

SB 1137 FIRST IMPLEMENTATION REGULATIONS
FINAL TEXT OF PROPOSED REGULATIONS

New regulations and new text added in the proposed regulations is shown in underline.

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

Subchapter 2. Environmental Protection

Article 2.5. Health Protection Zones

§ 1765. Scope and Purpose.

The purpose of this article is to implement and make specific the provisions of Public Resources Code, Division 3, Chapter 1, Article 4.6 (commencing with section 3280).

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

§ 1765.1. Definitions.

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

(b) For the purpose of this article, "Health Protection Zone" means the area within 3,200 feet of a sensitive receptor, as measured in accordance with Section 1765.2.

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

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

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

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

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

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

(6) A building housing a business that is open to the public. A building housing a business is open to the public if visitors are regularly permitted on the premises who are not the owner or tenant of the building and are not employees, contractors, service providers, or personal guests of the owner or tenant of the building.

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

§ 1765.2. Measuring Distances.

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

(b) A Health Protection Zone shall be measured as follows:

(1) The measurement from a sensitive receptor shall be made from the property line of the receptor unless the receptor building is more than 50 feet set back from the property line, in which case the measurement shall be made from the outline of the building footprint to 3,200 feet in all directions; and

(2) The measurement to a wellhead or production facility shall be made directly to the wellhead's or production facility's edge closest to the sensitive receptor.

(c) When latitude and longitude coordinates are required under this article, the coordinate shall be provided in decimal degrees with an accuracy of plus or minus ten feet using the geodetic datum North American Datum of 1983 (NAD 83).

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

§ 1765.3. Additional Requirements for a Notice of Intention.

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

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

(1) Identification of a sensitive receptor within 3200 feet of the wellhead. Information regarding the sensitive receptor shall be provided in a sensitive receptor inventory in accordance with Section 1765.7 and a sensitive receptor map in accordance with Section 1765.8.

(2) A New Production Facility Notice in accordance with Section 1765.5 and Section 1765.5.1 if production facilities are proposed to be newly constructed or newly operated in association with the notice of intention.

(3) A statement of the basis for approving the notice of intention under:

(A) Public Resources Code section 3281, subdivision (a) or

(B) Public Resources Code section 3281.5, as applicable.

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

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

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

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

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

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

(6) Discussion of any potential alternative approaches to address the threat and reasons why the alternatives are less effective or not necessary to address the threat.

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

(d) The Division may waive some or all requirements of subdivision (c) for work to comply with existing regulation, ordered by the Division, or otherwise determined by the Division to be necessary to respond to or prevent a threat to public health, safety, or the environment if the Division determines that it has information and documentation necessary to evaluate the threat and proposed operations.

(e) If a notice of intention submitted under Public Resources Code section 3203 is for a well with a wellhead that is within a Health Protection Zone and the 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.

(f) The requirements of this section do not apply to a notice of intention to plug and abandon or reabandon a well or to drill an intercept well necessary to plug and abandon or reabandon a well. The requirements of this section are in

addition to and do not replace the requirements for a notice of intention under any other statute or regulation.

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

§ 1765.4. Water Sampling and Testing.

(a) Except as provided in subdivisions (c) and (d), 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:

(1) The notice required by Public Resources Code section 3284 has been provided to all property owners and tenants at least thirty days before work commences.

(2) The declaration of completion of notice required under Section 1765.4.1, subdivision (a)(11) has been provided to the Division.

(3) Any supplemental declaration of notice required under Section 1765.4.1, subdivision (a)(12) has been provided to the Division.

(4) Where applicable, a baseline water sample has been collected. A sample may not be collected until at least five working days after operator notification to the appropriate regional water quality control board so regional water quality control board staff may witness the sampling.

(5) The declaration of completion of baseline sampling required under subdivision (b) has been provided to the Division.

(6) If a property owner or tenant responds to the notice required by Public Resources Code section 3284:

(2) For each water source where a baseline sample was taken, the date or dates that the appropriate regional water quality control board and State Water Resources Control Board were notified so that regional water quality control board staff may witness the follow-up sampling;

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

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

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

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

(h) The operator is not required to sample or test water under this section if the relevant authorities have determined that the water is not an underground source of drinking water, as defined in the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et. seq.), and the water has no beneficial uses, in accordance with subdivision (f) of Section 13050 of the Water Code.

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

§ 1765.4.1. Notice to Property Owners and Tenants

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

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

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

(3) The notice shall advise the notice recipient that:

(A) A request made to the operator for sampling and testing must be made in writing, which includes writing by electronic mail;

(B) The request must be delivered to the operator within 20 days from the date the notice is provided;

(C) The notice recipient must keep a record of delivery of the request to the operator;

(D) The surface property owner must make necessary accommodations to enable the collection of a water sample within 10 days of the request being provided to the operator;

(E) The operator will provide the results of any baseline and follow up water quality testing to the surface property owner and the requesting tenant; and

(F) Unless a request for sampling and testing is made, no response to the notice is required.

(C) The name of each surface property owner and tenant notified, or indication that the addressee was unspecified, as allowed under subdivision (a)(9);

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

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

(F) The date each notice is deemed to have been provided in accordance with subdivision (a)(7); and

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

(12) If any additional surface property owners or tenants are notified after the original declaration of notice is provided to the Division, then the operator shall within 5 calendar days submit to the Division a supplemental declaration of notice that contains the information listed in subdivision (a)(11).

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

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

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

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

(14) Records specified for retention under subdivision (a)(13) shall be made available to the Division promptly upon request, and shall be maintained

(2) For each water source where a baseline sample was taken, the date or dates that the appropriate regional water quality control board and State Water Resources Control Board were notified so that regional water quality control board staff may witness the follow-up sampling;

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

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

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

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

(h) The operator is not required to sample or test water under this section if the relevant authorities have determined that the water is not an underground source of drinking water, as defined in the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et. seq.), and the water has no beneficial uses, in accordance with subdivision (f) of Section 13050 of the Water Code.

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

§ 1765.4.1. Notice to Property Owners and Tenants

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

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

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

(3) The notice shall advise the notice recipient that:

(A) A request made to the operator for sampling and testing must be made in writing, which includes writing by electronic mail;

(B) The request must be delivered to the operator within 20 days from the date the notice is provided;

(C) The notice recipient must keep a record of delivery of the request to the operator;

(D) The surface property owner must make necessary accommodations to enable the collection of a water sample within 10 days of the request being provided to the operator;

(E) The operator will provide the results of any baseline and follow up water quality testing to the surface property owner and the requesting tenant; and

(F) Unless a request for sampling and testing is made, no response to the notice is required.

for at least 5 years from the date that the declaration of notice required under subdivision (a)(11) or subdivision (a)(12) is submitted to the Division.

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

§ 1765.5. Required Notice for New Production Facilities

(a) No new production facilities shall be constructed or operated in a health protection zone unless determined by the Division to be:

(1) Associated with a notice of intention approved pursuant to Public Resources Code section 3281; or

(2) Necessary to protect public health and safety.

(b) Except as provided in subdivision (c), operators shall submit a New Production Facility Notice containing information specified in Section 1765.5.1 to the Division prior to construction or operation of a new production facility, even on a temporary basis, in a health protection zone. This notice is required in addition to, and does not supersede, any other notice or reporting requirement for production facilities.

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

(1) A newly constructed or operated production facility that is not within 3,200 feet of a sensitive receptor. This exception does not relieve an operator of any other production facility notification or reporting requirement, including but not limited to Public Resources Code section 3270.

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

(C) The name of each surface property owner and tenant notified, or indication that the addressee was unspecified, as allowed under subdivision (a)(9);

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

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

(F) The date each notice is deemed to have been provided in accordance with subdivision (a)(7); and

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

(12) If any additional surface property owners or tenants are notified after the original declaration of notice is provided to the Division, then the operator shall within 5 calendar days submit to the Division a supplemental declaration of notice that contains the information listed in subdivision (a)(11).

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

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

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

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

(14) Records specified for retention under subdivision (a)(13) shall be made available to the Division promptly upon request, and shall be maintained

for at least 5 years from the date that the declaration of notice required under subdivision (a)(11) or subdivision (a)(12) is submitted to the Division.

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

§ 1765.5. Required Notice for New Production Facilities

(a) No new production facilities shall be constructed or operated in a health protection zone unless determined by the Division to be:

(1) Associated with a notice of intention approved pursuant to Public Resources Code section 3281; or

(2) Necessary to protect public health and safety.

(b) Except as provided in subdivision (c), operators shall submit a New Production Facility Notice containing information specified in Section 1765.5.1 to the Division prior to construction or operation of a new production facility, even on a temporary basis, in a health protection zone. This notice is required in addition to, and does not supersede, any other notice or reporting requirement for production facilities.

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

(1) A newly constructed or operated production facility that is not within 3,200 feet of a sensitive receptor. This exception does not relieve an operator of any other production facility notification or reporting requirement, including but not limited to Public Resources Code section 3270.

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

(b) If the new production facility is associated with a notice of intention that was approved by the Division under Public Resources Code section 3281, subdivision (a), then the New Production Facility Notice shall also provide:

(1) The API number for the well or wells;

(2) The notice of intention (NOI) form number or numbers; and

(3) The date that the notice of intention was approved by the Division.

(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:

(1) A description of the threat to public health and safety.

(2) A description and characterization of the magnitude of the risks and harms associated with the threat, including the likely populations.

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

(4) An explanation of how the proposed production facility is necessary to reduce or eliminate the threat.

(5) Any data or engineering studies or other relevant documentation demonstrating the existence of the threat and the magnitude of potential harms.

(6) Discussion of any potential alternative approaches to address the threat and reasons why the alternatives are less effective or not necessary to address the threat.

(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.

(d) The Division may waive some or all requirements of subdivision (c) for work to comply with existing regulation, ordered by the Division, or otherwise determined by the Division to be necessary to protect public health and safety, if the Division determines that it has information and documentation necessary to evaluate the threat and proposed production facility.

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3270, 3281, and 3285, Public Resources Code.

§ 1765.6. Annual Submission of Sensitive Receptor Inventory and Map

(a) For purposes of the annual submission of a sensitive receptor inventory and a sensitive receptor map, due annually by July 1, that is up-to-date with information no more than 90 days old, as required under Public Resources Code section 3285, an operator shall submit all of the following:

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

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

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

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3270 and 3285, Public Resources Code.

§ 1765.7. Content and Format Specifications for Sensitive Receptor Inventories

(b) If the new production facility is associated with a notice of intention that was approved by the Division under Public Resources Code section 3281, subdivision (a), then the New Production Facility Notice shall also provide:

(1) The API number for the well or wells;

(2) The notice of intention (NOI) form number or numbers; and

(3) The date that the notice of intention was approved by the Division.

(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:

(1) A description of the threat to public health and safety.

(2) A description and characterization of the magnitude of the risks and harms associated with the threat, including the likely populations.

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

(4) An explanation of how the proposed production facility is necessary to reduce or eliminate the threat.

(5) Any data or engineering studies or other relevant documentation demonstrating the existence of the threat and the magnitude of potential harms.

(6) Discussion of any potential alternative approaches to address the threat and reasons why the alternatives are less effective or not necessary to address the threat.

(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.

(d) The Division may waive some or all requirements of subdivision (c) for work to comply with existing regulation, ordered by the Division, or otherwise determined by the Division to be necessary to protect public health and safety, if the Division determines that it has information and documentation necessary to evaluate the threat and proposed production facility.

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3270, 3281, and 3285, Public Resources Code.

§ 1765.6. Annual Submission of Sensitive Receptor Inventory and Map

(a) For purposes of the annual submission of a sensitive receptor inventory and a sensitive receptor map, due annually by July 1, that is up-to-date with information no more than 90 days old, as required under Public Resources Code section 3285, an operator shall submit all of the following:

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

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

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

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3270 and 3285, Public Resources Code.

§ 1765.7. Content and Format Specifications for Sensitive Receptor Inventories

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

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

(D) Latitude and longitude coordinates for the production facility. If the production facility is a pipeline or a proposed pipeline, then the operator shall provide the latitude and longitude coordinates for the point location of the pipeline segment that is nearest to the sensitive receptor closest to the pipeline.

(b) A sensitive receptor inventory submitted by an operator to satisfy the requirements of this article shall be formatted as an Excel file (.xls or .xlsx) or a comma-separated value file (.csv) and shall comply with all requirements of the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and its implementing regulations for online viewing.

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

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3234, 3270, 3281 and 3285, Public Resources Code.

§ 1765.8. Content and Format Specifications for Sensitive Receptor Maps

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

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

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

limited to identification of a sensitive receptor based on the location of the wellhead or proposed wellhead associated with that notice of intention.

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

(C) If the map is submitted in connection with an annual map submission under Public Resources Code section 3285, then the scope of the map shall include identification of sensitive receptors based on the location of each of the operator's wellheads and production facilities, consistent with Section 1765.6. For each wellhead and production facility within a health protection zone, at least one sensitive receptor must be identified for each wellhead and production facility.

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

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

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

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

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

(4) The map scale shall be as follows:

(A) If the map is submitted in connection with a notice of intention under Public Resources Code section 3203, or a New Production Facility Notice under Section 1765.5, then the map scale shall be no greater than 1:12,000.

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

(5) The map shall be formatted as a Portable Document Format file (.pdf) and shall comply with all requirements of the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and its implementing regulations for online viewing.

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

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

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

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3234, 3270, 3281, and 3285, Public Resources Code.

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

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

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

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

(B) 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) For each feature identified, the statement shall explain why the feature does not meet the definition of a "sensitive receptor" under Section 1765.1.

(4) 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 verification

that, as of the date of determination, the subject location is not within a Health Protection Zone.

(c) For statements provided under subdivision (a) and submitted in connection with inventories and associated maps required by Public Resources Code section 3285, the Division will review for completeness and accuracy no less than 30 percent of the inventories and maps submitted annually and notify operators of any discrepancies.

(d) If the Division finds that the location is within a Health Protection Zone or that the operator has not sufficiently demonstrated that the location is not within a Health Protection Zone, then the subject location is within a Health Protection Zone.

Authority: Sections 3013, 3106, and 3270, Public Resources Code. Reference: Sections 3011, 3106, 3270, 3281, and 3285, Public Resources Code.

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

(a) Underground gas storage wells, including project wells and wells attendant to gas storage operations, and their attendant production facilities are not subject to this article.

(b) For the purposes of this article, underground gas storage wells and their attendant production facilities include:

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

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

Authority: Sections 3013 and 3106, Public Resources Code. Reference: Sections 3011, 3106, 3180, 3281, and 3403.5, Public Resources Code.