

SB 1137 FIRST IMPLEMENTATION REGULATIONS
HEALTH PROTECTION ZONES FOR OIL & GAS OPERATIONS
DEPARTMENT OF CONSERVATION
GEOLOGIC ENERGY MANAGEMENT DIVISION
FIRST REVISED TEXT OF PROPOSED REGULATIONS

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

Text added in the first revised proposed regulations is shown in double underline.

Text deleted in the first revised proposed regulations is shown in ~~strike through~~.

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 and 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)(10) has been provided to the Division.

(3) Any supplemental declaration of notice required under Section 1765.4.1, subdivision (a)(11) 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:

A. The operator has provided a copy of the response and all other notice related communications with the property owner or tenant to the Division, and

B. The Division has determined either that any required sampling and testing has been completed or that sampling or testing is not required.

(b) Operators receiving at least one request from a property owner or tenant for water testing under Public Resources Code section 3284 shall, within five calendar days of all required baseline water sampling having been completed, submit to the Division in a text-searchable electronic format a declaration of completion of baseline sampling that provides all of the following:

(1) For each water source where an owner or tenant has requested water quality testing under Public Resources Code section 3284, the date that the baseline sampling and testing was performed.

(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 sampling.

(3) If the operator was unable to do the requested sampling and testing because the surface property owner did not make necessary accommodations to provide access, then a description and timeline of the efforts made by the operator to obtain access to the water source.
(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. An operator's request for a waiver shall adhere to the following requirements:

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

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

(3) Documentation provided shall include an analysis of contributing hazards and risk factors, any available data that evidences the details of existing conditions that contribute to the risk, and an analysis of the time sensitivity of that risk.

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

(e) For each water source where an owner or tenant has requested water quality testing under Public Resources Code section 3284, the operator shall collect a follow up water sample no sooner than 30 days, and no later than 60 days, after drilling is complete.

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

(1) For each water source where a baseline sample was taken, the date or dates that the follow-up sample was taken or documentation of reasons

why testing was unable to be performed including a description and timeline for efforts made by the operator to gain access to the water source;

(2) 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 relevant property owner or tenant; 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.

(4) The operator shall include in the notice an electronic mail address that a property owner or tenant may use to contact the operator to make a sampling and testing request;

(5) The operator notice shall not ask for an acknowledgement of receipt of the notice except when required by subdivision (a) ~~(109)~~ of this section.

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

(A) Personal delivery;

(B) Overnight delivery by an express service carrier;

(C) Registered, certified, or express mail;

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

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

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

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

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

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

(87) Any notice that is given to surface property owners by overnight delivery by an express service carrier or by registered, certified, or express mail

shall be addressed to the address of record for that person, or his/her duly authorized agent, as shown on the latest equalized assessment roll, county assessor or tax collector records. In addition, if the owner's address of record is different from the physical address of the property within the notification radius, and if that property is capable of receiving mail, a copy of the notice shall also be delivered or mailed to that property but addressed only to "current resident."

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

(910) In addition to the means set forth in subdivision (a) (56), tenants of a residential or commercial property that has 10 or more individual units for lease may be provided notice by leaving a copy of the notice at each individual residential or commercial unit within the residential or commercial property between the hours of 8:00am and 6:00pm, with some person not less than 18 years of age who provides a signature acknowledging receipt of the notice. Notice given in accordance with this subdivision shall be treated as a personal delivery for purposes of determining when such notice is deemed provided under subdivision (a) (67).

(1011) The operator shall, within 5 calendar days of all required notices having been provided, submit to the Division in a text-searchable electronic format a declaration of completion of notice that provides all of the following:

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

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

(C) The name of each surface property owner and tenant notified, or indication that the addressee was unspecified, as allowed under subdivision (a)(89);

(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)(67); and

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

(1112) 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)(1011).

(1213) 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.

(1314) Records specified for retention under subdivision (a)(1213) 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)(1011) or subdivision (a)(1112) 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 (a) 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.

(3) Alteration, repair, modification, relocation or replacement of an existing production facility if all of the following is true:

(A) The production facility will continue to serve the same purpose.

(B) The production facility will continue to be interconnected between the same components and well or wells and existing production facilities.

(C) If the production facility requires secondary containment under Section 1773.1, subdivision (a), then the production facility will continue to be located within the same existing secondary containment. If the production facility is in an enclosure required by Section 1777, subdivision (d), then the production facility will remain within the same existing enclosure area.

(D) The production facility will not be moved from outside a health protection zone into a health protection zone.

(E) When a replacement production facility is brought into service, the replaced production facility shall be deemed Out-of-Service and comply with Section 1773.5.

(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.

(i) If an existing facility is replaced, the operator shall also collect and retain records documenting the date the replaced production facility was taken out-of-service and removed or abandoned in place.

(ii) All records required by this section shall be retained in accordance with the documentation retention requirements of Section 1777.3, subdivisions (a)(1) and (a)(2) and made available to the Division upon request.

(4) Temporary production facilities associated with oil spill or leak response and cleanup, plugging and abandonment operations, or production facility decommissioning, and removed within 60 days after completion of work, or for a longer period if necessary and authorized in writing by the Division.

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

§ 1765.5.1. Contents of a New Production Facility Notice

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

(1) The New Production Facility Notice shall include the following information about the proposed new or newly operated production facility:

(A) Production facility type.

(B) Production facility purpose.

(C) Production facility name.

(D) Production facility size.

(E) Production facility location, including latitude and longitude coordinates of the proposed production facility. If the proposed production facility is a pipeline, then the operator shall provide the longitude and latitude coordinates for each end of the pipeline and the point location of the pipeline segment that is nearest to the sensitive receptor closest to the pipeline.

(2) The operator shall identify a sensitive receptor within 3,200 feet of where the production facility is or will be located. 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.

(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, and 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

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

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

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

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

(C) If the inventory is submitted in connection with an annual inventory submission under Public Resources Code section 3285, then the scope of the inventory shall include identification of:

(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 3,200 feet of that wellhead or production facility, consistent with Section 1765.6.

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

(A) A unique identifier to facilitate reference;

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

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

(D) The distance in feet between the sensitive receptor and each of the operator's wellheads, proposed wellheads, production facilities, or proposed production facilities that are identified in the inventory and are within 3,200 feet of the sensitive receptor.

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

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

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

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

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

(E) Latitude and longitude coordinates for the wellhead.

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

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

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

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

(D) Latitude and longitude coordinates for the production facility. If the production facility is a pipeline or a proposed pipeline, then the operator shall provide the latitude and longitude coordinates for 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 receptors based on the location of the wellhead or proposed wellhead associated with that notice of intention.

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

(C) If the map is submitted in connection with an annual map submission under Public Resources Code section 3285, then the scope of the map shall include identification of sensitive receptors based on the location of 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;

(B) All areas open to the public and designated for outdoor recreation, whether or not formally named a park; 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) 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.