

SENATE THIRD READING
SB 1137 (Atkins)
As Amended August 24, 2022
Majority vote

SUMMARY

Prohibits Geologic Energy Management Division (CalGEM) from approving any notice of intention (NOI) within a health protection zone, as defined, except for under specified circumstances, and requires operators to comply with other specified requirements.

Major Provisions

- 1) Defines "health protection zone" as the area within 3,200 feet of a sensitive receptor. Defines "sensitive receptor" as a residence, education resource, community resource, health care facility, dormitory, or any building open to the public.
- 2) Prohibits, commencing January 1, 2023, the Geologic Energy Management Division within CalGEM from approving a NOI within a health protection zone, except for NOIs necessary for specified contexts.
- 3) Requires an operator of an oil or gas well who submits an NOI to submit a sensitive receptor inventory map of the area within the 3,200-foot radius of the wellhead or proposed wellhead locations.
- 4) Requires an operator, if NOI is approved, to provide an individual indemnity bond to cover full costs of well decommissioning.
- 5) Requires, commencing January 1, 2025, all oil or gas production facilities with a wellhead in a health protection zone to meet the following: compliance with local, state and federal permit requirements; requirements to post contact information to receive complaints; limits on sound levels; limits on light generation; dust prevention measures; vehicle speed limits; ceased use of all facilities and equipment if in noncompliance with air district requirements; and, submission to CalGEM of chemical analysis for produced water.
- 6) Requires all operators of oil or gas wells to develop a leak detection and response plan for their wells and attendance production facilities in the health protection zones by dates specified. Specify requirements for the leak detection and response plan.
- 7) Requires CalGEM to hold at least two public workshops to inform operators and the public about leak detection systems and response plans.
- 8) Requires, commencing July 1, 2023, and every six months thereafter, the Supervisor of CalGem to report to the Legislature on the leak detection and response plans.
- 9) Requires an operator to contact property owners and tenants within a health protection zone with a record of delivery and offer to sample and test water wells or surface water on their property before drilling. Specifies process for conducting sampling and reporting to CalGEM. Require water quality sampling data to be submitted to the State Water Resources Control Board (State Water Board) and regional water board.

- 10) Requires, by July 1, 2023, every operator to submit to CalGEM a sensitive receptor inventory and map that includes a list of sensitive receptors in the health protection zone, among other information. Requires CalGEM to review the inventories and maps and make them available to the public. Requires, commencing January 1, 2027, and annually thereafter, an operator to report to CalGEM specified information.
- 11) Requires, on or before July 1, 2027, CalGEM to report to the Legislature on the implementation of health protection zones.
- 12) Provides CalGEM with emergency regulatory authority.
- 13) Requires CalGEM to sign memorandums of understanding with the State Water Board, regional water boards, the State Air Resources Board, local air boards, and local jurisdictions to clarify, in writing, each entity's jurisdiction over the implementation and enforcement of this bill.

COMMENTS

Proximity to oil and gas extraction sites pose known significant health risks due to increased air pollution and threats to drinking water quality. Fine particulate matter (PM), like PM_{2.5}, is produced during combustion, and can deeply penetrate the respiratory system. The California Oil and Gas Public Health Rulemaking Scientific Advisory Panel that advises CalGEM found that close proximity to oil and gas development causes significant adverse health effects, including poor birth outcomes, asthma, and reduced lung function. The millions of Californians living their daily lives – residing, going to work, and attending school – near active wells or other oil and gas production infrastructure experience higher concentrations of "health-damaging air pollutants" and "measurably higher" exposure to noise and vibration.

This bill proposes a prohibition on most new oil and gas wells being drilled in health protective zones – areas within 3,200 feet of a sensitive receptor, which is defines a residence, place of business, school, or other building open to the public. The bill would prohibit the approval of an NOI to either drill a new well or rework an existing well where the well casing would be altered. Any new wells authorized to be drilled in the setback zone would have to provide an individual indemnity bond to CalGEM. By January 1, 2025, the bill would require most existing oil and gas wells and attendant facilities within the setback zone ("the health protection zone") to comply with new requirements.

The bill would require operators of oil or gas wells to comply with requirements to post contact information to receive complaints; limits on sound levels; limits on light generation; dust prevention measures; vehicle speed limits; ceased use of all facilities and equipment if in noncompliance with air district requirements; and, submission to CalGEM of chemical analysis for produced water. All operators would also be required to implement leak detection systems with alarms and response plans for leaks that impact sensitive receptors in the health protection zone.

CalGEM would be required to sign memorandums of understanding with the State Water Board, regional water boards, the State Air Resources Board, local air boards, and local jurisdictions to clarify, in writing, each entity's jurisdiction over the implementation and enforcement of this bill.

According to the Author

Of the approximately five and a half million Californians who live within a mile of one or more oil and gas wells, one-third live in areas that are the most burdened by environmental pollution, and 92% of Californians living in these overburdened neighborhoods are people of color. Moreover, this proximity brings disastrous health implications including, increased risk of asthma and other respiratory illnesses, pre-term births and high-risk pregnancies, and cancer. Given these disproportionate, cumulative impacts on communities of color and low-income communities, state action is long overdue –the time is now to limit exposure from toxic contaminants and protect our frontline communities, vulnerable populations, and families.

SB 1137 will mandate a 3,200-foot health and safety buffer zone between new and reworked oil and gas wells and sensitive land uses, which include schools, childcare centers, community resource centers, residential homes and live-in housing, and hospitals. In addition, SB 1137 will require oil and gas facility operators in these protection zones to implement strict air and water pollution controls, and to develop response plans to protect the health of over 2 million Californians currently living within 3,200 feet of an existing oil well.

In 2015, the California Council on Science and Technology reviewed existing scientific studies and determined that, from a public health perspective, the most significant exposures to toxic air contaminants occur within one-half mile of a well, and recommended that the State of California develop science-backed setback requirements for wells to limit these exposures. While CalGEM's own public health researchers have determined that there is no safe distance from oil and gas wells for human—3, 200 feet will avoid some of the worst exposure and harm to public health. Recent studies consistently demonstrate evidence of harm from pollutants and extraction consequences at distances less than 1 kilometer. SB 1137 takes a science based approach to protecting public health and follows other state jurisdictions that have already required setbacks requirements.

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

Unknown.

VOTES**SENATE FLOOR: 35-0-5**

YES: Allen, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Archuleta, Bates, Dahle, Grove, Min

ASM PUBLIC SAFETY: 7-0-0

YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

ASM APPROPRIATIONS: 13-0-3

YES: Holden, Bigelow, Bryan, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Quirk, Robert Rivas, Akilah Weber, Wilson

ABS, ABST OR NV: Calderon, Eduardo Garcia, Levine

UPDATED

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CONSULTANT: Paige Brokaw / NAT. RES. / (916) 319-2092

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