalGEM new authority to determine the end of life of an operator's wells and order the operator to conduct plug and abandon operations. Plugging and abandonment is considered as an alternate remedial action if a rework plan submitted by an operator is determined to be inadequate to properly address an identified threat to public health, safety, and the environment.*

004-13
The commenters contend CalGEM should not give itself discretion to waive requirements designed to protect human health and the environment, including the statement of basis and supporting documentation specified in section 1765.3, subdivision (c). The commenters understand there could be circumstances where prompt action is truly "necessary" to protect public health, safety, or the environment, but are concerned there is potential for these exceptions to be misused by industry, and for any waiver authority to be abused by rogue regulators. They advocate for CalGEM to include a set of guidelines for the types of NOIs and production facilities that would, or would not, be truly necessary under the intent of SB 1137.

007-1
The commenter contends the proposed authority for CalGEM to waive reporting requirements is unnecessary and inconsistent with SB 1137's narrow exemptions for operations or production facilities within an HPZ. They believe the proposal to be able to waive disclosure requirements for "work to comply with existing regulation" (Proposed Regulations, § 1765.3(d); § 1765.5.1(d)) is unwarranted, given that no regulation can trump SB 1137's statutory prohibition, and the same is true for work "ordered by the Division" (id.)—orders may not circumvent a statutory prohibition. They note the Initial Statement of Reasons (ISOR) states that "[w]aiver flexibility is necessary because subdivision (c) is intended to ensure that CalGEM gets important information when needed, but not to add extra work with no health, safety or environmental benefit…," (but claim this explanation completely ignores the value of public disclosure, which SB 1137 promotes. The commenter recommends CalGEM eliminate this waiver authority

and require full disclosure of health and safety threats and responses in all cases in which an operator applies for that exemption within a HPZ for the process to be fully transparent.

010-10
The commenter asks how the section 1765.3(d) waiver will be interpreted since many permitted operations involve repairs and testing for idle well compliance, and CalGEM should have all the information on these wells needed to document threat/operations.

***Response to 004-13, 007-1, and 010-10**: CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. The proposed section 1765.3, subdivisions (c)(1) through (c)(7) requirements applicable to NOIs within a HPZ and section 1765.5, subdivision (c), are intended to ensure that CalGEM has data needed to evaluate a notice of intention or proposed production facility for purposes of implementing PRC section 3281, subdivisions (a) and (b). CalGEM can waive requirements of subdivision (c) for the reasons stated in section 1765.3, subdivision (d), and 1765.5, subdivision (d), if CalGEM determines that it already has information and documentation necessary to evaluate the threat and proposed operations.*

A given problem, such as compromised well integrity, may be already known by CalGEM and well understood with a documented compliance history, the work may already be required by existing oil and gas regulations which largely exist to protect public health, safety and the environment, and CalGEM may have previously determined that the work was necessary to prevent or respond to a threat to public health, safety, or the environment and ordered completion of the work that is the subject of the notice of intention and the exception request. As stated in CalGEM's ISOR and cited by one of the commenters, waiver flexibility is necessary because the information and documentation requirements of subdivision (c) are intended to ensure that CalGEM gets important information when needed, but not to add extra work with no health, safety or environmental benefit, or cause an unreasonable delay in completion of needed repair.

CalGEM's evaluation of what information it already has versus what information is still needed from the operator will vary case-by-case and will depend on the type of work proposed, the nature of the threat, and the extent of well history documentation on file with CalGEM. PRC section 3281 does not expressly require public disclosure of the basis for CalGEM's determination that a notice of intention is necessary to prevent or respond to a threat to public health, safety, or the environment, or CalGEM's determination that new production facilities are necessary to protect public health and

safety. Nonetheless, an operator's statement of basis or alternatively a waiver request, or New Production Facility Notice, existing well records, and CalGEM's determination will be available to the public through WellSTAR, CalGEM's comprehensive electronic database.

Section 1765.4 - Water Sampling and Testing

004-13
The commenters contend CalGEM should not give itself discretion to waive requirements designed to protect human health and the environment, especially with regard to community notification and water sampling and testing.

Response to 004-13: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3284, subdivision (d)(7), authorizes CalGEM to waive the requirements of section 3284 in specified circumstances. The waiver language in proposed section 1765.4, subdivision (c), to which commenters object, repeats text from PRC section 3284.*

006-2
The commenter requests that it be made clear that the notification and water sampling requirements only apply in cases of a new hole drilled into a new formation where no other wells presently penetrate. They contend if a well is drilled into an existing zone and there is nothing on record showing that protected water zones have been contaminated, this existing zone has been proven to have isolation/containment. They claim forcing operators to comply with proposed sections 1765.4 & 1765.4.1 creates an unnecessary burden on operators.

The commenter recommends proposed sections be amended to state: 1765.3(e). If a notice of intention submitted under Public Resources Code section 3203 is for a new well ~~with a~~ and wellhead of a presently unexplored formation or formation with no penetrating wells that is within a HPZ and the planned work involves drilling, then the operator shall comply with Section 1765.4 and Section 1765.4.1 neighbor notification and water sampling and testing requirements unless waived by the Division and as described in Section 1765.4(a), subdivision (c), (d), and (i).

1765.4(a). (a) Except as provided in subdivisions (c) ~~and~~ (d) and (i), operators shall not commence any work that requires a notice of intention under Public Resources Code section 3203 in a Health Protection Zone where planned work involves drilling until all of the following have been completed:

(i) The Operator is not required to sample to test water under this section if the existing water zone is isolated from surrounding groundwater and has been shown by an Operator to be contained, regardless of use.

011-4
Water quality sampling requirements should be limited to agricultural areas. Attempting to secure such data in a densely populated/urban area is non-sensical.

Response to 006-2 and 011-4: *CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. The statute requires operators to contact property owners and tenants within 3,200 feet of the wellhead or proposed wellhead prior to drilling, and sampling and testing is required when requested. The proposed changes would significantly limit the water to be tested and which drilling activities trigger the requirement to contact property owners and tenants with an offer to sample and test, contrary to the text of PRC section 3284 which references "drilling" repeatedly, without limitation. In the event that an operator receives a request to sample water that the operator believes is not an underground source of drinking water, as defined in the federal Safe Drinking Water Act, or has no beneficial uses, in accordance with subdivision (f) of Section 13050 of the Water Code, PRC section 3284, subdivision (d)(7), provides that operators can seek a determination from relevant authorities that no sampling or testing is required.*

008-2
The commenter notes that PRC section 3284(a) is ambiguous as it does not specifically specify that water wells within the HPZ of a property owner's property be tested. As an example, a portion of a large parcel may fall into an HPZ, and that portion of the parcel may have no water wells. However, there may be a water well on the property located a significant distance outside of the HPZ. PRC section 3284(a) does not address this conflict, and the commenter believes it should be clearly addressed in the regulations to avoid conflict and ambiguity.

Response to 008-2: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3284, subdivision (a), requires an operator to test surface water and water wells when requested by a property owner or tenant who is within a 3,200-foot radius of the operator's wellhead. The water well or surface water must be "on" the property of the owner or tenant within 3,200 feet of the oil or gas wellhead.*

010-11
The commenter contends that proposed section 1765.4 (a) does not make clear that water sampling is not required for reworks and sidetracks and proposes an amendment to state:

1765.4(a): operators shall not commence any work that requires a notice of intention under Public Resources Code section 3203 in a Health Protection Zone where planned work involves drilling <u>of a new well.</u>

Response to 010-11: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The statute requires notification and an offer to test "before and after drilling." Some well rework operations include drilling, such as sidetrack operations, so PRC section 3284 and proposed sections 1765.4 and 1765.4.1 requirements may apply to some rework operations.*

010-12, 010-13, 010-14
The commenter believes 7 days should be sufficient for notice before work commences as with other notifications and maintains that proposed section 1765.4 imposes prescriptive requirements regarding the format, timing, and documentation of water sampling and notice submissions. They contend the statute (PRC section 3281(b)) only requires that operators provide a simple certification or statement confirming compliance, and the additional details extend beyond the statutory mandate and unnecessarily increase the administrative burden on operators.

The commenter recommends an amendment to help prevent repeated and unnecessary requests for sampling:

1765.4 (a)(1): The notice required by Public Resources Code section 3284 has been provided to all property owners and tenants at least ~~thirty~~ <u>seven</u> days before work commences. <u>Any new development that is approved within the HPZ after notice has been provided is not subject to this requirement and no additional noticing by operators is required prior to commencing work.</u>

Response to 010-12, 010-13, and 101-14: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3284, subdivision (a), specifies that "operators shall contact property owners and tenants . . . at least 30 days before commencing drilling." CalGEM cannot by regulation shorten the 30-day minimum contact period.*

Section 1765.4 specifies procedures for operators to complete and document compliance with PRC section 3284 statutory requirements. These sections are necessary to provide operators with a clear direction for compliance with the notification requirements, to ensure that CalGEM receives consistent, sufficiently detailed documentation of compliance from operators to enable effective enforcement oversight. PRC section 3281, subdivision (d) does not address neighbor notifications.

PRC section 3284, subdivision (a), requires that contact be made and sampling offered to property owners and tenants within 3,200 feet prior to drilling. If a new development adds property owners or tenants within 3,200 feet of the wellhead before drilling commences, contact and an offer to sample is required.

010-15, 010-16
The commenter recommends the following amendments:

1765.4(c):
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 and prompt work would result in improved environmental setting or natural resources.

1765.4(c)(2): The operator shall provide documentation of the benefits of proceeding with work ~~risk associated with the delay~~ ….

Response to 010-15 and 010-16: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The waiver language in proposed section 1765.4, subdivision (c), is taken directly from PRC section 3284, subdivision (d)(7), which is focused on the significant damage that might result if the work is not done promptly. Commenter's proposed language would limit and alter the waiver standard by additionally requiring a finding of benefit from prompt work. Further, the addition would potentially preclude the availability of a waiver when work is necessary to protect public health or safety but might not result in an improved environmental setting.*

003-4
Transparent public reporting and community notification for all plugging and abandonment drilling activities should be implemented. This should be done with sufficient notice to community members before any such operations are conducted to

increase awareness and allow for preparedness for noise pollution or any disturbances that may arise.

Response to 003-4: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Plugging and abandonment operations are excepted from the contact, sampling and testing requirements of PRC section 3284, consistent with PRC sections 3281, subdivision (a)(3), and 3281.5. The exception incentivizes plugging and abandonment within health protection zones as an option because the corresponding approval process would be less burdensome.*

Section 1765.4.1 - Notice to Property Owners and Tenants

004-2
The commenters believe CalGEM should specify the format of neighbor notifications, require operators to document and submit proof of notification, and provide a procedure for handling non-responses, including at least two attempts to contact the owner or tenant. They also contend CalGEM should delete language in proposed section 1765.4.1, subdivision (a)(3)(D requiring "necessary accommodations" by a property owner prior to water sampling, since a tenant in possession of property has the ability and right to consent to sampling and provide necessary access without the property owner's involvement.

058-1, 059-1, 061-1, 063-2, 065-1, 068-1, 069-1
The commenters recommend specifying the format of neighbor notifications, and requiring operators to document and submit proof of notification.

Response to 004-2, 058-1, 059-1, 061-1, 063-2, 065-1, 068-1, 069-1: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. CalGEM has proposed comprehensive procedures for operators to complete and document compliance with the neighbor contact requirements. Operators are to submit a declaration of completion of notice, with representative examples of the notice, to CalGEM within five calendar days of providing notice, and if the notice is not legible, the operator will need to reissue the notice. The documentation and retention requirements in proposed section 1765.4.1, subdivision (a)(13), are adequate for CalGEM to audit to confirm that operators are complying with notice requirements.*

PRC section 3284, subdivision (a), requires an operator to contact property owners and tenants within a 3,200-foot radius. The statute does not require operators to attempt

contact multiple times. Adding such a requirement would impact the statute's framework for notification timeframes, increase notification costs, and require CalGEM review of duplicative notification documentation. Proposed section 1765.4.1 includes sufficient requirements to ensure that notification is received the first time.

Proposed section 1765.4.1, subdivision (a)(3)(D) is derived directly from PRC section 3284, subdivision (b), which expressly requires that the surface property owner make necessary accommodations to enable sampling. There is no equivalent language about tenants, so CalGEM cannot require a surface property owner to allow its tenant to authorize sampling on the surface property owner's property. A surface property owner could authorize its tenant to enable sampling, or not, but that would depend on an agreement between the surface property owner and the tenant.

004-3

The commenters contend that requiring a writing with "a record of delivery" to seek baseline water testing as currently drafted in proposed section 1765.4.1, subsection (a)(3)(C) could impose an economic burden to the extent it requires frontline community members to take time off from work during business hours to go to a post office or other mail delivery provider and pay for the cost of postage and delivery confirmation services. They recommend CalGEM clarify that email is also an acceptable method of seeking baseline water testing and require that oil and gas operators provide a follow-up email address in their initial notification to property owners and tenants.

Response to 004-3: *CalGEM has reviewed the comment and determined that regulatory amendments are necessary. The requirement that a request be made in writing with a record of delivery is found in PRC section 3284, subdivision (b), and CalGEM has repeated this requirement in proposed section 1765.4.1, subdivisions (a)(3)(A) and (a)(3)(C), to ensure that property owners and tenants are aware of the PRC section 3284 requirement. Record of delivery is not defined by statute, but there is no indication that the requirement was meant to burden the property owner or tenant. Proposed section 1765.4.1, subdivision (a)(3)(A), has been amended to include that a request made in writing includes writing by email, and subdivision (a)(4) has been added requiring the operator to include an email address in its notice. These amendments should facilitate communication from property owners and tenants to operators and a copy of a request sent by email to the email address the operator provided in the notice is a sufficient record of delivery.*

008-3
The commenter contends that proposed section1765.4.1 (a) (9) which provides for providing notice to dense tenant occupied commercial or residential properties is not practical since in most residential cases, the Operator does not have legal access to the building or property in which to hand deliver notices and request proof of delivery from someone over 18 years of age between the hours of 8:00 am and 6:00 pm. They contend it should be sufficient for the Operator to notify the manager and property owner to satisfy the notification requirement. They also note tenants in either the case of high density residential or commercial properties are not likely to have either surface water or a water well for testing.

010-17
The commenter asks how Operators will gain access to multi-unit communities that are, for example, gated or otherwise restricted, and what the procedure would be if tenants do not answer the door or ignore the notice, particularly if the owner of the property signs the notice.

Response to 008-3 and 010-17: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3284, subdivision (a), requires operators, not landlords of tenants, to contact property owners and tenants. If an operator gave notice to landlords and property owners only, there is no authority for CalGEM to require the landlords or property owners to then transmit the notice to tenants.*

Originally proposed section 1765.4.1, subdivision (a)(9), has been renumbered to subdivision (a)(10). It gives operators an optional alternative to provide notice but does not guarantee operator access to multi-unit residential or commercial properties. If an operator cannot access such a property, the operator will need to provide notice using one of the means specified in proposed section 1765.4.1, subdivision (a)(6).

010-18
The commenter notes that Operators may want to submit their notices at the same time they submit NOIs, but the timing of operations is subject to approval of the NOI, and may be difficult to estimate. The operator may only be able to give a rough estimate.

They recommend proposed section 1765.4.1 (a)(1) be amended to read:
(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 approximate timing of the work to be performed.

Response to 010-18: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Operators are not required to provide notice before an NOI is approved and the timing of work to be performed is known.*

010-19
The commenter recommends that water sampling be limited to only those resources for which property owners have the rights for purposes of domestic use.

They recommend proposed section 1765.4.1 (a)(2) be amended to read:
(a) Operators shall adhere to the following requirements when providing notice to property owners and tenants under Public Resources Code section 3284:
(2) the notice shall offer to sample and test private domestic water wells or surface water on their property that property owners have documented water rights to for the purposes of domestic use before and after drilling in accordance with the requirements of Public Resources Code section 3284.

Response to 010-19: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Proposed section 1765.4.1, subdivision (a)(2), repeats the requirement that operators offer to sample and test water wells or surface water on the property owner's or tenant's property, and the proposed additional language would limit and be inconsistent with the express terms of PRC section 3284, subdivision (a)(1).*

009-5
The commenter asks if there will be a process for questions, concerns, or complaints should a property owner or tenant request to receive sampling and testing of water wells from an Operator.

Response to 009-5: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. A property owner or tenant can ask questions of the operator or can contact their local CalGEM district office if the property owner or tenant has a question, concern or complaint related to a sampling and testing request.*

Section 1765.5 – Required Notice for New Production Facilities

004-4
The commenters contend that deleting the itemized list of qualifying types of equipment that is present in the Emergency Regulations from the proposed regulations gives the impression that CalGEM intends "production facility" to have some other meaning. Since CalGEM's regulations must be consistent with the Public Resources Code, they contend CalGEM should restore the list of equipment types, or add a cross-reference to the definition of "production facility" in section 3010 of the Public Resources Code.

Response to 004-4: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. "Production facility" is already defined with reference to PRC section 3010 in CCR section 1760, subdivision (r), of Subchapter 2 (Environmental Protection), which subchapter also includes section 1765.5 and other HPZ requirements.*

004-5, 004-8
The commenters contend the proposed regulations allow a broader category of production facilities in health protection zones by allowing industry to self-certify that the facilities are "necessary to protect public health and safety," and that broad exceptions and exemptions from SB 1137 should be avoided. They recommend CalGEM require operators to submit a New Production Facilities Notice even when the proposed facility relates to oil spill or leak response and cleanup, and independently verify the truth or falsity of operators' claims before deeming a facility exempt.

Response to 004-5 and 004-8: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. No new production facilities can be constructed or operated without CalGEM determining the new production facility is permissible. Section 1765.5, subdivision (a), prohibits construction or operation of a new production facility in an HPZ unless CalGEM has determined the facility is associated with a notice of intention approved by CalGEM or necessary to protect public health and safety. Section 1765.5.1, subdivision (c), requires an operator to submit documentation for CalGEM review when claiming the production facility is necessary to protect public health and safety.*

004-52
While we support subparts (a) and (b) of section 1765.5, we encourage revisions to subpart (c), which would allow "[r]epairs or replacements of existing production

facilities" in a Health Protection Zone. While we do not object to repairs that are necessary to protect health, safety, and the environment, prohibiting the replacement of existing production facilities in the setback would be consistent with the prohibition on reworks of wells in the setback and would be more protective of human health and the environment. Production facilities encompass a significant array of polluting equipment. Replacing this equipment would therefore perpetuate harmful oil and gas drilling activities near communities and run counter to the goals of this rulemaking.

004-6, 007-2, 066-1
The commenters contend while truly repairing an existing production facility in an HPZ would be allowed under SB 1137, replacing or relocating a production facility would require construction of entirely "new" facilities, making such activities prohibited under SB 1137 and outside the scope of CalGEM's rulemaking authority. They contend the terms "alteration" and "modification" are too ambiguous to be used as a categorical basis to exempt production facilities. They recommend CalGEM eliminate the exemption for modifications to production facilities in HPZs and require operators seeking to "alter" or "modify" production facilities to submit a New Production Facility Notice demonstrating that the proposed work would not rise to the level of a "new" facility under a liberal reading of the term or would otherwise be allowed as necessary to protect public health and safety.

Response to 004-6, 004-52, 007-2, 066-1: *CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. CalGEM does not consider replacements or relocation of existing equipment that meet the limitations in proposed section 1765.5, subdivision (c), a new facility for purposes of SB 1137 requirements. Similarly, alterations, which are defined in proposed section 1760, subdivision (b), and modifications are subject to limitations as specified, and if not met, a New Production Facility Notice is required. There are also recordkeeping requirements to enable CalGEM inspectors to determine whether an operator has installed a new production facility, rather than altered, repaired, modified, relocated, or replaced an existing production facility.*

006-3
The commenter contends the restriction on relocating pipelines from outside to inside an HPZ is overly restrictive since in some cases pipeline realignments are the only feasible option due to land use constraints, environmental considerations, or safety improvements. They recommend the section be deleted or revised to provide flexibility for necessary pipeline relocations as follows:

(c) A New Production Facility Notice under subdivision (a) is not required for the following:
(3) Alteration, repair, modification, relocation or replacement of an existing production facility if all of the following is true:
~~(D) The production facility will not be moved from outside a health protection zone into a health protection zone~~.

OR

(D) The production facility will not be moved from outside a health protection zone into a health protection zone, except as deemed necessary by Operators based on feasibility of improvements.

Response to 006-3: *CalGEM has reviewed the comments and determined that no regulatory amendments are necessary. Section 1765.5 provides for relocation of already existing production facilities in an HPZ, which includes pipelines, so the pipeline segment within the HPZ can be relocated if it meets subdivision (c) requirements. Relocating a pipeline from outside an HPZ to inside would introduce a new production facility within the HPZ and be prohibited unless the production facility is associated with a notice of intention approved pursuant to PRC section 3281, subdivision (a), or determined by CalGEM to be necessary for public health and safety.*

006-4
The commenter notes there are instances when a replacement pipeline (production facility) may be installed and operated in tandem with the line that it will ultimately replace, including when there's an indication that failure of the current line is likely in the coming years. They contend there should be no requirement to deem the original line Out-of-Service as long as the operator is not increasing total capacity through both lines while they run in tandem. They recommend the subsection be deleted or amended as follows:

1765.5(c)(3
~~(E) When a replacement production facility the replaced production facility shall be deemed Out-of-Service and comply with Section 1773.5.~~

OR
(E) When a replacement production facility begins to receive the total capacity of the original production facility, following an additional grace period, the replaced production facility shall be deemed Out-of-Service and comply with Section 1773.5.

Response to 006-4: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The Out-of-Service requirement in proposed section 1765.5, subdivision (3)(E) is needed to ensure that new production facilities are not added in an HPZ, in violation of PRC section 3281, subdivision (b).*

006-5
The commenters contend some information requested is confidential company business that should not be shared publicly, including receipts and bills of sale and recommend an amendment as follows:

Recommended Language: 1765.5(c)(3)(F). The operator collects and retains ~~detailed~~ records~~, including but not limited to receipts, bills of sale, and photographs~~, demonstrating that an existing production facility was altered, repaired, modified, relocated or replaced.

Response to 006-5: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The records required by proposed section 1765.5, subdivision (c)(3)(F), provide important and necessary documentation for CalGEM to confirm that no new production facility was constructed. Operators can make a request for confidentiality if requested to produce records.*

004-7, 007-3
The commenters contend that to verify a temporary production facility is associated with oil spill or leak response and cleanup, plugging and abandonment operations, or production facility decommissioning, CalGEM should require operators to submit a New Production Facility Notice in these cases for verification or commit to full transparency. They contend that production facilities, permanent or temporary, can be sources of harmful pollution and be a safety risk.

Response to 004-7 and 007-3: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. A prompt response to a spill can be critical for protecting public health and safety, and requiring submission of a New Production Facility Notice could delay the incident response and cleanup activities. Plugging and abandonment operations and decommissioning of associated facilities is also essential for eliminating potential hazards. Also, CalGEM can approve such facilities associated with NOIs to plug and abandon wells in an HPZ pursuant to PRC section 3281, subdivisions (a)(3) and (b). CalGEM's wellsite restoration inspections*

ensure that all production facilities are properly removed upon completion of plugging and abandonment operations.

Section 1765.5.1 - Contents of a New Production Facility Notice

010-20
The commenter contends proposed subsection 1765.5.1(a)(1) that requires information about the proposed facility is redundant and already covered by other regulations.

Response to 010-20: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The required information is necessary documentation for CalGEM to evaluate whether a new production facility is permissible in an HPZ. No existing regulation requires the same information submitted in advance of the production facility construction. Some information required by proposed section 1765.5.1, subdivision (a)(1), overlaps with the section 1777.3, subdivision (b)(1), documentation requirement, but the latter section only requires facility records to be maintained, not submitted. Similarly, existing sections 1722 and 1722.9 require spill contingency plans with production facility map requirements, but the information needs only be submitted within three months after initial production. The information is not burdensome because, to the extent it overlaps with existing regulations, the information can be repurposed for this requirement.*

010-21
The commenter contends proposed subsection 1765.5.1(c) needs to be better defined in order to facilitate CalGEM's ability to efficiently process the request, and recommends the subsection be amended as follows:

(c) If the basis for the proposed new construction or operation of a production facility is that the production facility is necessary to protect public health and safety, then the operator shall provide the following unless there is imminent danger which is communicated to the district:
~~(7) Any other information requested by the Division to evaluate the threat to public health and safety and the proposed production facility to respond to the threat.~~

Response to 010-21: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Proposed section 1765.5.1, subdivision (d), already enables CalGEM to waive some or all of the documentation required by subdivision (c), when necessary to protect public health and safety. Further, proposed*

section 1765.5, subdivision (c)(4), enables operators to use temporary production facilities associated with leak response and cleanup.

Section 1765.6 – Annual Submission of Sensitive Receptor Inventory and Map

010-22, 010-23
The commenter contends that annual inventories should not be required and instead, sensitive receptor inventories should be limited for when an NOI is required. They also contend the requirement to submit a statement in accordance with proposed section 1765.9 for wellheads not within the HPZ, is overly burdensome.

They recommend section 1765.6 be amended as follows:
~~Annual~~ Submission of Sensitive Receptor Inventory and Map
(a) For purposes of ~~the annual~~ Notice of Intent required 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:
~~(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 the effect and all the supporting information and explanation described in Section 1765.9 subdivision a, upon which the operator based its determination.~~

Response to 010-22 and 1010-23: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The annual submission of a sensitive receptor inventory is required by PRC section 3285, subdivision (b). Section 3285, subdivision (a)(2), requires an operator statement as to whether their wellheads and production facilities are within 3,200 feet of a sensitive receptor, i.e., are within an HPZ. Proposed section 1765.6, subdivision (a)(3), directs the operator to proposed section 1765.9, subdivision (a), which articulates the requirements for a statement that an operator's wellheads and production facilities are not located within an HPZ and is necessary to make the meaning and contents of a required "statement" clear and specific.*

009-1
The commenter asks what methodology, tool or ways CalGEM will provide to operators to prepare maps showing locations and types of sensitive receptors.

Response to 009-1: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. CalGEM has provided templates and guidance on its public website for operators preparing sensitive receptor maps.*

009-2
The commenter contends CalGEM should ensure that local agencies are not unnecessarily burdened by responsibilities placed on operators.

Response to 009-2: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The proposed regulations apply to operators and do not impose requirements for operators to contact local agencies, but CalGEM cannot prevent an operator from contacting other public agencies. If an operator has a question about compliance with SB 1137 requirements, operators should contact their local CalGEM district office.*

009-3
The commenter asks how often will locating sensitive receptors and updating health protection zone area maps occur.

Response to 009-3: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Sensitive inventories and maps are due annually by July 1, and with every NOI submitted for well work in an HPZ.*

009-6
The commenter asks who will verify the accuracy of annual operator submissions.

Response to 009-6: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3285, subdivision (c), requires that CalGEM review for completeness and accuracy no less than 30 percent of the inventories and associated maps submitted annually.*

011-3
The commenter contends it is a waste of time and money to demonstrate that a well is located outside of an HPZ since sensitive receptor maps should already exist that can readily be consulted by CalGEM to verify an operator's claim.

Response to 011-3: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Maps are a useful starting tool for verification but are based on the best available information at the time of publication and may be outdated. The presence of sensitive receptors is dynamic and may change over time. PRC section 3285, subdivision (b), requires that an operator's annual map include information no more than 90 days old.*

Section 1765.7 - Content and Format Specifications for Sensitive Receptor Inventories

010-24
The commenter notes that PRC 3285 (a) (2) states "An operator who has identified sufficient sensitive receptors such that their entire operation is located within a health protection zone may cease adding new sensitive receptors to their inventory and make a determination that all of their wellheads and production facilities are located within a health protection zone." They contend that proposed regulations require more information than PRC section 3285 for urban operations where all operations are in an HPZ and no additional data is needed to be added after showing that all operations are in an HPZ.

They recommend the section be amended as follows:
(a) (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 make a determination that all of their respective wellheads and production facilities are located within a health protection zone~~. include identification of:~~
~~(i) Each wellhead located in a health protection zone;~~
~~(ii) Each production facility located in a health protection zone; and~~
~~(iii) Each wellhead and production facility identified in the inventory shall have an entry that identifies at least one sensitive receptor within 3200 feet of that wellhead or production facility based on the location of all each of the operator's wellheads and production facilities, consistent with Section 1765.6. ".~~
~~(a)(2)(D) The distance in feet between the sensitive receptor 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.~~

Response to 010-24: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3285, subdivision (b), requires submission of an annual inventory and map pursuant to section 3285, subdivision (a), which requires the information that commenter struck in its proposed language. The comment appears to rely on PRC section 3285, subdivision (a)(2), for the proposition that no inventory is required if the operator determines that all its wellheads and production facilities are in an HPZ. However, the text of subdivision (a)(2) still contemplates the creation of an inventory, and states only that an operator may "cease adding" "new" sensitive receptors "to their inventory" if the operator makes a determination that all of its wellheads and production facilities are located in an HPZ. It does not state that an inventory need not be created.*

Section 1765.8 - Content and Format Specifications for Sensitive Receptor Maps

010-25
The commenter contends it is not practical to fit all the information requested onto an 8X11 map in PDF format without obscuring information, and that asking Operators to piece maps together to create a larger view is antiquated. They recommend Operators be allowed to present information to CalGEM in a KMZ or GIS shapefile since there is no statutory requirement for a specific paper size or scale requirement for sensitive receptor maps.

They recommend the section be amended as follows:
(b)(1) ~~The map shall be presented in a letter-sized (8.5"x11") layout.~~ The map shall be presented at a size sufficient to display all of the required information at the scale specified in the regulation. As an alternative, operators may submit the required information to CalGEM in KMZ or GIS datafiles.

Response to 010-25: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. CalGEM disagrees that required information cannot be presented legibly, unobscured, in one or more 8.5'x11' PDF maps. The file size and format were selected because that size and file type are easily accessed, transmitted and downloadable by the public, capable of displaying needed information, can be made accessible in accordance with Americans with Disabilities Act requirements, and ensure consistent presentation between operator maps, which CalGEM must post online.*

004-53
The commenter contends that since subsection (b)(1) requires relatively small map dimensions (8.5" x 11") and subsection (b)(5) requires submission of maps in PDF format, it is important for CalGEM to clarify that PDFs must be sufficiently high resolution (at least 300dpi) to ensure that regulators and members of the public are able to zoom in and clearly view various features on the maps.

Response to 004-53: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. The 8.5" x 11"PDF is a standard size sufficient to display required information and a resolution of 150 DPI is generally sufficient for online viewing, though operators are encouraged to provide maps in higher resolutions. If an operator submits a map and CalGEM determines that required information is not readable, CalGEM will return the map to the operator to resubmit with a higher resolution.*

Section 1765.9 - Determination that a Location is Not Within a Health Protection Zone

004-11
The commenter contends that while mobile homes and RVs qualify as "living quarter[s]" for purposes of the sensitive receptor definition, this section of the Proposed Regulations could potentially be misconstrued to the contrary. The section states that operators seeking to prove a location is not in a health protection zone must provide a statement that documents "[a]ll buildings, including all permanent, installed, rigid-walled structures" located within 3,200 feet of the location at issue. They contend that mobile homes and RVs could be viewed as non-permanent structures, and recommend CalGEM revise the regulations to clearly ensure that people who live in these types of residences are protected.

004-54
The commenter contends defining buildings as "permanent, installed, rigid-walled structures" is insufficiently protective, as such a narrow definition could exclude trailers where people live, work, and attend school. They contend requiring operators to differentiate between sensitive-receptor buildings and non-sensitive-receptor buildings makes sense because not all buildings qualify as sensitive receptors (i.e., the building must be a residence, education resource, community resource center, health care facility, live-in housing, or building housing a business open to the public in order to qualify). Even so, they contend it is important for the regulations to make clear that buildings either are, or are not, sensitive receptors based on their utility, and that any analysis by the operator and CalGEM must rely on an objective (as opposed to subjective or discretionary) standard. Likewise, they contend the phrasing in section 1765.9(a)(1)(C) is problematic by introducing the ambiguous concept of a "potential sensitive receptor," and a feature either is, or is not, a sensitive receptor based on objective definitions in the regulations.

Response to 004-11 and 004-54: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3281 requires an operator to submit a statement certifying that the operator has confirmed that there are no sensitive receptors located within 3,200 feet. Proposed section 1765.9 does not include any definitions, but rather specifies the content required in such statement so that CalGEM can evaluate how the operator determined there were no sensitive receptors and to facilitate CalGEM's own review and verification. The term "features" is used rather than the sensitive receptor definitions because if it was readily apparent that there was a residence or school, for example, within 3,200 feet, there should be no*

question the wellhead or production facility is within an HPZ. The features to be identified include buildings because the defined sensitive receptors in PRC section 3280, subdivision (c), generally contemplate buildings, and the use to which a building is put, may be ambiguous. CalGEM generally does not need additional information to evaluate RVs or mobile homes, but if further information is needed, the operator must also provide information for any site that CalGEM has identified as a potential sensitive receptor.

004-12
The commenter contends the Proposed Regulations no longer require CalGEM to provide "written" verification when it agrees with an operator that a location is not within a health protection zone. They recommend written verification be required and publicly accessible so that the public understands CalGEM's decision-making process for such a critical determination.

Response to 004-12: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. CalGEM is not required to document its verification but CalGEM's determination will be available to the public through WellSTAR, CalGEM's comprehensive electronic database. The public can access the NOI and operator's statement as "Compliance Memo - Outside Health Protection Zone (PRC 3281)" document types.*

010-26
The commenter contends PRC Section 3281(b) requires only that an operator certify—by a simple statement—that no sensitive receptors exist within 3,200 feet of the wellhead. They contend the requirements in section1765.9 of the proposed regulations, which include detailed inventories, including building addresses and comprehensive data, exceed the statutory mandate and unnecessarily burden operators.

They recommend the section be amended as follows:
(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 include the physical address of each identified feature, including the city, postal zip code, street name and number, and, if necessary to distinguish the sensitive receptor, a unit or building number.~~
~~(3) The statement shall explain why each of the features identified do not meet the definition of a "sensitive receptor" under Section 1765.1.~~
(1~~3~~) The statement shall be submitted in .txt, .docx, or .pdf format.
(b) When the Division reviews a statement provided under subdivision (a) ~~and submitted in connection with a notice of intention under Public Resources Code section 3203~~, 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. Within 30 days of the submittal of the statement, the Division shall respond either that the Division agrees or disagrees that the location is or is not within a Health Protection Zone, and within that same period then the Division will provide a written verification that, as of the date of determination, the subject location is within or not within a Health Protection Zone."

Response to 010-26: *CalGEM has reviewed the comments and with one exception noted below, determined that no regulatory amendments are necessary. PRC section 3281, subdivision (b), requires that an operator statement certify "that the operator has confirmed, and [CalGEM] has verified, that there are no sensitive receptors located within 3,200 feet of the wellhead location." Proposed section 1765.9 and the statements from operators are necessary to clarify how the determination will be made and to ensure that the information CalGEM receives about how operators confirmed that features that otherwise appear to be sensitive receptors are not sensitive receptors, and that such information is consistent and sufficiently complete. Without detailed information regarding potential sensitive receptors from operators, the verification process could be delayed.*

CalGEM has removed previously proposed section 1765.9, subsection (a)(1)(B), relating to "areas open to the public for outdoor recreation" to reduce confusion as to what is required to be identified. However, if CalGEM identifies an outdoor recreation area open to the public as a potential park, a sensitive receptor, section 1765.9, subdivision (a)(1)(B), requires an operator to explain in its statement why the location should not be considered a park.

The commenter suggests a prescriptive amendment to require CalGEM to respond to operator statements within 30 days. PRC section 3281 does not prescribe a time limit within which CalGEM must respond, and if there is disagreement about a potential sensitive receptor, a thorough evaluation is necessary. Timely submission of accurate and complete operator statements will help facilitate CalGEM's review.

004-14, 060-2, 061-2, 065-2, 069-2
The commenters contend operators should not be able to argue that anything that meets the definition of a sensitive receptor somehow does not actually qualify as a sensitive receptor. They argue the Proposed Regulations carry forward the concept of a "potential sensitive receptor" from the Emergency Regulations by instructing operators "seeking to demonstrate that a location is not within a HPZ" to identify all buildings, areas open to the public for outdoor recreation, and sites "that the Division has identified as a potential sensitive receptor" within 3,200 feet, and allowing operators to explain "[f]or each feature identified" "why the feature does not meet the definition of a 'sensitive receptor' . . ." They contend a feature either is, or is not, a sensitive receptor based on objective definitions in the regulations, and that it is important that CalGEM applies objective definitions and criteria uniformly when assessing operator claims that a feature within 3,200 feet of a wellhead is not a sensitive receptor, resolving any doubt in favor of the public.

Response to 004-14, 060-2, 061-2, 065-2, and 069-2: *CalGEM has reviewed the comment and with one exception noted below, determined that no regulatory amendments are necessary. PRC section 3281 requires an operator to submit a statement certifying that the operator has confirmed that there are no sensitive receptors located within 3,200 feet. Section 1765.9 does not include any definitions, but rather specifies the content required in such statement so that CalGEM can evaluate how the operator determined there were no sensitive receptors and to facilitate CalGEM's own review and verification. CalGEM 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 proposed section 1765.1.*

CalGEM has removed previously proposed section 1765.9, subsection (a)(1)(B), relating to "areas open to the public for outdoor recreation" to reduce confusion as to what is required to be identified. However, if CalGEM identifies an outdoor recreation area open to the public as a potential park, a sensitive receptor, an operator should explain in its statement why the location should not be considered a park.

006-6

The commenter contends that language in proposed section 1765.9 regarding parks should be left intact since a park qualifies as a sensitive receptor, and the proposed language suggests that an operator would need to establish why an area open to the public for "outdoor recreation" is not a sensitive receptor (a park that is an education resource). They contend designating all areas that are open to the public for "outdoor recreation" would essentially mean any place where someone may recreate could be designated as a "sensitive receptor." They recommend striking the reference altogether, or replacing1765.9(a)(1)(B) with "All parks and playgrounds that are an educational resource as described in 1765.1(c)(2)."

Response to 006-6: *CalGEM has reviewed the comment and determined that a regulatory amendment is necessary. Originally proposed section 1765.9, subdivision (a)(1)(B) has been removed to minimize confusion around the statement requirement and because it was determined to not be necessary. Originally proposed section 1765.9, subdivision (a)(1)(C), now renumbered as subdivision (a)(1)(B) requires that an operator explain for CalGEM's consideration why any site that CalGEM identifies as a potential sensitive receptor is not a sensitive receptor.*

Section 1765.10 - Underground Gas Storage Facilities in the Health Protection Zone

004-9
The commenter contends the proposed definition of underground gas storage facilities in section 1765.10(b) is overly broad and could exclude more wells or production facilities than intended by SB 1137. They note that SB 1137 states its protections do not apply to "[u]nderground gas storage wells and attendant production facilities," and argue the Proposed Regulations broaden this scope by making "[a]ll wells associated with an underground gas storage facility" exempt and that operators could claim all of the oil production wells it operates are "associated with" one of its underground storage facilities.

004-10
The commenter contends the Proposed Regulations would exempt "[a]ll elements of an underground gas storage project as defined in Section 1726.1, subdivision (a)(6)," which could be interpreted to go beyond "attendant production facilities" as SB 1137 stipulates. The cited section of the Code of Regulations broadly defines "[u]nderground gas storage project" as "a project for the injection and withdrawal of natural gas into an underground reservoir for the purpose of storage . . . includ[ing] the reservoir used for storage, the confining strata, gas storage wells, observation wells, and any other wells approved for use in the project," along with "the wellheads and, to the extent that they

are subject to regulation by [CalGEM], attendant facilities, and other appurtenances." They argue CalGEM should narrow the scope of wells and facilities that would qualify for the underground gas storage facilities exemption, as only the Legislature, not CalGEM, has authority to create additional exemptions.

Response to comments 004-9 and 004-10: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. Other wells, such as observation wells, are necessary to the safe and effective operation of underground gas storage projects, and if not covered by the exception, the exception for gas storage wells would be rendered meaningless. Proposed section 1765.10 specifies what wells and attendant production facilities are included, because not every well or production facility operated by an underground gas storage operator falls within the exclusion. Oil and gas production wells (as opposed to gas storage wells), are not associated with an underground gas storage project and are not exempt from SB 1137 requirements.*

Cultural Resources and Tribal Lands

013-1
Commenters have reviewed the proposed permanent regulations and are requesting to include the protection of cultural resources and Tribal Lands be added as sensitive receptors in the proposed permanent regulations.

Response to 013-1: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. CalGEM does not have authority to add new categories of sensitive receptors, but depending on the facts, cultural resources or Tribal lands may quality as sensitive receptors under existing categories.*

Court Order Exception

004-50
There are no regulations elaborating on the requirement from section 3281(c) of SB 1137 that operators proceeding with a notice of intention in a HPZ under a court order must have an indemnity bond. To the extent the indemnity bond requirement is not self-executing, we encourage CalGEM to enact additional regulatory language ensuring full compliance with this requirement. CalGEM should determine the amount of the individual indemnity bond in accordance with, and to the maximum extent authorized in, section 3205.3 of the Public Resources Code. Section 3205.3, subdivision (a), gives CalGEM the authority to require additional financial assurance based on factors

beyond well depth and count. CalGEM's reliance on well depth and count in setting bonding requirements severely undervalues decommissioning costs, which incentivizes operators to desert their wells thus generating shortfalls in available bond funds. Likewise, declining market conditions likely will fuel more well desertion and bond forfeiture in the absence of increased bond amounts. CalGEM should require even higher financial assurance for wells within Health Protection Zones, since these wells are more dangerous due to their location in close proximity to sensitive locations.

Response to 004-50: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. PRC section 3281, subdivision (c), prescribes that CalGEM must determine the amount of the individual indemnity bond in accordance with PRC section 3205.3, subdivision (b). Bond amount determinations under PRC section 3205.3 are outside the scope of this rulemaking.*

010-6
The commenter notes that the regulations do not include the language requiring CalGEM to issue an NOI if a court finds that SB 1137 effects a taking, as specified in PRC section 3281(a)(2)), and recommends this language be explicitly stated in the regulations.

Response to 010-6: *CalGEM has reviewed the comment and determined that no regulatory amendments are necessary. CalGEM disagrees that a regulation is needed to duplicate PRC section 3281, subdivision (a)(2).*

Regulatory Documents

Economic Impact Assessment (EIA)

004-17, 004-46
The commenters appreciate CalGEM's recognition in its Economic Impact Assessment (EIA) that "there are potential qualitative benefits from the proposed regulations," including "improved health and welfare of California residents, improved [oil and gas (OG)] worker safety, and reducing the probability of environmental damage from OG operations in the state." They note cost-benefit analyses tend to be "biased against regulations that benefit health, welfare, and safety" to the extent "decision-makers give greater weight to effects that can be quantified" and "reject more stringent alternatives that achieve additional, non-monetized benefits that outweigh the additional costs." They argue it is crucial that agencies do not "put a thumb on the scale by undervaluing the benefits and overvaluing the costs of more stringent

standards," and note CalGEM acknowledges that regulations which "further[] the statutory purpose of protecting public health, safety, and the environment," such as "a reliable and updated inventory of all equipment" pertaining to oil and gas operations in a health protection zone will have "invaluable benefits." The commenters agree with CalGEM's ultimate conclusion that "the proposed regulations would not significantly impact California's economy"—unless that significant impact is a positive one due to public health savings.

Response to 004-17 and 004-46: *CalGEM has reviewed the comment and determined that no changes to the EIA are necessary.*

010-3
The commenter claims the summary of potential costs of the regulations as presented in Sections 2 and 3 of the EIA is inappropriately divided into two buckets – costs to the State and costs to the largest operators in the State. They argue the economic impacts to CIPA members, many of whom operate in the Los Angeles Basin, are ignored in the assessment, and that fiscal costs to CalGEM are, in fact, fiscal costs to operators since CalGEM is fully funded through assessments on operators in the State. They contend the EIA should not separate out and present the costs to CalGEM as if they are borne by the state or taxpayers, and instead present the total costs to industry. They recommend the estimated operator cost should be multiplied by the 226 active operators in the state, with the cost to CalGEM added to that total, which would more actively represent the direct costs of the additional documentation and noticing that would be incurred by industry as result of the regulations (~$104 million). They recommend the EIA be expanded to include the costs for operators to develop monitoring plans, procure and install monitoring devices, conduct gas sampling and gas testing, and complete the required reporting, all of which is currently not considered. They contend the financial burden would have a greater adverse effect on smaller operators than larger ones.

Response to 010-3: *CalGEM has reviewed the comment and determined that no changes to the EIA are necessary. The EIA must evaluate the costs of the rulemaking action, not the costs resulting from the legislation that the regulations implement. Further, the leak detection and response plan and emission detection system requirements of PRC section 3283 are outside the scope of this rulemaking. The total estimated cost of this rulemaking, combining sections 2 and 3, is $1,136,000 across the entire California oil and gas industry, which is not a significant statewide economic impact.*

010-4
The commenter contends the EIA avoids calculation of costs of the implementation of proposed Section 1765.3(a), and the analysis should be revised to disclose these direct costs to operators. They argue this cost is much greater than the simple calculation of how many labor hours it may take to prepare a map or submit a form which is the analysis completed for every other section of the regulation. They contend operators will be unable to produce from the assets for which they have legal surface and/or mineral rights, and that without the ability to drill new wells or rework or sidetrack existing wells in HPZs, the decline rate of existing assets will increase significantly. They claim proposed Section 1765.3(a) would prohibit operators from any activities to maintain or increase current production levels from nearly all wells in Los Angeles and Orange counties, and over a quarter of wells in Ventura County.

010-5
The commenter contends the EIA must be expanded to evaluate the cost to the State of importing more oil from overseas to make up for the reduction in domestic production which will directly result from the implementation of proposed Section 1765.3(a).

011-5
The commenter contends the claim that the legislation will have little economic impact is false since it will impact oil producers (reduced revenues), oil service companies (reduced work), royalty owners (lower payments), dependent businesses, e.g. restaurants (lower patronage), gasoline vehicle drivers (higher gasoline prices), the general public (increased basic goods' feedstock prices and decreased public services), the California state government (revenue shortfalls) and eventually CalGEM employees (layoffs).

Response to 010-4, 010-5, and 011-5: *CalGEM has reviewed the comments and determined that no changes to the EIA are necessary. The EIA must evaluate the costs of the rulemaking action, not costs resulting from the legislation that the regulations implement.*

Initial Statement of Reasons (ISOR)

010-1
The commenter contends the following statement in the ISOR is inaccurate and/or false and should either be deleted or corrected:

Page 2, "SB 1137 is intended to assist frontline communities by cleaning up pollution, remediating negative health impacts, and addressing increasing impacts of climate change." This is a completely false narrative. Implementation of the proposed regulations will not clean or remediate any existing conditions and will not address any impacts of climate change at all. SB 1137's sole intent is to eliminate the production of crude oil in California. This will (and has) led to a dramatic increase of foreign imports to make up for lost in-state production. Given only California crude is under the state's cap and trade program, every imported barrel exacerbates worldwide GHG emissions.

010-2
The commenter contends the following statement regarding the benefits and costs of the regulations is inaccurate and/or false and should either be deleted or corrected:

Page 45, "*The Department has made an initial determination that the adoption of these regulations will not have a significant statewide adverse economic impact directly affecting business.*" They contend this does not align with reality since with the implementation of SB 1137, businesses with legally permitted operations will be stripped of the ability to extract the minerals within their leases making production uneconomic well in advance of the depletion of the resources. They argue this will result in a direct economic impact to production companies as well as the companies that provide services to operators, and that cities and counties that rely on revenue from oil and gas production will experience significant shortfalls in their anticipated budgets, resulting in direct impacts to public services and businesses within their jurisdiction.

Response to 010-1 and 010-2*: CalGEM has reviewed the comment and determined that no changes to the ISOR are necessary. CalGEM must evaluate the costs of the rulemaking action, not costs resulting from the legislation that the regulations implement.*

Comments In Support of the Rulemaking

004-55
Given that neighborhood drilling poses a public health emergency, and new neighborhood wells appear to be imminent, there is an urgent need for the agency to proceed as quickly as possible with promulgating regulations that will both prevent leaks and ensure their immediate detection and repair. Leaking oil and gas wells are creating a statewide public health crisis. CalGEM must prioritize leak prevention as equally, if not more important, than leak detection. The RFI's emphasis on cost-effectiveness and industry self-reporting could produce regulations that fail to

effectively prevent leaks and protect the public. Continuous leak detection monitoring systems are uniformly necessary at every field, in the interests of protection human health and the environment. Robust leak prevention and detection standards are necessary. Community data access and notification are paramount.

004-56
The ongoing public health crisis in frontline communities underscores the need for strong regulations to protect people from oil and gas development. Scientific evidence conclusively demonstrates that proximity to oil and gas wells is detrimental to health and safety. Oil and gas leaks, spills, and other incidents continue to cause major health emergencies throughout the state. CalGEM is taking steps in the right direction to fully implement the public health and safety protections in SB 1137.

004-44
A gradual "no new wells" and "no new permits" approach to a phase-out coupled with a reasonable amortization period, will preclude successful takings claims. A ban on new wells and new permits in the 3200-foot setback would not effect a taking because it would not implicate vested rights. Phasing out existing wells would not effect a categorical taking, as the rights affected would retain some value. Phasing out existing wells would not effect a regulatory taking due to fundamental public interests at stake and the harms of oil and gas operations. The conservative nature of the proposed phase-out period would negate any taking. Many wells could be phased out immediately without additional amortization. The highly regulated nature of the oil and gas industry, and its historical knowledge of the pollutive nature of production, weigh against a long amortization period. An amortization period of three-to-five years would be reasonable and conservative. Allowing operators to seek a variance from the amortization schedule would further rebut takings claims.

012-1
The regulations outlined will effectively implement key provisions of SB 1137, ensuring that oil and gas operations are conducted responsibly and with transparent communication to nearby communities and stakeholders. By establishing clear requirements for monitoring, reporting, and public notification, these regulations will enhance safety, reduce potential health risks, and foster greater community trust and engagement.

Furthermore, the Department's proactive approach to considering public comments and providing opportunities for input demonstrates a commitment to transparent governance and responsible policy development. Commenter believes that these

regulations will not only serve the immediate goal of safeguarding residents and the environment but will also promote sustainable and environmentally conscious energy practices in California.

017-1
Commenter, along with most residents in Santa Barbara County, are staunch advocates of SB 1137. The fumes and chemicals released into the air by oil and gas drilling cause cancers and all sort of other physiological issues, such as asthma, respiratory problems, learning disabilities, cardiac problems, etc. Living, working, attending school or church, being in a hospital, or playing sports anywhere near a drilling site has horrendous consequences. PLEASE make SB1137 enforcement as strong as possible throughout the State! We don't need any more oil or gas anyway! We are exporting it (at great damage to the environment) since we can't use what we already have.

018-1
Commenter hopes CalGEM enforces SB 1137, or if already enforcing, continues to do, and used to work in Antioch California and even though the office was not close to the big oil refineries it was bad. People inhale those poisons driving on the main freeway there. Thousands drive back and forth near those refineries on the main freeway, every day, inhaling those poisons.

022-1, 023-1, 024-1, 025-1, 026-1, 027-1, 028-1, 029-1, 030-1, 031-1, 032-1, 033-1, 034-1, 035-1, 036-1, 037-1, 038-1, 039-1, 040-1, 041-1, 042-1, 043-1, 044-1, 045-1, 046-1, 047-1, 048-1, 049-1, 050-1, 051-1, 052-1, 053-1, 054-1, 055-1, 056-1
As a California resident, I'm writing to express my strong support for the full implementation of SB 1137 and the public health and safety protections that it provides. Oil and gas leaks, spills, and other incidents continue to cause major health emergencies throughout the state, illustrating the importance of the rules. However, I have concerns is that these implementation regulations fall short of ensuring the full protections our state's residents deserve. Commenters appreciate the crucial progress this law represents in limiting community exposure to harmful oil and gas pollutants. However, it is imperative that these regulations are interpreted broadly and remain focused on protecting the health and safety of our communities, regardless of fossil fuel industry influence. We have seen many people whose fragile health has been impacted by leaks, spills and other issues.

059-2, 060-3, 061-3, 063-1, 065-3, 068-2, 069-3
In general, CalGEM should implement more protective requirements related to air emissions, water, pollution and transparency and should apply such protections to all wells and production facilities.

062-1
We know that a lot of communities are suffering environmental harm as a result of the existing wells that are in their community already, and we need to be sure that if any new wells are permitted, that they do not invade sensitive receptors that are clearly specified in the regulations.

064-1
We know that over 2 million Californians live within 2,500 feet of an operational well and over 7 million Californians live within 1 mile, and, you know, there are many risks to being in close proximity to wells and I'm concerned not only about air quality degradation, but also about contaminated groundwater. Keeping these things in mind that people in these communities have certain risk factors for such things as low birth weight as well as developmental issues in children.

070-1
I'm a nurse who does home visiting and I see children who cannot play outside.· And so this afternoon, there will be children who won't be able to be outdoors without having trouble breathing, having an asthma episode. If we as a society want to continue with healthy communities, we need to protect our children. I beg you to continue with the good work you are doing on SB 1137 and how you are providing for setbacks so that we can protect the schools and the homes where our children live and the medical offices where they seek care.

Response to Comments In Support of the Rulemaking: *Thank you for your comments. CalGEM has reviewed the comments and determined that no changes to the SB 1137 First Implementation Regulations rulemaking package are necessary.*

Comments in Opposition to SB 1137

011-1
There is no scientific basis for the 3200' set back from a sensitive receptor; the concentration of a potentially harmful gas decreases by the square of the distance from the source; the foundation of the entire legislation in flawed from a basic science

perspective. Exclusion of well abandonment work from abiding by the legislation illustrates the hypocritical and deceptive nature of the law.

011-2
Prohibiting operators from repairing wells or replacing pipelines in a Health Protection Zone (HPZ) except for preventing or responding to a threat to public health, safety or the environment ignores one of the Department of Conservation's historic missions to responsibly manage and develop California's natural resources.

014-1
Commenter has lived 69 of 71 years within one mile of active oil wells, which has caused no harm to me or my neighbors. Last year, 65 percent of the hydrocarbons which fuel California cars, trucks, and trains came from foreign sources like Ecuador, Iraq, Saudi Arabia, Brazil, and Colombia. Our state motto might be correctly stated: "Dirty oil from the Amazon rainforest? YES! Clean oil from Bakersfield? Never!" If you look at a satellite photo of the CA southern coast it's easy to see the oil supertankers sitting just out of sight of the beach, belching unthinkable pollutants into the atmosphere. Simultaneously, it's easy to find pictures of able-bodied young men in Bakersfield and Ventura who are skilled and anxious to work and produce the cleanest oil and gas on earth, yet they languish in unemployment, or more likely, work "off the books" as contractors who pay no taxes and live in the gray area between legal and illegal.

014-2
SB 1137 "set back" is an unconstitutional and punitive law that prioritizes political ideology over science, public benefit, and economic equity. Another way to summarize this might be: if the highly educated science grads at CalGEM could meet the highly educated science and engineering grads working in oil & gas, these two groups could quickly find common ground on how to balance energy needs with best available pollution abatement procedures. The troublesome intermediary separating these two groups may correctly be described as, "those who never took calculus or general chemistry, but are confident to cite science as the basis of their deeply felt beliefs". Surely we would not allow such dilettantes to intervene in the production of entertainment in California or the innovation of artificial intelligence.

014-3
Of urgent importance: most of the refineries in California were built precisely to process California's heavy crude, which is slowly fading away due to politics. Consequently, we now import seriously polluted heavy feedstocks, without which the motorists in the state will be quite angry. For all purposes we now

import 1.4 million barrels per day of crude while California produces less than 400,000 bpd locally (and fading fast). You owe it to California's 40 million residents to seriously consider what awaits us.

019-1
SB 1137 is an illegal act usurping established local, State, and Federal property rights and laws. This action is unconstitutional and, if enacted, will conflict with established Federal laws.

019-2
SB 1137 conflicts with the state's own planning and zoning ordinances and land use commissions. In essence, if there are any issues that need to be addressed, then effectively, it is the State's own government leaders who are at fault for years of permitting homes and hotels, businesses and bus stations, industries and infrastructure, within close proximity to other established legal businesses owners and operations so, the State's government leaders have allowed and abetted these actions over the last 140 years while numerous government agencies have approved developments and are at fault by encouraging such mixed uses.

SB 1137 is ill-conceived, politically motivated. and much too expensive for the state to even consider enacting. SB 1137 should be dropped like a hot potato from any consideration. This is simply bad legislation which will be devastating for the state, bad for the political leadership in local and regional and state positions, will impact all businesses and property values, not only those in the energy business, and negatively impact every citizen of California.

019-3
The state's proposed SB 1137 regulation amounts to an illegal taking of real property, a taking of value, ownership, and established legal rights of its citizens without due process and without reparations for the property's value and nor for the damages to be incurred and created by this bill. This makes the proposed SB 1137 action a danger to the interests of the state, its citizens, and the region. This blatantly biased, targeted regulation, is a huge financial liability to the state and to local land use and local governments and staff in the event this is enacted. It is known that this proposed action is based on a complete lack of science or reasoning or any actual factual basis and is being pushed for purposes of political posturing. In fact, many of the state's own published documents discount the need or effectiveness of this very action determining this is necessary and not an effective legislative path forward. At a time when California needs to dig out from its multi-billion-dollar deficit hole

created by the recent political leadership's policies and actions, the state of California cannot even consider the magnitude of their liability should this be enacted nor does the State have the ability to pay the hundreds of billions or, more likely, trillions of dollars required to compensate for politically "taking" such huge swaths of real property from its own citizens.

021-1
The public has always been safe from this even during fires. We have had the whole Inglewood oil field around us all of our lives and there was no problem. There are even parks located there which are very nice to visit. The wildlife is there and the animals go around those locations.

Response to Comments in Opposition to SB 1137: *CalGEM has reviewed the comments and determined that no changes to the SB 1137 First Implementation Regulations rulemaking package are necessary. The comments object to SB 1137, rather than CalGEM's proposed action or rulemaking procedures.*

Comments Requesting Other Restrictions or Environmental Benefits

002-1
Even without primacy, California can use HPZ provisions and land-use restrictions to prevent Class VI projects from undermining community protections. CalGEM therefore has both the authority and the responsibility to extend SB 1137 protections to injection wells (Class II and Class VI), ensuring that oversight reflects the risks these facilities present. This includes using HPZ provisions and zoning restrictions to block projects in sensitive frontline communities, coordinating with the State Water Board to ensure aquifer reviews account for CO_2 plume monitoring and leakage risks, and requiring operators to disclose monitoring and maintenance data through WellSTAR in plain language.

002-2
CalGEM should expand community education. Residents need clear and accessible information about injection well risks, for example, groundwater contamination or well leakage, available in multiple languages and formats. For Class II wells, CalGEM can require disclosure of monitoring results such as integrity tests and maintenance records in formats the public can understand and use. For Class VI projects, California should condition HPZ approvals on equivalent transparency for Class VI wells, even though EPA issues the permits. Prior work has shown that public confidence in subsurface injection

projects depends heavily on access to understandable monitoring data and clear lines of accountability.

002-3
For Class VI wells, California can ensure community protections by making HPZ approvals contingent on operators meeting higher standards than the federal minimum, such as shorter reporting timelines (e.g., quarterly rather than annual), disaggregated maintenance reporting instead of aggregate plans that obscure risks, and robust leakage and corrosion monitoring tailored to CO_2 injection pressures. These measures extend the logic of the Class II framework, setbacks, neighbor notification, and water testing, into Class VI oversight, while recognizing the heightened risks of aquifer contamination, induced seismicity, and long-term well closure. We believe these measures are necessary to ensure that the risks do not disproportionately fall on communities already burdened by environmental and health disparities.

For Class VI wells, which EPA permits directly, stricter standards are necessary given their heightened risks, including the potential for CO_2 migration into drinking water aquifers, induced seismicity, leakage during well closure, and hazardous impurities in the injected stream. These stricter standards should include shorter reporting timelines, independent technical review of well designs, higher financial assurance to cover long-term monitoring and remediation, and continuous plume monitoring to track CO_2 migration. Although EPA issues the permits, California can still use HPZs as conditional gatekeepers: unless operators meet strict requirements for risk assessment, multilingual community notification, continuous monitoring, and emergency preparedness, exemptions should not be granted.

003-1
Due to the serious potential health impacts associated with unnecessary drilling, it is recommended that SB 1137 includes additional regulations to protect the health and safety of all workers and nearby communities. Firstly, the bill should require operators to prove technical necessity before any intercept drilling for plugging and abandonment. Each case should be reviewed by third-party experts or state agencies in order to prohibit any NOIs that request drilling in cases where it is not needed. Non-invasive plugging should be preferred and recommended to operators whenever feasible, except for extreme cases where standard plugging and abandonment procedures do not suffice.

003-2
NOIs should explicitly state whether plugging through drilling activities involve data collection and could inform future drilling operations. This will allow regulators to distinguish between absolutely necessary operations and those that may lead to future oil extraction.

003-3
When drilling is absolutely necessary, lawmakers should establish clear regulatory criteria for these operations, including health and environmental risk assessments, before any drilling activity in HPZs is approved. This will ensure adequate safety protections are in place for the operations and decrease the likelihood of adverse consequences on surrounding communities from leaks, spills, contamination or possible accidents.

004-29
CalGEM must conduct meaningful community-based CEQA review when regulating oil and gas activity. CEQA protects the environment by facilitating public engagement in project development. CalGEM has long failed to carry out is responsibilities under CEQA. CalGEM must eliminate obstacles to meaningful CEQA review in its permitting process. CalGEM must stop exempting permits for new wells from CEQA review. CalGEM must ensure inclusive and transparent community engagement. CalGEM must fully mitigate all potential site specific and cumulative health and safety impacts prior to the approval of permits for new wells and well stimulation treatments.

020-1
Commenter writes to strongly urge the Environmental Protection Agency not to repeal the Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units. In rolling back regulation that limits exposure to mercury, a potent neurotoxin that can significantly impact the physical and neurological development of children and babies, is in direct violation of its mission to protect both human health and the environment. The EPA must remember its own mission of protecting the health and environment of Americans and preserve the Greenhouse Gas Emissions Standards. Without them, the health outcomes of our communities will worsen, the climate crisis will continue to unravel, and our environmental degradation will worsen.

057-1
One of the big key issues that may help find more accurate well locations within the HPZ would be digitizing some of the records that CalGEM has to have a more accurate well finder and representation of where wells could be. Commenter would also like to

make sure that CalGEM has the resources needed so that they can accurately represent the situation on the ground and have more accurate locations for their wells. And commenter thinks to do so, they would need help digitizing.

009-7
Environmental impact is less than significant on redline channels under the jurisdiction of the Ventura County Public Works agency – Watershed Protection.

015-1
The commentor recommends primary protection of air, ground and surface water, and soil from pollutants. This requires testing for methane, monitoring soil, water, and air for the presence of toxicants, and safety protocols in the fossil fuel industry. Emissions from oil and gas operations must be prevented at their source, since they cannot be adequately mitigated or contained once they are released into the environment. Notification is only a necessary first step in the process of strict and effective regulation of an inherently toxic and dangerous industry. In operating their enormously profitable business, the oil and gas industry must not be allowed to externalize the risks and costs to frontline communities.

016-1
Microplastics. Please stop before we die from plastics!

067-1
Commenter has been dealing with a lot of people who have been sick with asthma and cancer at the same time. And for the first time for more than 11 years working for a better Shafter and this is actually the first time as human beings that we are given this opportunity and to share this with you, and above all, that you guys are at least taking us into consideration. Please now, if these jobs are going to be created with great technology and otherwise, now in the name of my entire community, Arvin, Lamont, and Rose Hills.

004-58
Sections 3282(b) (posting operator contact information), 3282(c) and (d) (nighttime noise and lighting limitations), 3282(e) (dust control measures), 3282(f) (suspension of production facilities for noncompliance with vapor venting rules), and 3282(g) (representative chemical analyses for produced water) of SB 1137 must all be incorporated into the permanent regulations.

004-59
Sections 1766.8 (non-emergency spill reporting), 1773.1, 1773.1.1, 1773.1.2 (containment requirements), 1773.2, 1773.4 (tank bottom leak detection and repair), 1773.5 (regulation of out-of-service production facilities), 1774.1 (pipeline inspection and testing), 1776.1 (pipeline cleanup and abatement), 1777 (maintenance and monitoring of production facilities, safety systems, and equipment), 1722.4 (cementing casing), 1722.6 (drilling fluid program), and 1723 (plugging and abandonment) of the draft public health regulations are all consistent with the spirit and intent of SB 1137 and reasonably necessary to remediate against negative health impacts but are missing from the Pre-Rulemaking Regulations. CalGEM should enact these provisions as part of the SB 1137 permanent regulations. CalGEM should not only add missing provisions, but it should also strengthen key aspects of the draft public health regulations that are consistent with SB 1137 and enact the stronger version now as part of the permanent regulations, in an effort to comprehensively address the multiple health hazards and risks associated with oil and gas development both at the local community level and statewide.

004-68
CalGEM should ban on-site fossil gas power generation as reasonably necessary to assist frontline communities "by cleaning up pollution, remediating negative health impacts, and building resilient infrastructure . . ." Burning fossil fuels and generating increased air pollution—including greenhouse gas emissions—solely to extract more fossil fuels that will likewise pollute the environment is harmful to frontline communities and all Californians. Such a practice is nonsensical at a time when California faces catastrophic climate change and has recognized the need to achieve carbon neutrality by 2045. CalGEM should prohibit the practice of on-site power generation within the 3,200-foot setback and wherever feasible alternatives exist at drill sites throughout the state.

004-76
CalGEM should ensure that the health and safety controls in the SB 1137 permanent regulations are applied not just within the 3,200-foot setback but at all well sites statewide. Indeed, all of these controls address impacts that cause serious harms outside the health protection zone. CalGEM should not arbitrarily limit the protections afforded by the controls and use its gap-filling regulatory authority to implement the measures statewide, everywhere drilling remains outside the 3,200-foot setback. The Panel thus recommended the agency to specify that all regulations concerning "emission controls and associated monitoring approaches that lead to rapid leak detection and repair for new and existing wells and ancillary infrastructure" apply to

wells and production facilities in fields statewide. Similarly, vapor venting prevention and gas sampling and analysis regulations must apply statewide. Leak prevention, detection, and response for dangerous chemicals present at oil and gas sites, like methane and hydrogen sulfide (H2S), will create broader public health and climate benefits for residents across the state. Moreover, for wells outside the 3,200-foot setback, CalGEM should provide that applications for new drilling and rework permits will be denied unless and until all of the required engineering controls have been installed and are being operated in compliance with the SB 1137 permanent regulations.

004-77
CalGEM should ensure a transparent process for making all data associated with oil and gas drilling and development publicly available. This information includes but is not limited to details concerning fluid and emissions leaks from wells, tanks, pipelines, and other production facilities; contamination of water sources; the chemical composition of drilling fluids used near sensitive receptors; and enforcement data such as inspection reports, Notices of Violation, and penalty orders. Such regulations should also require data to be submitted to CalGEM, rather than only "upon request."

004-78
CalGEM should create an online portal where staff promptly makes all data submitted by oil and gas operators under leak prevention and detection regulations—and related to the other operations discussed above—available for public access via a single website, whether through its WellSTAR application or at the very least a separate server the public can access and search. Required data should be submitted in electronic form with the records fully optimized to facilitate keyword searching via optical character recognition. Critically, in order to ensure the public is able to meaningfully engage with this information, the agency should ensure the data is organized and communicated clearly and provide resources and support for community members to review and understand the data. The website's file request system is poorly designed overall, requiring requesters to know near exact names of the documents being sought. CalGEM must provide a database map of nested folders and files at the very least for the public to understand what data is available.

004-79
Because self-policing by the oil and gas industry has failed for decades, CalGEM's SB 1137 permanent regulations should require periodic reporting of monitoring data, including submission of daily reports that are publicly available through the online portal discussed above. CalGEM should also include objective standards and metrics that

community members and the public can use to interpret the monitoring data and measure compliance. Any failures to submit data should result in consequences that incentivize better reporting and data collection, including Notices of Violation with automatic penalties or the immediate pause of operations at the well site until the operator catches up and resumes submissions.

004-80
CalGEM should strengthen the Pre-Rulemaking Regulations to require full disclosure by privately owned companies of the toxicity, use, and disposal of all chemicals involved in oil and gas drilling, extraction, maintenance, odor control, and other uses, consistent with the leak detection and monitoring requirements of SB 1137. As reiterated in our previous comments, California's oil and gas disclosure law does not adequately protect public health. Although the hazards and risks posed by oil and gas development are widely known and well-documented, the full magnitude of harm has been difficult to assess due to the lack of transparency surrounding the frequency, amount, and types of chemical materials used during development and production processes. Therefore, CalGEM should strengthen its notice and disclosure regulations and improve its oversight of the disclosure reporting process to reinforce the efficacy of the 3,200-foot health protection zone and engineering controls.

004-81
Notification of community members "as soon as potential leaks and other hazards are detected" is "critically important." CalGEM and CARB's leak detection and response standards should require notification no later than the first two-to-three hours after a leak cannot be stopped or within the first twelve hours if between 10:00pm and 7:00am, "depend[ing] on identification of the substances that are leaking and their toxicity to humans" especially at sensitive receptors with children, pregnant women, the elderly, and those with preexisting conditions. CalGEM should also require oil and gas operators to notify sensitive receptors within 3,200 feet of oil and gas drilling activities any time the "alarm trigger point" is reached for methane or hydrogen sulfide. Likewise, CalGEM should require public notification prior to every instance where operators use acid for maintenance or enhanced oil recovery, rather than the current system of annual aggregated chemical reporting, due to the risk of acute harm in the event of leaks or spills.

004-82
Commenter's April 10, 2024 letter to the Department of Conservation and CalGEM provides a detailed list of community engagement best practices related to public health and safety emergencies, non-emergency onsite work, and long-term community

education and engagement projects that CalGEM should immediately adopt. The letter also addresses the important need for CalGEM to develop linguistically appropriate materials, including translation and interpretation services for the significant number of monolingual Spanish speakers in frontline communities impacted by oil and gas production.

004-83
Idle wells and legacy infrastructure pose ongoing health risks that require testing and cleanup. CalGEM has approximately 126,000 plugged and abandoned oil and gas wells in California on record. However, recent assessments found that the number of abandoned wells is under-reported by 17 percent or more. Additionally, there are an estimated 2,500 to 5,000 unplugged idle-deserted wells in the state, with no solvent operators. Due to the lack of information, CalGEM must develop a thorough inventory of these wells and infrastructure, sites with idle-deserted or abandoned infrastructure in areas slated for redevelopment should be required to undergo environmental testing, operators must be required to clean up contamination, and CalGEM should conduct additional studies to assess emissions from idle wells.

Comments Incorporated in 45-Day Comment Submissions But About the SB 1137 First Emergency Implementation Regulations or SB 1137 First Implementation Regulations Pre-Rulemaking Discussion Draft

04-48
Commenters object to the inclusion of a watered-down definition of "park" in section 1765.1(d). It is important to public health that all parks—i.e., all areas open to the public for outdoor recreation—be treated as sensitive receptors, consistent with the wording of section 1765.1(c) and the parallel wording in section 3280(c) of SB 1137. All parks provide experiential learning opportunities. There is no need or reasonable justification for only treating parks as education resources and, thus, sensitive receptors if they are "at least partially within one-quarter mile of a residence or another education resource." Doing so would confer insufficient protection to public health, contrary to the intent of the emergency rulemaking.

04-49
1765.2 Measuring Distances. The wording of subpart (c) is confusing and vague. Commenters encourage CalGEM to require measurement from the edge of the production facility nearest a sensitive receptor in all instances, rather than allowing measurement from the geometric center of the location the production facility in certain instances.

004-51
Sections 1765.4 & 1765.4.1 could be construed to allow operators to proceed with work in furtherance of a notice of intention a mere five working days after giving notice to the public, even though these sections are modeled after section 3284(b) of SB 1137, which requires at least 30 days' notice to the public prior to commencement of work and further prohibits commencement of work until after collection of baseline sampling when requested.

004-57
The commenters contend that SB 1137 requires operators to offer to conduct water sampling "[b]efore commencing any work that requires a notice of intention…in the health protection zone…". While the same sentence also refers to sampling "before and after drilling," the commenter contends the combined directive must be interpreted liberally in favor of the health protection purposes of the law. At a minimum, they contend NOIs that would involve any type of drilling —such as new drilling, redrilling, sidetracking, deepening, and repairing, altering, or otherwise reworking a well in a manner that requires the use of a drill or involves boring or driving a hole or using a piercing action—should trigger notification. The risk of aquifer contamination exists from the moment the formation is perforated until proper plugging and abandonment, and all types of activities for which an NOI is required have the potential to cause or spread contamination, not just "drilling through previously unexposed rock or formation." They contend any regulation containing this limitation would be ultra vires as inconsistent with the mandate of SB 1137 and, thus, outside the scope of CalGEM's authority to promulgate. They also believe the sampling and testing requirement is important not just to determining whether specific activities by operators cause contamination, but in providing a currently missing data set regarding baseline levels of aquifer contamination near sensitive receptors.

Comments Incorporated in 45-Day Comment Submissions But About CalGEM's Public Health Rulemaking

004-18
Commenter provides literature reviews of studies that support a 2,500 foot setback. The literature reviews and compilations establish the need for more health and safety protections from upstream oil and gas development, including setbacks at a distance of 2,500 feet or more. Circumstances in both Los Angeles County and Kern County underscore the need for a 2,500-foot setback. Across the two counties, hundreds of thousands of residents are forced to live dangerously close to oil and gas development.

Those living closest to oil and gas operations in Los Angeles County and Kern County disproportionately are people of color, and those residents are already overburdened by—and especially vulnerable to further harm as a consequence of—cumulative impacts.

004-19
In the short time period before complete cessation of fossil fuel development and production in California, strengthen the regulation of the chemicals used in oil and gas drilling, requiring full disclosure by privately owned companies of the toxicity, use, and disposal of all chemicals involved in oil and gas drilling, extraction, maintenance, odor control, and all other uses.

004-20
In the short time period before complete cessation of fossil fuel development and production in California, strengthen the permitting process to evaluate and fully mitigate all potential health impacts prior to the approval of any new wells or expansion of existing wells.

004-21
Immediately prohibit use of diesel engines at oil production sites.

004-22
Increase monitoring of ambient air pollutants, including criteria air pollutants and air toxics associated with various stages of oil and gas development, production, and post-production, with real-time public disclosure.

004-23
Ensure that bonding requirements are sufficient to cover the worst-case scenario cost of well abandonment and clean-up.

004-24
Restrict the ability of companies that have failed to properly abandon wells within a certain timeframe to obtain new permits.

004-25
Work together with local agencies to ensure that so-called "small producers" of oil and gas are not exempt from critical air quality permit and pollution control requirements.

004-26

CalGEM must consult closely with—and accept the leadership of—those communities that have been most affected by oil and gas development, along with public health experts. For too long, the oil and gas industry has used its economic and political clout to secure preferential regulatory treatment at the expense of the health and safety of community members. Going forward, CalGEM's decision making must center community voices and concerns and reflect the best advice of health and safety experts—not oil and gas company executives.

004-41
CalGEM must develop an expedited plan and timeline to cease oil and gas development in California, bringing the State into full alignment with the climate goals laid out by the Intergovernmental Panel on Climate Change. Work with other state agencies to develop a comprehensive just transition plan that will secure the proper abandonment, clean up, and remediation of oil wells and provide robust investments to "make whole" both workers in the fossil-fuel industry who stand to lose their jobs and communities where oil production is currently a key part of the regional economy.

004-27
California's oil and gas disclosure law does not adequately protect public health. CalGEM must extend SB 4's disclosure mandate to include routine oil and gas development activities. CalGEM should require operators to decouple proprietary information from the PRC section 3160(b) disclosure criteria. CalGEM must develop comprehensive environmental hazard profiles of all chemical substances used in oil and gas development. CalGEM must implement quality control checks for operator - reported disclosures.

004-28
CalGEM's public health rulemaking must address California's orphan and idle well crisis. Orphan and idle wells are public health and environmental hazards. Current bonding requirements do not deter well desertion. Declining market conditions likely will fuel more well desertion and bond forfeiture. CalGEM must deny new permits to operators with outstanding liabilities. CalGEM must prioritize the plugging and abandonment of orphan and idle wells within 5,000 feet of sensitive receptors. CalGEM must exercise its authority under PRC section 3205.3 to ensure that operator bonds are sufficient to cover the cost of well plugging and abandonment.

004-30
Diesel engines must be phase out of oil production sites. Diesel engines are used extensively at oil production sites. Diesel particulate matter cause respiratory problems,

cancer, and premature death, and puts communities and public health at great risk. TO protect communities from the harms of DPM exposure, CalGEM must follow the example of other jurisdictions that have prohibited diesel engines.

004-31
CalGEM can and should prioritize health and safety considerations and the protection of residents who for decades have been overburdened by harmful oil and gas development in their communities as a consequence of the Division's inaction. Recently, AB 1057 (Limón) clarified CalGEM's mandate, emphasizing that the Division must "protect ... public health and safety and environmental quality."1 Consequently, although these comments identify some of the economic benefits of a 2,500-foot or greater setback and the significant costs of continued inaction, CalGEM should conduct a comprehensive, holistic, and independent assessment of the public health, safety, quality of life, and environmental benefits of protective setbacks. CalGEM necessarily must take a broad view of the benefits of protective setbacks because the value of people's health and well-being cannot truly ever be monetized and the benefits of justice and equity—and the costs of environmental racism—simply cannot be reduced to dollars.

004-32, 004-37
In evaluating the need for and benefits of a 2,500-foot or greater setback, CalGEM must consider and credit the lived experience of frontline community members. Residents living in close proximity to upstream oil and gas infrastructure have long complained of disruptive odors, noise, and light, and reported symptoms like nosebleeds, headaches, asthma attacks, dizziness or light-headedness, irritated, burning, or running nose, nausea, sore or irritated throat, and fatigue.2 They also have observed adverse health outcomes like high incidence of difficult pregnancies and miscarriages, clusters of cancer, and premature death. In other words, communities adjacent to oil and gas drilling know first-hand the adverse health consequences of oil and gas development. An ever-growing body of scientific research continues to validate and extend residents' real-world health and safety concerns. Any limitations reflected in the existing research, however, should not be taken to suggest an absence of harm—as residents know otherwise.

004-33
The multitudinous economic benefits of setbacks described in these comments do *not* derive from reducing oil or gas production levels in California. To the contrary, the benefits we discuss herein are tied directly to creating greater separation between the hazards and risks of upstream oil and gas development and homes, schools, healthcare

facilities, and other sensitive community spaces. Whether and to what degree setbacks might affect production are beyond the scope of these comments. That said, a reduction in statewide oil and gas production would produce numerous *additional* economic benefits above and beyond those discussed below, including: fewer worker fatalities and illnesses; improved regional air quality, with attendant improvements in health, school performance, economy-wide worker productivity, agricultural productivity, and visibility/aesthetics; protection of working farmland; preservation of clean water resources and a reduction in agricultural reuse of dirty produced water; and a reduction in the effects of climate change and the social cost of carbon.

004-34

Both to effectuate its mandate to protect public health and to fully understand the need for and benefits of a 2,500-foot or greater setback, CalGEM must enlist the help of qualified public health experts and undertake different methodologies from those it has relied on in the past. Historically, the Division's economic evaluations have focused narrowly on business interests and industry financial impacts, and neglected impacts associated with harms to public health, community safety, and costs to residents and the State. In its SRIA for this rulemaking, CalGEM should avoid undertaking a traditional, industry-oriented cost-benefit analysis and use instead the best available science and measurements of social costs and other impacts associated with oil and gas development, including how these impacts vary across different populations.

004-35

The 3,200' setback distance should be considered a minimum required setback supported by science. The extensive technical literature analyzes health detriments to populations who live close to OGD and benefits to populations when they live 1km (approximately 3,200 ft) to 5km away. The 1 km or 3,200' is a minimal setback in much of the literature. Economic analyses of the benefits and costs of setbacks should follow the technical literature and consider setbacks beyond 3,200' also. In its assessment of the benefits of the proposed 3,200' setback, CalGEM should consider the negative impact of air pollution on worker productivity. Commenter provides a literature review of adverse health impacts, hazards contributing to adverse health impacts, and economic benefits of the 3200 setback rule in the form of a scientific paper that was included in comments.

004-37

The comment letter evaluates several regulatory impact assessments conducted by other California agencies that represent a reasonable baseline of analysis that CalGEM should employ when conducting a regulatory impact assessment for the proposed

public health rulemaking. In addition, Commenter recommends implementation of two cost-benefit methodologies that will enhance the agency's ability to meaningfully quantify and monetize both the quantitative and qualitative benefits of a 2,500-foot setback. First and foremost, CalGEM must align its public health regulations with the recommendations of its Scientific Advisory Panel and institute a 3,200-foot or greater setback for both new and existing wells together with strong engineering mitigation controls that apply wherever drilling remains outside the setback. As the Panel confirms, engineering controls alone are insufficient to address pollution from existing wells and rely heavily on adequate enforcement by CalGEM in spite of its history of enforcement problems, particularly in frontline communities. Setback regulations that do not phase out existing wells and infrastructure ultimately fail in their primary function, which is to "[i]ncrease the distance between [oil and gas development] hazards and sensitive receptors. The attached public health expert reports of Dr. Lara Cushing (Addendum A) and Dr. Tanja Srebotnjak (Addendum B), which are incorporated into these comments, further discuss how the large body of peer-reviewed literature supports a 3,200-foot or larger setback for new and existing wells. Dr. Srebotnjak's Report further identifies ambiguous language in the draft regulations and suggests where the engineering mitigation controls can be further strengthened to protect public health, safety, and the environment.

004-38
Until its final public health regulations go into effect, we urge CalGEM to immediately cease issuing all new oil and gas permits to drill or prolong or expand production activity within at least 3,200 feet of sensitive places. In light of the significant public health, safety, and climate impacts of oil and gas development, community members cannot wait for meaningful relief until 2023 or possibly 2024 when the final regulations are effective. The agency must exercise its authority to deny permits now in order to avoid further entrenching oil and gas activities in neighborhoods. This protection will also better reflect California's collective shift away from fossil fuels that contribute to climate change, and toward a sustainable, clean energy future, as well as its prioritization of environmental justice. Communities living on the fenceline of oil and gas facilities have been dismissed as sacrifice zones, so we urge CalGEM to begin the shift away from oil and gas in these most-burdened communities.
from oil and gas in these most-burdened communities.

004-39
CalGEM's adoption of a 3,200-foot or greater setback will not only reduce the harms of oil and gas development in communities, it will also provide significant economic benefits for individuals and their families, for frontline communities, and for all of

California. The costs of oil and gas extraction to public health and safety, including factors such as workplace injury and illnesses such as adverse birth outcomes and respiratory harm, have thus far not been incorporated into CalGEM's analysis. CalGEM must avoid undertaking a traditional, industry-oriented cost-benefit analysis and use instead the best available science and economic and healthcare measures, including social costs, public health and safety harms, and environmental impacts associated with oil and gas development, and the way these impacts may vary across different populations. The memorandum of James Bono, Ph.D., Clair Brown, Ph.D., and Julia Walsh, M.D., provides further recommendations to CalGEM for assessing the economic value of social benefits and costs from a 3,200-foot setback.

004-40
To best protect the health and safety of frontline community members—and all Californians, ultimately—CalGEM must also develop an expedited plan to cease oil and gas development in California, consistent with the State's avowed climate goals. Indeed, CalGEM's Scientific Advisory Panel confirms that eliminating fossil fuel development and production will also eliminate the source of significant environmental stressors that have burdened community members and the public for years. This strategy aligns with California's commitment to phase out oil extraction and transition to a 100 percent clean energy future.

004-42
The conclusions of CalGEM's Scientific Advisory Panel establish the need for a 3200-foot or greater setback from new and existing wells. The Panel's reliance on peer reviewed epidemiological studies is a scientifically sound approach to developing public health regulations. The Panel concludes "with a high level of certainty" that close proximity to oil and gas development causes adverse health outcomes. Toxicological studies on the health and safety impacts of oil and gas operations are of limited value compared to epidemiological studies. The precautionary principle also requires CalGEM to adopt a 3,200-foot or greater setback to account for potential harms not captured in studies and publicly available data.

004-43
CalGEM must end neighborhood drilling altogether by phasing out existing wells and production facilities in the 3200-foot setback. CalGEM must commit to issuing no new permits in the 3,200-foot setback. CalGEM must also specify a date certain for the cessation of all oil and gas operations in the 3,200-foot setback. CalGEM must require a prompt phase-out of idle, deserted, and improperly abandoned wells and out-of-

service production facilities in the 3,200-foot setback. CalGEM must eliminate exceptions for new oil and gas development that will delay the phase-out.

004-45
CalGEM must take emergency action and immediately halt approvals for all new oil and gas permits within a 3200-foot or greater setback.

004-58
Ideally, CalGEM's permanent regulations should also promulgate additional health protections included explicitly in SB 1137, proposed in its draft public health regulations, and recommended in its Scientific Advisory Panel's Public Health Report. The Pre-Rulemaking Regulations appear to leave out several key provisions in SB 1137 with no explanation. At this juncture of the rulemaking process where there will be fewer opportunities to address obvious gaps moving forward, CalGEM should move without further delay to bring the permanent regulations in line with the text of SB 1137.

004-60
CalGEM and CARB should better address air emissions. Air emissions are the most well-documented threat to public health from oil and gas extraction, and the engineering control measures in SB 1137 and CalGEM's draft public health regulations include important protections for local and regional air quality until a complete phase-out of all neighborhood drilling and statewide fossil fuel production occurs.

004-61
Upstream liquid storage tanks have emerged as the single largest fugitive emissions source of both methane and VOCs—despite being underestimated in previous inventories—creating a need to reduce tank-related venting and leaks by means such as vapor recovery units.100 Specific policy recommendations from the PSE report include (i) "inhibiting the usage of formaldehyde," which increases toxic emissions associated with liquid storage tanks; (ii) targeting methanol, 2-propanol, and ethanol for further restrictions to reduce occupational inhalation exposures; (iii) "[i]dentify[ing] and implement[ing] vapor control measures aimed at reducing fugitive leaks from liquid storage tanks, especially from tank thief hatches" to reduce health-damaging air pollutants; and (iv) adding "retrofit and replacement requirements for thief hatches and dehydrators on condensate tanks and for produced water tanks, both new and existing."

004-62

CalGEM should also include measures that address so-called "small producers" of oil and gas and their exemptions from critical air quality permit and pollution control requirements relevant to tanks at the local level. For example, the San Joaquin Valley Air Pollution Control District currently does not require small producers to obtain construction or operation permits for their heavy oil tanks or meet VOC control requirements for such tanks. CalGEM should work with local agencies to address these regulatory gaps.

004-63
We further endorse the following tank-related proposals from Dr. Tanja Srebotnjak, who provided expert testimony on behalf of VISIÓN on CalGEM's draft public health regulations (Srebotnjak Report; included in comments): specifying examples of authorized methods of secondary containment; requiring better recordkeeping to helpwith compliance monitoring; and mandating testing before leaking equipment may be returned to operational status.

004-64
As SB 1137 specifies minimum dust control measures, but states that the statutory list is not exhaustive, CalGEM should include all feasible dust control measures to mitigate fine particulate matter (PM2.5) and PM10 emissions. For example, the Fugitive Dust Mitigation Measures Tables maintained by the South Coast Air Quality Management District separate out oil and gas production activity by phase (construction and demolition, materials handling, paved roads, unpaved roads, and storage piles) and source activity (i.e., conveyors, storage piles, mud/dirt trackout, demolition and debris removal, wind-related activity, etc.). CalGEM should require appropriate mitigation measures to address each of these phases and sources. In particular, CalGEM should "add the mixing of drilling muds to the list of dust control measures because of the potential for drilling mud components and additives such as barite powder and calcium carbonate to escape into the air." A key measure that is missing is the lack of opacity monitoring, which precludes enforcement of the dust control measures. Further, CalGEM should require operators to use an on-site construction manager to ensure implementation of the proposed measures.

004-65
CalGEM and CARB should prohibit vapor venting and require reporting whenever it occurs, suspension of operations until the source of the vapor is identified and any leak is repaired, and permanent shutdown of wells and production facilities that repeatedly violate such prohibitions. CalGEM and CARB should further specify the types of information operators must provide in connection with inspections. Even though flaring

also represents a major source of emissions, section 1766.1 of the draft public health regulations only addresses venting, with no reference to flaring. The inclusion of a regulation designed to "ensure[] that no venting to atmosphere occurs" reflects CalGEM's implicit recognition of the public health need to eliminate venting as a source of emissions. A similar prohibition on flaring is a necessary corollary. The PSE study cited above shows that flaring is an even bigger source of methane emissions than venting, and flaring currently occurs at oil and gas wells in major oil-producing regions of the state like the San Joaquin Valley. A prohibition on flaring would significantly reduce public health and safety risks in frontline communities and go a long way toward addressing the statewide impacts of flaring on air quality. CalGEM and CARB should use their gap-filling authority to prohibit both venting and flaring and specify the consequences if operators violate this ban. Importantly, such regulations should apply to both new and existing wells and production facilities throughout the state, and should require implementation at the earliest feasible date.

004-66
CalGEM and CARB should adopt the Srebotnjak Report's (included in comments) recommendation that any leak detection system must require continuous monitoring for gases other than just methane and hydrogen sulfide. While methane and hydrogen sulfide are two HDAPs associated with oil and gas production, "oil and gas production facilities are known to release a host of other hazardous and toxic air contaminants, including toxic PM2.5, carbon monoxide, nitrous oxide, ozone, and VOCs such as aromatic (cyclic and polycyclic) hydrocarbons like benzene," which are known to be persistent and mobile in the environment and widely recognized as harmful to most living organisms through carcinogenic and mutagenic effects. Other specific constituents include sulfur dioxide, formaldehyde, and ammonia. CalGEM and CARB should include all of these constituents and categories of constituents in the list of required analytes.

004-67
Commenter makes recommendations for alarm set points and measurement of background methane as it pertains to leak detection and response plans including provisions for meaningful community engagement and gas sampling.

004-69
Existing regulations in California contain a major loophole that exempts heavy-oil wells from fugitive emissions monitoring. As the vast majority of the state's oil and gas extraction sites process heavy oil, this exemption facilitates the creation of dangerous

emergencies and inadequate agency response, enabling leaks to go unnoticed and unrepaired for lengthy periods of time.

004-70
CalGEM and CARB should be considering the impacts of the contribution of VOCs to ozone by new oil and gas permit applications in existing non-attainment areas as a way to prevent cumulative leaks that could lead to compounded public health harms.

004-71
Requiring the electrification of existing drilling rigs via upgrades and modifications, along with mobile transformer units on skids, is an immediate solution to reducing ozone precursors and reducing community exposures to diesel pollution. These electric retrofits are being done in other oil and gas basins, such as throughout Texas. This should be a top priority for CalGEM and CARB as it will have immediate impacts on decreasing ozone concentrations. In other words, electrification of rigs would help prevent some of the worst public health impacts from leaking wells by reducing the baseline cumulative pollution burden.

004-72
Along with continuous onsite monitoring, we also endorse placement of air quality sensors in all neighborhoods within 3,200 feet of oil and gas wells, for methane and VOC measurements. CalGEM should be utilizing the same technology and partnering with research organizations who are able to track releases of VOCs.

004-73
It is critical for CalGEM to require comprehensive leak prevention and detection standards that address this pathway to contamination. The engineering controls related to water pollution in CalGEM's draft public health regulations provide a promising starting point, though they should be further strengthened in the SB 1137 permanent regulations. For example, the list of analytes for water testing should include key per- and polyfluoroalkyl substances (PFAS), also known as forever chemicals for their persistence in the environment and bioaccumulation. Importantly, CalGEM should add a metric by which community members and the public can determine whether oil and gas operators have contaminated their waters in violation of the law. CalGEM should further require suspension of oil and gas operations where sampling results are indicative of contamination, pending demonstration of repairs to the wells or production facilities at issue. To the extent CalGEM intends to use existing water quality standards codified in state and federal law as a benchmark for compliance, the

agency should explicitly cross-reference such standards in the permanent regulations to avoid any confusion.

004-74
We also endorse the water-related recommendations in the Srebotjnak Report regarding CalGEM's draft public health regulations, which include requiring the collection of many samples rather than a single data point "to give a complete understanding of the composition of produced water," and prohibiting commencement of drilling until samples have been analyzed by the laboratory.

004-75
California has allowed the oil and gas industry to "store" wastewater in unlined pits since the 1900s, which risks infiltration to, and contamination of, groundwater sources that supply drinking water to millions of people. Researchers recently identified "1,565 ponds in the Tulare Basin used exclusively for produced water disposal," with 484 unlined ponds still in use, posing a threat to 4 million users in the San Joaquin Valley California is the only state that allows this practice. CalGEM should ban the use of pits or ponds and require operators to implement closed loop drilling systems as soon as feasible, but no later than two years from the effective date of the regulations.

Response to Comments On Prior Regulatory Language and Comments Requesting Other Restrictions or Environmental Benefits: *CalGEM has reviewed the comments and determined that no changes to the SB 1137 First Implementation Regulations rulemaking package are necessary. Comments on CalGEM's 2021 Draft Public Health Rulemaking Regulations, SB 1137 pre-rulemaking regulatory text that was removed and does not appear in the proposed regulations in formal rulemaking, or PRC sections 3282 and 3283 requirements, and on additional prohibitions or undertakings, are not within the scope of the present rulemaking, which is focused on health protection zone requirements for notices of intention and new production facilities within an HPZ, water sampling and testing, and annual sensitive receptor inventories and maps. It is not the purpose of the rulemaking to regulate Class VI wells, extend HPZ requirements to all wells and production facilities statewide, or end oil and gas production in California.*