

**SPECIAL MEETING
ARVIN PLANNING COMMISSION
(in lieu of the Regular Meeting)**

**TUESDAY JUNE 12, 2018 5:45p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

CALL TO ORDER: Chair Olivia Trujillo

ROLL CALL:	Olivia Trujillo	Chairperson
	Janett Zavala	Vice Chairperson
	Yesenia Martinez	Planning Commissioner
	Miguel Rivera	Planning Commissioner
	Gerardo Tinoco	Planning Commissioner

STAFF:	Jake Raper	City Planner
	Shannon L. Chaffin	City Attorney – Aleshire & Wynder
	Cecilia Vela	Secretary

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

AGENDA STAFF REPORTS AND HANDOUTS:

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

CONDUCT IN THE CITY COUNCIL CHAMBERS:

Rules of Decorum for the Public

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

Removal from the Council Chambers

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

AMERICANS with DISABILITIES ACT:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

1. Approval of Agenda As To Form. Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

2. CLOSED SESSION ITEM(S)

- A. Conference with Legal Counsel Anticipated Litigation (Pursuant to Government Code § 54956.9)
One potential case

(IT IS ANTICIPATED THAT THE PLANNING COMMISSION WILL RECONVENE AT APPROXIMATELY 6:00PM.)

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

5. CONSENT AGENDA ITEM(S)

- A. Approval of the Minutes of the Special Meeting of May 30, 2018.

Staff recommends approval of the Minutes of the Special Meeting of May 30, 2018.

Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

6. PUBLIC HEARING(S)

- A. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending Adoption Of An Ordinance By The City Council Of The City Of Arvin, California, To Adopt Text Amendment No. 2017-04, An Oil And Gas Ordinance For Regulation Of Petroleum Facilities And Operations, By Repealing Chapter 17.46, Title 17, And Adding Chapter 17.46 To Title 17, Of The Arvin Municipal Code, And Recommendation of Adoption of Categorical Exemption under CEQA Section 15308 (Actions By Regulatory Agencies For Protection Of Natural Resources) (Jake Raper, Community Development Director)

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the Resolution recommending the City

Council adopt Text Amendment 2017-04 to adopt an updated oil and gas code and associated CEQA.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

7. REPORTS FROM STAFF

8. PLANNING COMMISSIONER COMMENTS

9. ADJOURNMENT

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 24 hours prior to the meeting. Dated: June 07, 2018.



Cecilia Vela, Secretary

**REGULAR MEETING MINUTES
ARVIN PLANNING COMMISSION**

MAY 30, 2018

CALL TO ORDER @ 6:01PM

PLEDGE OF ALLEGIANCE

ROLL CALL: PC Tinoco absent; All others present. PC Rivera arrived late during Roll Call.

1. Approval of Agenda As To Form.

Motion to approve the Agenda with the following change:

- **Consider Public Hearing Item 4A prior to Public Hearing Item 4B.**

Motion VC Zavala

Second Chair Trujillo

Vote 4-0

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

NONE

3. CONSENT AGENDA ITEM(S)

- A. Approval of the Minutes of the Regular Meeting of May 08, 2018.**

Staff recommends approval of the Minutes of the Regular Meeting of May 08, 2018.

Motion to approve Minutes of the Regular Meeting of May 08, 2018.

Motion PC Rivera

Second PC Martinez

Vote 4-0

4. PUBLIC HEARING(S)

- A. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Recommending that the City Council Adopt an Ordinance Amending Chapter 17.56 ("Conditional Use Permits") of Title 17 ("Zoning") of the Arvin Municipal Code to Add Commercial Cannabis Businesses as a Conditionally Permitted Use in Specific Zones and to Add Express Procedures for Suspension and Revocation of Conditional Use Permits.**

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Hearing opened.

No public testimony received.

Hearing closed.

Motion to approve the Resolution with the following revision:

- Revise Section 17.56.050 B. 6. to read as follows:

The decision of the Planning Commission shall be appealable to the City Council by filing a notice of appeal with the City Clerk within ~~thirty (30)~~ fifteen (15) days of the date of the decision. The notice of appeal shall specify the grounds for filing an appeal and shall be accompanied by any applicable fee established by resolution of the City Council to cover the costs of processing the appeal.

Motion PC Zavala

Second Chair Trujillo

Vote 4-0

Resolution No. APC 2018-08

- B.** Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Recommending that the City Council Adopt an Ordinance Amending and Renumbering Chapter 17.62 (“Commercial Cannabis Activity”) of Title 17 (“Zoning”) of the Arvin Municipal Code and Thereby Adding Chapter 17.64 (“Commercial Cannabis Activity”) to Title 17 (“Zoning”) of the Arvin Municipal Code to Establish Comprehensive Regulations Pertaining to Commercial Cannabis Activity.

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Hearing opened.

Public testimony received: Robert Franco and Luis Franco of Natural Selection provided comments regarding the square footage requirements and options for expansion of business.

Hearing closed.

Motion Chair Trujillo

Second VC Zavala

Vote 3-1 (PC Rivera voted No.)

Resolution No. APC 2018-09

- C.** Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit (CUP) 2017-Petro-Lud – Stockton Project - Oil And Gas Exploratory And Production Well - APN 189-351-36 Southwest Corner of Sycamore Road and Meyer Street; Establishment of A Drill Pad 300’-0” X 500’-0” And Four (4) Exploratory Well Sites Which May Be Converted Into Production Wells and Adoption of A Related CEQA Exemption Findings Pursuant To The California Environmental Quality Act.

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Hearing opened.

Public testimony received: Arvin resident Salvador Partida provided comments against approval of the Resolution; Keenan Behrle of Westminster Capital Inc. provided comments against approval of the Resolution and requested that the Planning Commission defer this item; Mike Finch of Energy Project Solutions provided comments in favor of approving the Resolution.

Hearing closed.

Motion to approve the Resolution.

Motion Chair Trujillo Second VC Zavala Vote 1-3 (PC Rivera, PC Martinez, VC Zavala voted No.)

[Adjournment into 4.1(A) closed session, and return as noted below]

Motion to reconsider the vote.

Motion VC Zavala Second PC Rivera Vote 4-0

Motion to approve the Resolution with the following modifications:

- 1) Site size 400 ft. x 400 ft.
- 2) Item# 5 of the Conditions of Approval to 235 feet from centerline of the City's right of way for Sycamore Street.
- 3) Item #12 of the Conditions of Approval – no pipelines to carry away produced oil; if producible volumes of gas are located, pipelines may be used consistent with DOGGR standards.
- 4) Item #3 of the Conditions of Approval – Update diagram to reflect a site size of 400 ft. x 400 ft.
- 5) Conditions of Approval - Allow minor modifications by the City Planner or City Engineer.

Motion Chair Trujillo Second VC Zavala Vote 4-0

Resolution No. APC 2018-10

4.1 CLOSED SESSION (Added to Agenda as noted below)

- A. Conference with Legal Counsel Anticipated Litigation (Pursuant to Government Code § 54956.9)
One potential case

Receipt of threat of litigation during hearing on item 4(C) from Petro Lud, LLC if Conditional Use Permit (CUP) 2017-Petro-Lud – Stockton Project is denied by the Planning Commission.

Motion to amend the Agenda for a closed session, including determination of a need to take action immediately, and that the need for action came to the attention of the agency after the agenda was posted.

Motion VC Zavala Second Chair Trujillo Vote 4-0

Adjournment into closed session; no reportable action taken in closed session.

5. REPORTS FROM STAFF

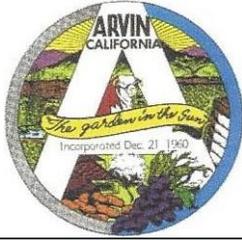
**6. PLANNING COMMISSIONER COMMENTS
NONE**

7. ADJOURNED @ 7:56PM

Respectfully submitted,

Cecilia Vela, Secretary

DRAFT



PLANNING COMMISSION
June 12, 2018

TO: Planning Commission

FROM: Jake Raper, Community Development Director

SUBJECT: Public Hearing – Consideration For Approval Of A Resolution Recommending Adoption Of An Ordinance By The City Council Of The City Of Arvin, California, To Adopt Text Amendment No. 2017-04, An Oil And Gas Ordinance For Regulation Of Petroleum Facilities And Operations, By Repealing Chapter 17.46, Title 17, And Adding Chapter 17.46 To Title 17, Of The Arvin Municipal Code, And Recommendation of Adoption of Categorical Exemption under CEQA Section 15308 (Actions By Regulatory Agencies For Protection Of Natural Resources)

RECOMMENDATION:

Staff recommends the Planning Commission open the hearing; allow for public testimony; close the hearing; and approve the Resolution recommending the City Council adopt Text Amendment 2017-04 to adopt an updated oil and gas code and associated CEQA.

SUMMARY:

The Planning Commission previously recommended the City Council approve the draft ordinance. As authorized by the City Council, this item is being brought back before the Planning Commission to make a recommendation to updates to the draft ordinance to address intervening changes in laws (including those which took effect on January 1, 2018), local conditions related to the Mountain View field, procedural items including streamlining to reduce impacts on City and other resources, increasing setbacks from roadways from 50 to 100 feet, etc. Protections for immediate public health, safety and welfare issues were not changed.

Approval of the Ordinance will provide an update to the City of Arvin's Municipal Code for the regulation of petroleum facilities and operations.

BACKGROUND:

The City's original petroleum facilities and operations code was adopted in 1965 and consisted of only a few pages of regulations. The current code allows oil drilling in residential neighborhoods with a CUP. At the time of the original oil code, the City's population was approximately 5,000 residents. At that time the State Division of Oil and Gas was also actively regulating oil

production, as well as the site redevelopment process, such that there was no role for a City inspection process. During the last 50+ years the character of the community has changed significantly, growing to over 20,000 residents and adding many high quality residential neighborhoods, as well as new commercial and business developments located in or adjacent to active oil fields.

The proposed oil code amendments deal with not only the changing character of Arvin, but changes in the science and technology of oil production in the last half century. These include the advent of 3-D Seismic Imaging technology, which is unlocking new deposits of oil and gas in previously declining and abandoned oil fields. Major technology advancements have been made in directional or slant drilling, now combined with GPS coordination and 3-D imaging to precisely locate and access gas and oil deposits. Arvin's original oil code did not anticipate these technologies or uses.

As the technology and science improve in locating gas and oil deposits, as well as improvements in production technology, it is conceivable that these reserves will increase. This improvement in technology and science make a compelling case that Arvin requires a comprehensive petroleum code amendment that can deal with decades of future oil production.

There have also been changes in oil field production techniques which warrant the proposed amendments to the Arvin Oil Code. These include changes in pumping technology and efficiencies, including more energy efficient pumps. There have also been changes in sound attenuation technology, for both oil drilling equipment and well servicing equipment, since the existing code was adopted. Air quality standards have also evolved since 1965, including new regulations from the San Joaquin Air Quality Management District to control odors and emissions. Natural gas vapor recovery is now common place in the local oil fields, where in 1960's natural gas was routinely a waste product that was vented to atmosphere or flared. Drilling muds have evolved into water based muds rather than oil based muds, which are less impactful to the environment. There have been changes in pipeline technology, leak detection and pipeline repairs, where the majority of oil production can now be conveyed by pipeline, instead of tanker trucks.

Important regulations have been developed in other jurisdiction to address issues such as decommissioning of oil facilities once they have reached the end of their economic life and appropriate clean up and remediation to allow for appropriate future use of the land. In addition, regulations have evolved to address the potential change of ownership that could occur at oil fields and the importance of addressing such changes to protect the local jurisdictions on financial responsibility and insurance.

The original water flood systems relied on potable water in the 1970s, when water was relatively inexpensive. With the population growth in the region and State, potable water has been substituted by production or reclaimed water. This water must be carefully monitored for environmental and public health reasons. The original Oil Code did not anticipate the use of production or reclaimed water and the need for careful water quality monitoring. Other environmental science and technology advancements have been made in the areas of ground water cleanup, soil clean-up and remediation actions. The original Oil Code did not anticipate any of these environmental advancements, which when employed improve the public health and

safety.

The National Environmental Policy Act (NEPA) was adopted in 1969 and California followed suit by adopting the California Environmental Quality Act (CEQA) in 1970. These two landmark pieces of environmental legislation were not anticipated by Arvin's Oil Code in 1965. Part of the necessary amendments in the proposed oil code deal with the increasing the environmental indemnification and insurance coverage requirements. These environmental insurance needs could not have been foreseen by the original authors of the 1965 code.

Without financial assurances to ensure site remediation and compliance with heightened environmental standards, redevelopment of a former oil or gas site may be precluded or unnecessarily restricted. This can result in parcels of land with limited (if any) development potential throughout the City, which can not only displace other desirable uses, but also affects the City's ability to provide services to the public through decreased tax revenue. Additionally, this can increase the likelihood of blight, nuisances, vandalism and other undesirable conditions. These financial assurances to address environmental needs could not have been foreseen by the original authors of the 1965 code.

Another of the key changes that necessitates a comprehensive amendment to the Arvin Oil Code is the major change in the role of the State Division of Oil, Gas and Geothermal Resources since 2011. Oil production and site development in the area was carefully regulated by DOGGR until 2011, when DOGGR notified several cities that they would no longer be involved in the site development process. Several local cities were required to amend their oil codes to deal with this State policy change. Additionally, the availability of DOGGR oversight may fluctuate based on State budgetary allocations. In part, Arvin's proposed amendments to the oil code are in response to the this issue. The proposed code amendment will ensure environmentally sound, and community protective, operational standards. The proposed code ensures oil well and facilities abandonment requirements that will result in the protection of the public health and safety, overall environmental protection and the safe redevelopment of property.

PROCEDURAL BACKGROUND:

The City Council has been actively addressing community concerns regarding inconsistent land uses involving oil and gas operations. As part of this process, during a public meeting on January 10, 2017, the City Council provided initial direction to City Staff to commence a complete and comprehensive review to update the Municipal Code regarding oil and gas operations and to study and address all modern-day drilling issues and applications. Staff completed a comprehensive review of the existing oil and gas ordinance. Thereafter, at another public meeting on September 19, 2017, the City Council adopted Resolution No. 2017-92 Initiating Code Amendments to Title 17 -Zoning which included amendment to Chapter 17.46 Oil and Gas Production. The Planning Commission then held a public hearing on October 10, 2017, after which it recommended approval of the proposed ordinance. After another public hearing on November 07, 2017, the City Council held the first reading and voted to introduce the proposed ordinance. The City Council then considered the proposed ordinance for final adoption at another public hearing on November 21, 2017.

Although there were multiple public hearings and notices in the newspaper, and no objections

made at prior hearings, various petroleum operators raised for the first time during the November 21, 2017, hearing that they did not have sufficient time or notice to review the proposed ordinance. The City Council also noted that errata previously recommended for approval by the Planning Commission had not been fully incorporated in the proposed ordinance. The City Council then continued the item to a future meeting to allow for time for Staff to meet interested parties of the oil and gas industries and to return with the errata that was formerly approved by the Planning Commission to be included as part of the proposed ordinance.

More than 100 days was then provided to oil and gas operators, and other parties, to review the proposed ordinance in detail. No additional comments were received during that time from the petroleum operators. Staff then set up a meeting with the petroleum operators on May 1, 2018, and conducted a workshop on May 16, 2018. Additionally, Staff obtained authorization from the City Council to return the updated proposed ordinance to the Planning Commission for review and recommendation as may be appropriate given the nature of any updates. Notices for this meeting have been provided as required by law, and a press release provided to press.

Written comments from public, including those from the City Council meeting on November 21, 2017, are attached to this staff report.

OVERVIEW OF PROPOSED ORDINANCE

The proposed Ordinance is one of the comprehensive ordinances in the State, and is divided into three Parts as follows:

Part 1 (Administrative Procedures):

This Part identifies where operations may occur, and what approvals are necessary for the types of operations. This could include:

- o Prohibiting new operations in residential and other sensitive areas (such as schools and medical facilities).
- o All other areas require conditional use permits or development agreements (complete with a public review process).
- o Regulation of facility closure and abandonment.
- o Impose insurance and bonding requirements. This could include general liability (including environmental impairment (or seepage and pollution) coverage), automotive liability, worker's compensation, control of well insurance and umbrella insurance.
- o Require the applicant shall be fully responsible for all reasonable costs and expenses incurred by the City to review, approve, implement, inspect, monitor, or enforce the ordinance or any CUP, DA, or permit related to oil and gas production.
- o Establish monitoring and enforcement procedures (including substantial fines and

penalties, etc.).

Part 2 (Development Standards for Petroleum Operations):

This Part establishes how the sites may be operated. This includes:

- o Banning expansion of existing uses in residential and other sensitive use areas.
- o Prohibiting new operations within a certain radius (600 feet) of sensitive uses unless they can comply with a variety of requirements, including an odor minimization plan, air monitoring plan, community alert system, quiet mode operations plan, photometric analysis (lighting and glare), etc.
- o Prohibiting the development of new uses closer than 300 feet (a football field) from sensitive uses under any conditions.
- o Regulations to address lighting, aesthetics, water quality (including groundwater), air quality, greenhouse gas, inspection and monitoring, safety standards, and other items.

Part 3 (Development Standards for Site Abandonment and Redevelopment):

This Part addresses conditions under which a site must be assessed and remediated prior to redevelopment of a current or oil or gas site (e.g., prior to building structures over an abandoned site). This includes leak testing, inspections, ensuring all wells are properly abandoned and recording of documents on the property to give notice to future owners and occupants of the land's prior use as an oil or gas site, results of testing, etc.

CEQA:

The proposed Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. Staff has determined that the Ordinance is exempt from CEQA pursuant Class 8, Section 15308 of the Guidelines for actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment. This Categorical Exemption is applicable as this Ordinance is intended to further regulate oil and gas production in the City in such a way as to better protect the environment. Such a finding and determination is warranted as the proposed Ordinance addresses the maintenance, restoration, enhancement and protection of the environment and the public health, safety, welfare of the citizens of Arvin as related to potential impacts from petroleum operations and facilities within the City. The variety of environmental issues addressed include air, water, soil, geology, storm water and wastewater infrastructure, transportation, noise, emergency response, aesthetic issues, and petroleum operations near potentially sensitive receptors. Under the current ordinance, multiple wells, directional drilling and associated equipment and operations (including resultant potential impacts from traffic, air quality, noise, greenhouse gas, etc.) are already allowed. Adoption of Text Amendment No. 2017-04 does not change this. In other words, arguments that the Ordinance may cause more intense uses to be

shifted to other locations are without basis, as any such level of hypothetical intensity at other locations would already allowed under the current regulatory environment. This Ordinance instead reduces the potential impacts at certain locations by establishing standards for environmental protection; it does not provide for the relaxation of standards as compared to the current regulations in the Arvin Municipal Code. Instead, the Ordinance strengthens environmental standards related to petroleum operations and facilities, and thereby advances the protection of environmental resources within the City of Arvin as compared to the existing regulatory environment.

Financial Impact:

The proposed Ordinance is designed such that the applicants would pay for all impacts and costs associated with monitoring, permitting, testing, etc.; there may be some costs to set up processes.

EXHIBITS AND ATTACHMENTS

1. Resolution Recommending Adoption Of An Ordinance By The City Council Of The City Of Arvin, California, To Adopt Text Amendment No. 2017-04, An Oil And Gas Ordinance For Regulation Of Petroleum Facilities And Operations, By Repealing Chapter 17.46, Title 17, And Adding Chapter 17.46 To Title 17, Of The Arvin Municipal Code, And Recommendation of Adoption of Categorical Exemption under CEQA Section 15308 (Actions By Regulatory Agencies For Protection Of Natural Resources)
 - a. Exhibit A – Proposed Ordinance Amendment – Title 17-Zoning, Chapter 17.46 Oil and Gas Production
2. Notice of Public Hearing.
3. Press release regarding Planning Commission meeting.
4. Comments and other documents received from the public to date.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING ADOPTION OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, TO ADOPT TEXT AMENDMENT NO. 2017-04, AN OIL AND GAS ORDINANCE FOR REGULATION OF PETROLEUM FACILITIES AND OPERATIONS, BY REPEALING CHAPTER 17.46, TITLE 17, AND ADDING CHAPTER 17.46 TO TITLE 17, OF THE ARVIN MUNICIPAL CODE, AND RECOMMENDATION OF ADOPTION OF CATEGORICAL EXEMPTION UNDER CEQA SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES)

WHEREAS, the City Council adopted Resolution No. 2017-92 on September 19, 2017 authorizing various code amendments to Title 17 Zoning; and

WHEREAS, the City Council authorized the Community Development Director to prepare necessary reports and prepare appropriate environmental documents for needed code amendments to Title 17-Zoning and present same to the Planning Commission wherein their recommendation would be forwarded to the City Council for consideration; and

WHEREAS, the Planning Commission on October 10, 2017, considered this matter after a public hearing, and adopted a resolution recommending the City Council adopt Text Amendment No. 2017-04; and

WHEREAS, After another public hearing on November 07, 2017, the City Council held the first reading and voted to introduce the proposed ordinance to adopt Text Amendment No. 2017-04; and

WHEREAS, the City Council then considered the proposed ordinance for second reading (final adoption) at another public hearing on November 21, 2017.

WHEREAS, the City Council then continued the item to a future meeting to allow for time for City Staff to meet interested parties from the oil and gas industries and to return with the amendments that was formerly approved by the Planning Commission to be included as part of the proposed ordinance; and

WHEREAS, more than 100 day were provided for interested parties from the oil and gas industries to review and comment on Text Amendment No. 2017-04; and

WHEREAS, on May 1, 2018, the City Council authorized and directed City Staff to seek Planning Commission review and recommendation of updates to the proposed ordinance, if any and if appropriate given the nature of the update, and then set the proposed ordinance for public hearing and consideration for introduction (first reading) at the next reasonably available Council meeting given Staff resources; and

WHEREAS, on May 2, 2018, City Staff held a working meeting with interested parties

from the oil and gas industries, received comments and answered questions; and

WHEREAS, on May 16, 2018, City Staff held a workshop for interested parties associated with the oil and gas industries, received comments and answered questions; and

WHEREAS, City Staff also reached out to community and environmental groups to receive comments and to answer questions; and

WHEREAS, interested parties submitted multiple comments regarding the adoption of Text Amendment No. 2017-04; and

WHEREAS, the proposed ordinance was updated to address intervening changes in laws (including those which took effect on January 1, 2018), local conditions related to the Mountain View field, procedural items including streamlining to reduce impacts on City and other resources, increasing setbacks from roadways from 50 to 100 feet, etc.; no changes were made with regard to immediate public health, safety and welfare issues; and

WHEREAS, City Staff returned the updated draft ordinance to the Planning Commission for consideration; and

WHEREAS, public notice of the Planning Commission hearing was provided at least 10 days in advance of the Planning Commission meeting; and

WHEREAS, in addition to public notice as required by law, the City also issued a press release further notifying the public regarding the Planning Commission hearing; and

WHEREAS, the Planning Commission received and reviewed the updated Text Amendment No. 2017-04 proposing and Oil and Gas Ordinance at a duly noticed special meeting on May 30, 2018; and

WHEREAS, the public was again provided an opportunity to comment on the Oil and Gas Ordinance, and any public testimony and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission desires to recommend that the City Council adopt said Text Amendment No. 2017-04 and further recommends the adoption of the Notice of Exemption as the appropriate environmental document for Text Amendment No. 2017-04.

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Arvin as follows:

Section 1. Findings.

A. Recitals: The Planning Commission of the City of Arvin finds that the above recitals are true and correct.

B. Notices: The Planning Commission of the City of Arvin finds that all legal prerequisites for consideration of this item have occurred, including notice of the public hearing.

C. Plan Consistency: The Planning Commission of the City of Arvin has reviewed Text Amendment No. 2017-04, an oil and gas ordinance for regulation of petroleum facilities and operations, and hereby finds it is consistent with the General Plan and all applicable Specific Plans, and recommends said finding of consistency to the City Council of the City of Arvin.

D. Findings of Fact: The Planning Commission of the City of Arvin, based on its own independent judgment, finds that Text Amendment No. 2017-04 promotes and protects the health, safety, welfare, and quality of life of City residents, including protection against nuisances, and recommends the adoption the Findings of Fact, as set forth in Exhibit “A,” and incorporated in full by reference, any one of which findings would be sufficient to support adoption of this Text Amendment, and recommends said findings to the City Council of the City of Arvin.

Section 2. CEQA. Text Amendment No. 2017-04 was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The Planning Commission recommends the City Council find and determine that the adoption of Text Amendment No. 2017-04 is exempt from CEQA pursuant to Section 15308 of the Guidelines for actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment. This Categorical Exemption is applicable as this Ordinance is intended to further regulate oil and gas production in the City in such a way as to better protect the environment. Such a finding and determination is warranted as the proposed Ordinance addresses the maintenance, restoration, enhancement and protection of the environment and the public health, safety, welfare of the citizens of Arvin as related to potential impacts from petroleum operations and facilities within the City. The variety of environmental issues addressed include air, water, soil, geology, storm water and wastewater infrastructure, transportation, noise, emergency response, aesthetic issues, and petroleum operations near potentially sensitive receptors. Under the current ordinance, multiple wells, directional drilling and associated equipment and operations (including resultant potential impacts from traffic, air quality, noise, greenhouse gas, etc.) are already allowed. Adoption of Text Amendment No. 2017-04 does not change this. In other words, arguments that the Ordinance may cause more intense uses to be shifted to other locations are without basis, as any such level of hypothetical intensity at other locations would already allowed under the current regulatory environment. This Ordinance merely reduces the potential impacts at certain locations by establishing standards for environmental protection; it does not provide for the relaxation of standards as compared to the current regulations in the Arvin Municipal Code. Instead, the Ordinance strengthens environmental standards related to petroleum operations and facilities, and thereby advances the protection of environmental resources within the City of Arvin as compared to the existing regulatory environment.

Additionally, the Planning Commission recommends the City Council find there is no substantial evidence in the record that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts that threaten the

environment. Specifically, the exceptions to the categorical exemptions articulated in Section 15300.2 of the State CEQA Guidelines are not applicable as:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. These classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Here, the Categorical Exemption applied is a Class 8; therefore, this exception does not apply to the proposed Ordinances.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Here, the Categorical Exemption applied is Class 8; therefore, this exception does not apply to the proposed Ordinance. Additionally, the Ordinance does not relax standards for environmental protection, but instead enhance procedures and prohibitions that provide for further maintenance, restoration, enhancement, and protection of the environment from petroleum operations and facility uses which are currently allowed, or are not fully regulated by, the Arvin Municipal Code. As such, such a reduction to the impact of petroleum operations and facilities would not have substantial adverse impact on the environment, cumulative or otherwise. Likewise arguments that the Ordinance may cause more intense use at other locations are without basis, as that level of hypothetical intensity is already allowed under the current regulatory environment; this Ordinance merely reduces the potential impacts at certain locations by establishing standards for environmental protection.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Here, the Oil and Gas Ordinance update clarifies and expands regulation of the permit process and procedure for any petroleum extraction or production projects and require that such projects obtain approval authority from the City Planning Commission or the City Council. Prior to such approval, these bodies must consider the potential environmental impacts related to petroleum operations or facilities and make appropriate determinations regarding potential impacts as required by CEQA.

The proposed Ordinance also further enhances the ability of the City of Arvin to protect the environment and avoid significant effects by ensuring that petroleum extraction and production operations are subject to a more comprehensive permitting process with CEQA review and regulatory oversight to ensure appropriate compliance. Additionally, the Ordinance further limits – not relaxes – the environmental impacts petroleum

operations may potentially have on the environment including air quality, greenhouse gas emissions, water resources, geology, noise, traffic and public health and safety.

As such, there are no “unusual circumstances” that would create a reasonable possibility that adoption of the Ordinance would have a significant adverse effect on the environment.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

Here, the Ordinance does not involve the approval of surface petroleum extraction and production operations in a manner that damages scenic resources. There are no state-designated scenic highways located within or immediately adjacent to the City of Arvin and, as such, the Ordinance does not have the potential to impact any of these state designated scenic resources. As an additional matter, expansion of the regulatory oversight and permitting requirements will require additional discretionary approvals for petroleum operations and facilities by the City, which in turn will also require expanded CEQA review and protections for any potential scenic resources as compared to the current process. Finally, prohibition of certain activities would limit, not expand, environmental protections for scenic resources.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Here, the Ordinance is proposed to apply city-wide, and does not propose construction on “a site.” Likewise, the Ordinance does not negatively impact approval of any petroleum operations or facilities in a location listed as a hazardous waste site as compared to the current regulatory process. Instead, the Ordinance provides additional regulatory grounds to ensure the maintenance, restoration, enhancements and protection of the environment, as well as a regulatory process for the protection of the environment.

- (f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

Here, the proposed Ordinance does not negatively impact any approval of petroleum operations and facilities in a manner that causes substantial adverse change in the significant of a historical resource. As noted above, the Ordinance provides for enhanced - not relaxed - regulations for protection of the environment as compared to the current regulatory process. The proposed Ordinance does not modify the current restrictions and protections put into place by the City of Arvin regarding historical resources, nor is there substantial information in the record that the ordinance may cause a substantial adverse change in the significance of a historical resource.

Section 3 Recommendation of Adoption. The Planning Commission of the City of Arvin recommends that the City Council adopt Text Amendment No. 2017-04, attached as Exhibit "A" to this Resolution, which repeals Chapter 17.46 of Title 17, and adds Chapter 17.46 of Title 17, consisting of sections 17.46.01 through 17.46.038, of the Arvin Municipal Code.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Arvin Planning Commission at a special meeting thereof held on the 12th day of June 2018 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTEST:

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, General Counsel
Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA, TO ADOPT TEXT AMENDMENT NO. 2017-04, AN OIL AND GAS ORDINANCE FOR REGULATION OF PETROLEUM FACILITIES AND OPERATIONS, BY REPEALING CHAPTER 17.46, TITLE 17, AND ADDING CHAPTER 17.46 TO TITLE 17, OF THE ARVIN MUNICIPAL CODE

WHEREAS, all oil and gas operations have the potential for significant and immediate impacts on the health, safety, and welfare of the citizens of Arvin through increased noise, odor, dust, traffic, and other disturbances, as well as the potential to significantly impact the City's air, water, soil, biological quality, geology, storm water and wastewater infrastructure, transportation, noise exposures, emergency response plans, aesthetic values, environmental and community resources; and

WHEREAS, the City of Arvin zoning and land use standards and regulations on oil and gas drilling have not been updated in several years, and have not been updated prior to various changes in oil and gas production practices and changes to state statutes and regulations; and

WHEREAS, the City Council held a variety of public meetings regarding these and related issues associated with petroleum operations on October 18, 2016, and January 10, 2017; and

WHEREAS, on September 19, 2017, the City Council adopted Resolution No. 2017-92, initiating various code amendments, deletions, and additions to Title 17 –Zoning, including updates to the oil and gas ordinance; and

WHEREAS, the City Council directed City Staff to commence a complete and comprehensive review to update the Municipal Code, which included Section 17.46 Oil and Gas Ordinance regarding oil and gas operations and to study and address all modern-day drilling issues and applications; and

WHEREAS, the City of Arvin has reviewed and studied revisions as necessary to the City's laws, rules, procedures and fees related to petroleum operations and facilities, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to develop oil and gas drilling and extraction facilities in the City, with the preservation of the health, safety and welfare of the communities surrounding the oil and gas drilling and extraction facilities in the city including exposure to nuisances; and

WHEREAS, as part of this review process, the City of Arvin has engaged in community outreach regarding this matter, including hearings, publishing notices in the newspaper, etc.; and

WHEREAS, City of Arvin Staff prepared a proposed Oil and Gas Ordinance, including modifications to the Arvin Zoning Ordinance, which was available on the internet on October 6, 2017; and

WHEREAS, the Planning Commission received and reviewed Text Amendment No. 2017-04 proposing an Oil and Gas Ordinance at a duly noticed meeting on October 10, 2017; and

WHEREAS, the public was provided an opportunity to comment on the Oil and Gas Ordinance, and any public testimony and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after considering all public testimony and receiving information provided to date, the Planning Commission recommended approval of Text Amendment No. 2017-04, as amended in its meeting of October 10, 2017, which proposes an updated Oil and Gas Ordinance for regulation of petroleum facilities and operations, to the City Council; and

WHEREAS, as part of this recommendation, the Planning Commission of the City of Arvin reviewed Text Amendment No. 2017-04, including all associated amendments and repeals of the relevant portions of the Arvin Municipal Code in order to enact the Oil and Gas Ordinance, for consistency with the General Plan and any applicable Specific Plans; and

WHEREAS, the Planning Commission of the City of Arvin also reviewed and recommended approval of a finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308, Actions By Regulator Agencies For Protection of Natural Resources as the Ordinance is an action taken by a regulatory agency for the protection of the environment; and

WHEREAS, a stated purpose of said recommendation of adoption was to protect the health, safety, public welfare, physical environment and natural resources of the City of Arvin, and to prevent nuisances, by the reasonable regulation of certain petroleum operations; and

WHEREAS, the City Council received the Planning Commission's recommendation and reviewed Text Amendment No. 2017-04 proposing an Oil and Gas Ordinance at a duly noticed meeting on November 07, 2017 (first reading/introduction); and

WHEREAS, the public was provided an opportunity to comment on the Oil and Gas Ordinance, and any public testimony and evidence, both written and oral, was considered by the City Council; and

WHEREAS, after considering all public testimony and receiving information provided to date, the City Council voted to introduce Text Amendment No. 2017-04, which proposes an updated Oil and Gas Ordinance for regulation of petroleum facilities and operations; and

WHEREAS, on the City Council then considered the proposed ordinance for final adoption at another public hearing (second reading/adoption) on November 21, 2017, including an attendant finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308 for the project; and

WHEREAS, the public was again provided an opportunity to comment on the Oil and Gas Ordinance and the proposed CEQA finding, and public testimony and evidence, both written and oral, was considered by the City Council; and

WHEREAS, despite multiple public hearings and notices in the newspaper, and without having made any objection at prior hearings, various individuals associated with the oil and gas industry raised for the first time during the November 21, 2017, hearing that they did not have sufficient time or notice to review the proposed ordinance; and

WHEREAS, there were also questions raised as to whether the amendments recommended by the Planning Commission had been incorporated into the proposed ordinance; and

WHEREAS, the City Council then continued the item to a future meeting to allow for time for City Staff to meet interested parties from the oil and gas industries and to return with the amendments that was formerly approved by the Planning Commission to be included as part of the proposed ordinance; and

WHEREAS, after the passage of approximately (an additional) 150 days, there had been more than sufficient time has since been provided to oil and gas operators, and other parties, to review the proposed ordinance in detail; and

WHEREAS, no written comments had been received from interested parties from the oil and gas industries during the prior 150 day period; and

WHEREAS, City Staff had scheduled both a working meeting and a workshop for interested parties associated with the oil and gas industries; and

WHEREAS, on May 1, 2018, the City Council authorized and directed City Staff to seek Planning Commission review and recommendation of updates to the proposed ordinance, if any and if appropriate given the nature of the update, and then set the proposed ordinance for public hearing and consideration for introduction (first reading) at the next reasonably available Council meeting given Staff resources; and

WHEREAS, the City Council also directed City Staff that if no additional Planning Commission review is warranted given the nature of the updates, then Staff was authorized to set the proposed ordinance for public hearing and consideration for introduction (first reading) at the next reasonably available Council meeting given Staff resources; and

WHEREAS, at its meeting on May 1, 2018, the City Council also authorized the Mayor to provide periodic press releases to update the community regarding developments with the proposed oil and gas ordinance update, which would provide information in addition to notices required by law; and

WHEREAS, on May 2, 2018, City Staff held a working meeting with interested parties from the oil and gas industries, received comments and answered questions; and

WHEREAS, on May 16, 2018, City Staff held a workshop for interested parties associated with the oil and gas industries, received comments and answered questions; and

WHEREAS, City Staff also reached out to community and environmental groups to receive comments and to answer questions; and

WHEREAS, interested parties submitted multiple comments regarding the adoption of Text Amendment No. 2017-04; and

WHEREAS, the proposed ordinance was updated to address intervening changes in laws (including those which took effect on January 1, 2018), local conditions related to the Mountain View field, procedural items including streamlining to reduce impacts on City and other resources, increasing setbacks from roadways from 50 to 100 feet, etc.; no changes were made with regard to immediate public health, safety and welfare issues; and

WHEREAS, City Staff returned the updated draft ordinance to the Planning Commission for consideration; and

WHEREAS, public notice of the Planning Commission hearing was provided at least 10 days in advance of the Planning Commission meeting; and

WHEREAS, in addition to public notice as required by law, the City also issued a press release further notifying the public regarding the Planning Commission hearing; and

WHEREAS, the Planning Commission received and reviewed the updated Text Amendment No. 2017-04 proposing an Oil and Gas Ordinance at a duly noticed special meeting on May 30, 2018; and

WHEREAS, the public was again provided an opportunity to comment on the Oil and Gas Ordinance, and any public testimony and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after considering all public testimony and receiving information provided to date, the Planning Commission [****again recommended OR did not recommend****] approval of Text Amendment No. 2017-04, as updated, which proposes an updated Oil and Gas Ordinance for regulation of petroleum facilities and operations, to the City Council; and

WHEREAS, as part of this recommendation, the Planning Commission of the City of Arvin reviewed updated Text Amendment No. 2017-04, including all associated amendments and repeals of the relevant portions of the Arvin Municipal Code in order to enact the Oil and Gas Ordinance, for consistency with the General Plan and any applicable Specific Plans; and

WHEREAS, the Planning Commission of the City of Arvin also reviewed and [****again recommended OR did not recommend****] approval of a finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308, Actions By Regulator Agencies For Protection of Natural Resources as the Ordinance is an action taken by a regulatory agency for the protection of the environment; and

WHEREAS, public notice of the City Council hearing regarding updated Text Amendment No. 2017-04 was provided at least 10 days in advance of the City Council meeting; and

WHEREAS, in addition to public notice as required by law, the City also issued another press release further notifying the public regarding the City Council hearing; and

WHEREAS, the City Council received the Planning Commission's recommendation and reviewed Text Amendment No. 2017-04 proposing and Oil and Gas Ordinance at a duly noticed meeting on [***DATE***] (first reading/introduction); and

WHEREAS, the public was again provided an opportunity to comment on the Oil and Gas Ordinance, and any public testimony and evidence, both written and oral, was considered by the City Council; and

WHEREAS, after considering all public testimony and receiving information provided to date, the City Council voted to introduce updated Text Amendment No. 2017-04, which proposes an updated Oil and Gas Ordinance for regulation of petroleum facilities and operations; and

WHEREAS, on the City Council then considered the proposed ordinance for final adoption at another public hearing (second reading/adoption) on [***DATE***], including an attendant finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308 for the project; and

WHEREAS, the public was again provided an opportunity to comment on the Oil and Gas Ordinance as updated and the proposed CEQA finding, and public testimony and evidence, both written and oral, was considered by the City Council; and

WHEREAS, the City Council desires to proceed with the adoption of Text Amendment No. 2017-04; and

WHEREAS, it is the intent of the City Council that petroleum operations shall be permitted within the City of Arvin, except where expressly prohibited, subject to the application the Arvin Municipal Code and all other applicable laws, regulations and requirements; and

WHEREAS, it is a purpose of the adoption of the Ordinance is to protect the health, safety, public welfare, physical environment and natural resources of the City of Arvin, and to prevent nuisances, by the reasonable regulation of certain petroleum operations; and

WHEREAS, the City Council has duly considered all information presented to it, including the Planning Commission findings, Planning Commission Resolution, written staff reports, studies, research, testimony and other evidence provided at the public hearings and received by the City, as well as its prior legislative approvals and enactments.

NOW, THEREFORE, the City Council of the City of Arvin, California, does ordain as follows:

Section 1. Findings.

A. Recitals: The City Council of the City of Arvin finds that the above recitals are true and correct.

B. Notices: The City Council of the City of Arvin finds that all legal pre-requisites for consideration of this item have occurred, including notice as required by law.

C. Plan Consistency: The City Council of the City of Arvin has reviewed Text Amendment No. 2017-04, an oil and gas ordinance for regulation of petroleum facilities and operations, and hereby finds it is consistent with the General Plan and all applicable Specific Plans.

D. Findings of Fact: The City Council of the City of Arvin, based on its own independent judgment, finds that Text Amendment No. 2017-04 promotes and protects the health, safety, welfare, and quality of life of City residents, including protection against nuisances, and adopts the Findings of Fact, attached as Exhibit "A" and incorporated in full by reference, any one of which findings would be sufficient to support adoption of this Text Amendment.

Section 2. CEQA. Text Amendment No. 2017-04 was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds and determines that the adoption of Text Amendment No. 2017-04 is exempt from CEQA pursuant to Section 15308 of the Guidelines for actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment. This Categorical Exemption is applicable as this Ordinance is intended to further regulate oil and gas production in the City in such a way as to better protect the environment. Such a finding and determination is warranted as the proposed Ordinance addresses the maintenance, restoration, enhancement and protection of the environment and the public health, safety, welfare of the citizens of Arvin as related to potential impacts from petroleum operations and facilities within the City. The variety of environmental issues addressed include air, water, soil, geology, storm water and wastewater infrastructure, transportation, noise, emergency response, aesthetic issues, and petroleum operations near potentially sensitive receptors. Under the current ordinance, multiple wells, directional drilling and associated equipment and operations (including resultant potential impacts from traffic, air quality, noise, greenhouse gas, etc.) are already allowed. Adoption of Text Amendment No. 2017-04 does not change this. In other words, arguments that the Ordinance may cause more intense uses to be shifted to other locations are without basis, as any such level of hypothetical intensity at other locations would already be allowed under the current regulatory environment. This Ordinance merely reduces the potential impacts at certain locations by establishing standards for environmental protection; it does not provide for the relaxation of standards as compared to the current regulations in the Arvin Municipal Code. Instead, the Ordinance strengthens environmental standards related to petroleum operations and facilities, and thereby advances the protection of environmental resources within the City of Arvin as compared to the existing regulatory environment.

Additionally, the Council finds there is no substantial evidence in the record that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts that threaten the environment. Specifically, the exceptions to the

categorical exemptions articulated in Section 15300.2 of the State CEQA Guidelines are not applicable as:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. These classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Here, the Categorical Exemption applied is a Class 8; therefore, this exception does not apply to the proposed Ordinances.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Here, the Categorical Exemption applied is Class 8; therefore, this exception does not apply to the proposed Ordinance. Additionally, the Ordinance does not relax standards for environmental protection, but instead enhance procedures and prohibitions that provide for further maintenance, restoration, enhancement, and protection of the environment from petroleum operations and facility uses which are currently allowed, or are not fully regulated by, the Arvin Municipal Code. As such, such a reduction to the impact of petroleum operations and facilities would not have substantial adverse impact on the environment, cumulative or otherwise. Likewise arguments that the Ordinance may cause more intense use at other locations are without basis, as that level of hypothetical intensity is already allowed under the current regulatory environment; this Ordinance merely reduces the potential impacts at certain locations by establishing standards for environmental protection.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Here, the Oil and Gas Ordinance update clarifies and expands regulation of the permit process and procedure for any petroleum extraction or production projects and require that such projects obtain approval authority from the City Planning Commission or the City Council. Prior to such approval, these bodies must consider the potential environmental impacts related to petroleum operations or facilities and make appropriate determinations regarding potential impacts as required by CEQA.

The proposed Ordinance also further enhances the ability of the City of Arvin to protect the environment and avoid significant effects by ensuring that petroleum extraction and production operations are subject to a more comprehensive permitting process with CEQA review and regulatory oversight to ensure appropriate compliance. Additionally, the Ordinance further limits – not relaxes – the environmental impacts petroleum

operations may potentially have on the environment including air quality, greenhouse gas emissions, water resources, geology, noise, traffic and public health and safety.

As such, there are no “unusual circumstances” that would create a reasonable possibility that adoption of the Ordinance would have a significant adverse effect on the environment.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

Here, the Ordinance does not involve the approval of surface petroleum extraction and production operations in a manner that damages scenic resources. There are no state-designated scenic highways located within or immediately adjacent to the City of Arvin and, as such, the Ordinance does not have the potential to impact any of these state designated scenic resources. As an additional matter, expansion of the regulatory oversight and permitting requirements will require additional discretionary approvals for petroleum operations and facilities by the City, which in turn will also require expanded CEQA review and protections for any potential scenic resources as compared to the current process. Finally, prohibition of certain activities would limit, not expand, environmental protections for scenic resources.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Here, the Ordinance is proposed to apply city-wide, and does not propose construction on “a site.” Likewise, the Ordinance does not negatively impact approval of any petroleum operations or facilities in a location listed as a hazardous waste site as compared to the current regulatory process. Instead, the Ordinance provides additional regulatory grounds to ensure the maintenance, restoration, enhancements and protection of the environment, as well as a regulatory process for the protection of the environment.

- (f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

Here, the proposed Ordinance does not negatively impact any approval of petroleum operations and facilities in a manner that causes substantial adverse change in the significant of a historical resource. As noted above, the Ordinance provides for enhanced - not relaxed - regulations for protection of the environment as compared to the current regulatory process. The proposed Ordinance does not modify the current restrictions and protections put into place by the City of Arvin regarding historical resources, nor is there substantial information in the record that the ordinance may cause a substantial adverse change in the significance of a historical resource.

Section 3. Enactment. The Arvin Municipal Code is hereby amended to read, in its entirety, as is set forth in the attached Exhibit "B" and incorporated in full by reference, which repeals Chapter 17.46 of Title 17, and adds Chapter 17.46 of Title 17, consisting of sections 17.46.01 through 17.46.038, of the Arvin Municipal Code.

Section 4. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 5. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Arvin and shall cause this ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

Section 6. Effective Date. This ordinance shall be effective thirty (30) days following its adoption except as to applications for any pending entitlement submitted prior to January 1, 2018.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the XXRD day of Month , 2018, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of Month, 2018, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Arvin, California, DO
HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and
adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

DRAFT

EXHIBIT "A"

FINDINGS OF FACT

The City Council of the City of Arvin, based on its own independent judgment, finds that Text Amendment No. 2017-04 promotes and protects the health, safety, welfare, and quality of life of City residents and reduces nuisances as set forth in these Findings of Fact, any one of which findings would be sufficient to adopt this Text Amendment, and any one of which may rely upon evidence presented in the other, including as follows:

I. Limited Water Supplies Should Be Preserved

A. Extreme Drought Conditions Throughout State Result In Water Shortages

The City, region and State of California are experiencing extreme drought conditions, and have been struggling to preserve potable water resources for most of the decade. On June 12, 2008, the Governor issued Executive Order S-06-08 calling for a State of Emergency regarding water shortages and availability. The State of Emergency was again called on February 27, 2009. Additionally, the Water Conservation Bill of 2009 SBX7-7 was passed, which requires every urban water supplier that either provides over 3,000 acre-feet of water annually, or serves more than 3,000 urban connections, to assess the reliability of its water sources over a 20-year planning horizon, and report its progress on 20% reduction in per-capita urban water consumption by the year 2020. Executive Order S-06-08 was not rescinded until March 30, 2011. Even then the Governor urged Californians to continue to conserve water.

Shortly thereafter extreme drought conditions once again resulted in water shortages. On January 17, 2014, the Governor again proclaimed a State of Emergency regarding water shortages and availability. On April 25, 2014, the Governor issued an executive order to speed up actions necessary to reduce harmful effects of the drought, and called on all Californians to redouble their efforts to conserve water. On December 22, 2014, Governor Brown issued Executive Order B-28-14, citing to the January 17, 2014 Proclamation and the April 25, 2014 Proclamation, and extending the operation of those proclamations until May 31, 2016.

During this period of time the State Water Resources Control Board (SWRCB) has been adopting new water conservation regulations. On July 15, 2014, SWRCB adopted emergency regulations prohibiting all individuals from engaging in certain water use practices and require mandatory conservation-related actions of public water suppliers during the current drought emergency. On March 17, 2015, the SWRCB amended and re-adopted the emergency drought conservation regulations, and they became effective on March 27, 2015.

Following the lowest snowpack ever recorded and with no end to the drought in sight, on April 1, 2015, the Governor directed the SWRCB to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent. This is the first time in state history such drastic steps have ever been ordered due severe drought conditions. The SWRCB continues to adopt new water and emergency conservation regulations for all of California to address systemic water shortages.

The drought exacerbated the depletion of groundwater resources, which led to subsidence and other issues throughout the area. To address this issue on a state-wide level, the legislature adopted the Sustainable Groundwater Management Act (SGMA). SGMA established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA requires the formation of locally-controlled groundwater sustainability agencies (GSAs) in the State's high- and medium-priority groundwater basins and subbasins (basins). A GSA is responsible for developing and implementing a groundwater sustainability plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results. The community of Arvin relies upon groundwater for its water resources, and is located in a high-priority groundwater basin.

Subsequently, the Governor issued Executive Order B-37-16, on May 9, 2016. The executive order established a new water use efficiency framework for California. The order established longer-term water conservation measures that include permanent monthly water use reporting, new urban water use targets, reducing system leaks and eliminating clearly wasteful practices, strengthening urban drought contingency plans and improving agricultural water management and drought plans.

After many years of drought, rain and snow finally came to many regions of the State. As a result, the Governor of the State of California issued declared the state of the drought at an end effective April 7, 2017. However, the executive order did not lift the drought state of emergency in Fresno, Kings, Tulare, and Tuolumne counties, where emergency drinking water projects will continue to help address diminished groundwater supplies. As a result, Kern County is still operating under a drought state of emergency.

B. Oil and Gas Operations Can Impact Water Quality and Resources

Oil and gas operations have the potential to impact water quality, surface water and groundwater supplies.

Without the appropriate regulations, or a mechanism to confirm compliance with existing regulations, oil and gas operations can result in an increased level of freshwater pollution or groundwater contamination in the immediate area, or cause regulatory water standards at an existing water production well to be violated. Impacts can occur through a variety of sources, whether through construction, operations, abandonment or redevelopment to another use. Until the appropriate facilities have been built, construction activities can result in storm water pollution. Produced water and wastewater, if not properly contained, transported and disposed, can contaminate both surface water and groundwater supplies. Water quality can also be impacted by operations, and the appropriate steps cannot be taken to address the issue unless water quality is sufficiently monitored for both surface and groundwater monitoring locations. Oil and gas are located at varying depths, often below underground sources of drinking water. The well bore, however, must be drilled through these drinking water sources in order to gain access to the oil and gas. Depending on field conditions, chemicals and natural gas can escape the well bore if it is not properly sealed and cased. While there are state requirements for well casing and integrity, accidents and failures can still occur. Wellbore leakage can lead to the

deterioration of the quality of groundwater.¹ Inadequately abandoned wells risk surface and subsurface contamination, which can impact water quality, surface water and groundwater supplies.

Without the adequate financial assurances, there may be insufficient funding available to ensure regulatory compliance, enforcement, and safety measures are implemented to protect the environment including water supplies.

Contamination of surface water and groundwater supplies is nuisance, requiring substantial infrastructure and expense to render such water potable – if at all. Given the community of Arvin’s heavy reliance on groundwater, groundwater contamination could have devastating impacts on the local economy and water supplies. Vulnerable water supplies should be preserved for municipal and other critical uses.

Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential pollution and water quality impacts and nuisances activities from oil and gas operations, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life.

II. Transportation of Water Required for Operations Creates Land Use and Nuisance Activities

As evidence by the City of Arvin Pavement Management Plan dated July 2017 was approved by the City Council on July 18, 2017, the condition of a significant number of roadways in the City are marginal or poor. Significant traffic, especially truck traffic, could effectively destroy marginal or poor roadways.

Oil and gas operations generate a significant amount of truck traffic. All of the materials and equipment needed for activities associated with bringing a well into production are typically transported to the site by trucks. Additionally, wastewater and waste materials from certain operations is usually removed by tanker truck to the disposal site or to another well for reuse. Much of the truck traffic is concentrated over the first 50 days following well development. Wastewater disposal may require additional trips.

Transport associated with oil and gas operations through the City to well locations will result in potential adverse land use and nuisance activities including traffic loads, increased risk of truck accidents including releases chemical or wastewater spills, air emissions, noise, traffic congestion, degraded road quality, vibration, and aesthetics - each of which is detrimental to the public health, safety and welfare.

Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential land

¹ "Towards a Road Map for Mitigating the Rates and Occurrences of Long-Term Wellbore Leakage," University of Waterloo, Geofirma Engineering Ltd., May 22, 2014.

use, impacts and nuisances activities from oil and gas operations, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life.

III. Surface Spills and Leaks

All extraction activities come with some risk of surface or groundwater contamination from the accidental or intentional release of wasted. Fluids released into the ground from spills or leaks can run off into surface water and/or seep into the groundwater.

Spills can occur at any stage during the drilling lifecycle. Accidents and equipment failure during on-site mixing of the fluids can release chemicals into the environment. Above-ground storage pits, tanks, or embankments can fail. Vandalism and other illegal activities can also result in spills and improper wastewater disposal. Given the large volume of truck traffic associated with petroleum operations, truck accidents can also lead to chemical or wastewater spills.

A recent study noted that reported wellbore leakage in active onshore drilling ranged from approximately 7% to 64% across a wide variety of locations.² The likelihood of leakage is significant given the potentially high level of risk that can associate with petroleum operations. Leakage can impact groundwater, air quality, cause odors, contaminate soil, and result in a variety of other nuisance, health, safety and welfare issues.

Given the uncertainty of the frequency, severity, cause and impact of spills associated with petroleum operations, regulations designed to mitigate potential impacts, and provide assurance adequate financial resources are available to address the impacts, are warranted given the severity of the risks associated with such operations.

IV. Air Pollution, Particulate Matter and Odors

Odors, air pollution and particulate matter can be produced as a result of oil and gas operations, whether from mobile or stationary sources. These impacts are not localized, but can be spread by natural air flow cause by weather or physically generated outside a site by truck and other traffic. Odors have been known impact locations around an oil and gas site at distances of approximately 1,500 feet.

Odor impacts depend on the process. For small leaks associated with normal operations, odors typically would not reach beyond a few hundred feet. For accidental releases, distances could be higher than 1,500 feet. For projects that would have high levels of hydrogen sulfide, impact distances are larger. The EIR for SB4 indicated that impact distances could be as high as 1,500 feet.

Air quality in the City and region already falls below state standards for pollutants related to production activities. Enactment of the Oil and Gas Ordinance provides a regulatory framework to reduce these risks. Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and

² See "Towards a Road Map for Mitigating the Rates and Occurrences of Long-Term Wellbore Leakage," University of Waterloo, Geofirma Engineering Ltd., May 22, 2014.

protects against potential air pollution, particulate matter and odor impacts and nuisance activities from oil and gas operations, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life of City.

V. Deleterious Public Health Effects

Development and production of oil and gas operations involve multiple sources of physical stressors such as noise, light, vibrations, toxicants, and impacts on air emissions. Many chemicals used during drilling and other stages of gas operations may have long-term health effects not immediately expressed.³ Enactment of the Oil and Gas Ordinance provides a regulatory framework to reduce these risks, including setbacks from residential and other sensitive uses. Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential deleterious public health effects from oil and gas operations, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life of City residents.

VI. Oil and Gas Operations Impact Aesthetics

Oil and gas operations utilize unsightly derricks and rigs for drilling, re-drilling, workovers and other operations. This impact can be compounded by the large trucks and traffic traveling on the City's roadways through the community, dust, and light pollution from stadium-type lighting from around-the-clock drilling rigs. These aesthetic impacts are contrary to the urban nature of the City, are a nuisance and create a risk to the public, health and safety.

Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential deleterious aesthetic impacts from oil and gas operations, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life of City residents.

VII. Oil and Gas Operations Are Incompatible With Residential Uses

The City is urbanized area with a denser residential population as compare to the surrounding County. Oil and gas development projects are industrial operations that are incompatible with residential uses and quality of life. Petroleum operations often generate noise, odor, visual effects, significant heavy truck traffic, and other impacts noted in these Findings that are incompatible with residential areas. For these reasons, all petroleum operations should be directed away from areas with residential land use designations, and other sensitive uses, and the operations regulated to reduce adverse impacts on residents and the community. Requiring additional measures as operations are located closer to residential and sensitive uses reduces the impacts caused by those incompatible operations upon residential uses. These can include landscaping, walls, sanitation, noise barriers and noise reduction devices, odor monitoring, air monitoring and other control issues.

³ Colborn, Theo, C. Kwiatkowski, K. Schultz and M. Bachran, "Natural Gas Operations from a Public Health Perspective," Human Ecological Risk Assessment, September 2011, pp. 1309-1056.

Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential incompatible impacts with residential uses, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life of City residents.

VIII. Oil and Gas Operations, Closure, Abandonment and Other Uses

Land uses change. Over the past several decades the City of Arvin has been changing from agricultural uses to more residential and commercial uses. Former oil and gas operations sites are being utilized for other uses, including commercial and residential uses. These types of sites pose unique challenges to redevelopment, including potential contamination, locations of and impacts of abandoned facilities, potential for well leaks and the need for remedial access to address the same.

Prior to redevelopment or re-use of the site for another use, closed or abandoned sites that have not been properly cleaned and remediated can contribute to adverse impacts and nuisances including aesthetics, air quality, odor, graffiti, vandalism, weeds, contaminants, trash, and other items noted in the administrative record. Wells and sites can be left in an unsafe condition without being properly abandoned. Financial assurances posted with other agencies are often insufficient to address remediation and compliance efforts.

Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential impacts and nuisances caused by site abandonment and re-development, including those articulated herein, for the benefit of the public health, safety, welfare, and quality of life of City residents.

IX. Need for Financial Assurances and Identification of Responsible Parties

Accidents happen, and the nature of oil and gas operations can cause unique and potentially significant impacts upon the community not associated with other uses as has been noted in the administrative record. Financial assurances, to the extent they may be required by other agencies, are often insufficient to assure the impacts have been fully addressed. This leaves the public to pay either through unaddressed impacts on the community (aesthetics, odors, noise, risk of contamination, etc.) or to provide money to address the issue. Additionally, without the appropriate mechanisms in place, it can be difficult or impossible to effectively identify responsible parties. Based on these considerations and other impacts found in the administrative record, the City Council finds Text Amendment No. 2017-04 promotes and protects against potential impacts and nuisances caused by insufficient financial assurance and identification issues for the benefit of the public health, safety, welfare, and quality of life of City residents.

X. Need for Enforcement, Compliance Monitoring, and Oversight Mechanisms

Regulations are only as stringent as their enforcement, compliance monitoring, and oversight mechanisms. Without adequate enforcement and oversight, there is an uneven playing field, bad operators are effectively rewarded to the detriment of good operators, and the

community as a whole suffers. Given the complexity of oil and gas operations, the potential for significant environmental and other impacts upon the community identified in these Findings including nuisances, as well as the finite public resources available to address those impacts, strong enforcement and oversight mechanisms are warranted. The City Council finds Text Amendment No. 2017-04 promotes and protects against potential impacts and nuisances caused by inadequate enforcement compliance monitoring and oversight mechanisms for the benefit of the public health, safety, welfare, and quality of life of City residents.

XI Changing Technologies, Regulatory Oversight Roles, Environmental Standards and Operations Within a Highly Urbanized Setting Warrant Adoption of the Ordinance

The City's original oil code was adopted in 1965 and consisted of only a few pages of regulations. The current code allows oil drilling in residential neighborhoods with a CUP. In 1970, the City's population was 5,199 residents. At that time the State Division of Oil and Gas was also actively regulating oil production, as well as the site redevelopment process, such that there was no role for a City inspection process. During the last 50+ years the character of the community has changed significantly, growing to over 20,000 residents and adding many high quality residential neighborhoods, as well as new commercial and business developments located in or adjacent to active oil fields.

The proposed oil code amendments deal with not only the changing character of Arvin, but changes in the science and technology of oil production in the last half century. These include the advent of 3-D Seismic Imaging technology, which is unlocking new deposits of oil and gas in previously declining and abandoned oil fields. Major technology advancements have been made in directional or slant drilling, now combined with GPS coordination and 3-D imaging to precisely locate and access gas and oil deposits. Arvin's original oil code did not anticipate these technologies or uses.

As the technology and science improve in locating gas and oil deposits, as well as improvements in production technology, it is conceivable that these reserves will increase. This improvement in technology and science make a compelling case that Arvin requires a comprehensive oil code amendment that can deal with decades of future oil production.

There have also been changes in oil field production techniques which warrant the proposed amendments to the Arvin Oil Code. These include changes in pumping technology and efficiencies, including more energy efficient pumps. There have also been changes in sound attenuation technology, for both oil drilling equipment and well servicing equipment, since the existing code was adopted. Air quality standards have also evolved since 1965, including new regulations from the San Joaquin Valley Air Pollution Control District to control odors and emissions. Natural gas vapor recovery is now common place in the local oil fields, where in 1960's natural gas was routinely a waste product that was vented to atmosphere or flared. Drilling muds have evolved into water based muds rather than oil based muds, which are less impactful to the environment. There have been changes in pipeline technology, leak detection and pipeline repairs, where the majority of oil production can now be conveyed by pipeline, instead of tanker trucks.

Important regulations have been developed in other jurisdiction to address issues such as decommissioning of oil facilities once they have reached the end of their economic life and appropriate clean up and remediation to allow for appropriate future use of the land. In addition, regulations have evolved to address the potential change of ownership that could occur at oil fields and the importance of addressing such changes to protect the local jurisdictions on financial responsibility and insurance.

The original water flood systems relied on potable water in the 1970s, when water was relatively inexpensive. With the population growth in the region and State, potable water has been substituted by production or reclaimed water. This water must be carefully monitored for environmental and public health reasons. The original oil code did not anticipate the use of production or reclaimed water and the need for careful water quality monitoring. Other environmental science and technology advancements have been made in the areas of ground water cleanup, soil clean-up and remediation actions. The original oil code did not anticipate any of these environmental advancements, which when employed improve the public health and safety.

The National Environmental Policy Act (NEPA) was adopted in 1969 and California followed suit by adopting the California Environmental Quality Act (CEQA) in 1970. These two landmark pieces of environmental legislation were not anticipated by Arvin's Oil Code in 1965. Part of the necessary amendments in the proposed oil code deal with the increasing the environmental indemnification and insurance coverage requirements. These environmental insurance needs could not have been foreseen by the original authors of the 1965 code.

Without financial assurances to ensure site remediation and compliance with heightened environmental standards, redevelopment of a former oil or gas site may be precluded or unnecessarily restricted. This can result in parcels of land with limited (if any) development potential throughout the City, which can not only displace other desirable uses, but also affects the City's ability to provide services to the public through decreased tax revenue. Additionally, this can increase the likelihood of blight, nuisances, vandalism and other undesirable conditions. These financial assurances to address environmental needs could not have been foreseen by the original authors of the 1965 code.

Another of the key changes that necessitates a comprehensive amendment to the Arvin Oil Code is the major change in the role of the State Division of Oil, Gas and Geothermal Resources since 2011. Oil production and site development in the area was carefully regulated by DOGGR until 2011, when DOGGR notified several cities that they would no longer be involved in the site development process. Several local cities, were required to amend their oil codes to deal with this State policy change. In part, Arvin's proposed amendments to the oil code are in response to the willingness of DOGGR to withdraw from the site development process. The proposed code amendment will ensure environmentally sound, and community protective, operational standards. The proposed code ensures oil well and facilities abandonment requirements that will result in the protection of the public health and safety, overall environmental protection and the safe redevelopment of property.

The City Council finds Text Amendment No. 2017-04 promotes and protects against potential impacts and nuisances caused by changing technologies, regulatory oversight (including the withdrawal of DOGGR from the site development process), and development within a highly urbanized setting for the benefit of the public health, safety, welfare, and quality of life of City residents.

XII Text Amendment Does Not Prevent Access to Subsurface Resources

Under Text Amendment No. 2017-04, oil and gas sites may be located in a variety of zoned districts including, C-2 (General commercial zone), M-1 (Limited manufacturing zone), M-2 (Light manufacturing zone), M-3 (General manufacturing zone), A-1 (Light agricultural zone), A-2 (General agricultural zone), and B (Buffer zone). Zone districts where oil and gas sites may be located constitute approximately 25% of the entire City of Arvin by land volume – even excluding applicable setbacks and existing operations that would otherwise be located in a prohibited area. The zone district availability for this use is second only to the R-1 (single family dwelling) zoned district, and far in excess of the 10% zoned for E-3 (estate zone), the less than 4% zoned for SCH-CUP (school zone), and the less than a combined 3% zoned for A-1 (light agriculture) and A-2 (general agriculture) zoned districts.

Additionally, wells are unique in they are one of the few uses that through directional drilling can access resources not located at, or directly below, the actual oil or gas site. Directional drilling allows for the drilling of wells at multiple angles, not just vertically, to better reach and produce oil and gas reserves. While directional drilling has been an integral part of the oil and gas industry since the 1920s, technology has improved over the years. Improvements in drilling sensors and global positioning technology have helped to make vast improvements in directional drilling technology. Today, the angle of a drill bit can be controlled with intense accuracy through real-time technologies, providing the industry with multiple solutions to drilling challenges, increasing efficiency and decreasing costs.

Directionally drilled wells can have several benefits including allowing access in a reservoir where vertical access is difficult or not possible (such as an oilfield under a town, under a lake, or underneath a difficult-to-drill formation). Directional drilling also allows more wellheads to be grouped together on one surface location or pad, which can allow fewer rig moves, less surface area disturbance, limit nuisances and reduce environmental impacts, and (in many cases) make it easier and cheaper to complete and produce the wells. There are no restrictions on directional drilling in either the City's current or proposed ordinance.

Additionally, the City's ordinance does not legally apply outside of the City within the County of Kern's jurisdictions. As a practical matter, this means that wells located within the County can use directional drilling to access resources located under the City of Arvin – even in areas where surface operations would be prohibited. As a result, the total area of land that can be accessed by subsurface directional drilling is greatly in excess of the 25% reflected by the surface location of the oil and gas sites.

Next, directionally drilled wells can commonly be used to access subsurface resources located more than a mile away horizontally, which given the size of Arvin would theoretically

allow all subsurface areas from within the jurisdiction to be accessed from the County. However, the Mountain View oil field underlying the City of Arvin has geologic and other conditions that limit the ability to directionally drill. As a practical matter, directional drilling has been shown to work in this particular field in this general location at two wells, which achieved 1,100 feet and 1,700 feet horizontal displacement from the well site respectively. There is no evidence in the record that this represents the technical extent and theoretical feasibility of runs, and the City finds that runs of ½ mile horizontal displacement is a reasonable distance, feasible, and greater distances are likely to be achieved given the march of technical advancement in the industry..

That finding being made, the City notes that the average of the two runs discussed above is about ¼ of a mile, which industry representatives and owners have likewise confirmed with City staff is reasonably feasible given existing technology. Regardless of the feasibility of a ½ mile run, applying even this conservative ¼ mile factor to determine the ability to access resources from approved zoned districts and locations outside of the City’s jurisdiction reveal that almost the entire subsurface under the City of Arvin can be reached. Notwithstanding, based on this extremely conservative approach there is a narrow corridor where a combination of directional drilling limitations, prohibited site locations, and surface setbacks could theoretically result in a narrow strip of subsurface area where resource access would potentially be limited. This narrow strip of land generally runs north and south through the middle of the City along Meyer Street (“Meyer Street corridor”).

However, the City finds that there are currently existing surface site locations within areas where new development of oil and gas wells would be prohibited under the conservative analysis. These include several sites that can access potential resources within the Meyer Street corridor through directional drilling. Additionally, as with any other land use, property can be rezoned to change allowed uses. Although setback requirements will still apply to rezoned land, this provides a process for accessing resources consistent with the restrictions of Text Amendment No. 2017-04. Next, there are jurisdictional restrictions on the application of the updated ordinance to certain federal and state properties, including property located outside of city limits, which could provide additional potential well site locations. Finally, if despite all of these safeguards future development resulted in development that rendered petroleum resources inaccessible, there is a mechanism in place for requesting the City Council to amend or adopt an ordinance to address unique circumstances – as is also available for other types of land uses.

Based on the foregoing, the City Council finds that there are mechanisms in place such that Text Amendment No. 2017-04 does not prohibit access to any oil and gas resources located under the City of Arvin given the technologies that are currently available.

EXHIBIT “B”

Section 1. Chapter 17.46 (Oil and Gas Production), of Title 17 of the Arvin Municipal Code is hereby repealed in its entirety.

Section 2. Chapter 17.46 (Oil and Gas ordinance of the City of Arvin) is hereby added to Title 17 of the Arvin Municipal Code, in its entirety, as follows:

CHAPTER 17.46

Part 1. Administrative Procedures

- 17.46.01 Purpose
- 17.46.02 Ordinance Applicability
- 17.46.03 Allowable Uses
- 17.46.04 Definitions
- 17.46.05 Consistency with Other Laws, Rules and Regulations
- 17.46.06 Appeals
- 17.46.07 Well Drilling Permit
- 17.46.08 Required Procedures for Conditional Use Permits
 - 17.46.08.1 Conditional Use Permit (CUP) Filing Requirements
 - 17.46.08.2 Processing and Review
 - 17.46.08.3 Findings and Permitting Conditions
 - 17.46.08.4 Modifications and Extensions
 - 17.46.08.5 Change of Ownership/Operators Criteria
- 17.46.09 Procedures for Development Agreements
 - 17.46.09.1 Filing Requirements
 - 17.46.09.2 Processing and Review
 - 17.46.09.3 Findings and Development Agreement Conditions
 - 17.46.09.4 Modifications and Extensions
- 17.46.010 Periodic Review
- 17.46.011 Facility Closure, Site Abandonment, and Site Restoration Procedures
 - 17.46.011.1 Purpose and Intent
 - 17.46.011.2 Applicability
 - 17.46.011.3 Application Process
 - 17.46.011.3.1 Requirement to File an Application
 - 17.46.011.3.2 Content of Application
 - 17.46.011.3.3 Permitting Specifications

- 17.46.011.3.4 Findings Required for Approval
- 17.46.012 Operational Noticing
- 17.46.013 Complaints
- 17.46.014 Injunctive Relief
- 17.46.015 Notice of Violation and Administrative Fines
- 17.46.016 Nuisance Procedures
 - 17.46.016.1 High-Risk Operations
- 17.46.017 Compliance Monitoring
- 17.46.018 Financial Assurances Applicability
- 17.46.019 Operator’s Financial Responsibilities
- 17.46.020 Securities and Bond Requirements
- 17.46.021 Operator Liability Insurance

Part 2. Development Standards for Petroleum Operations

- 17.46.022 Setback Requirements
- 17.46.023 Site Access and Operation
 - 17.46.023.1 Deliveries
 - 17.46.023.2 Construction Time Limits
 - 17.46.023.3 Oil and Gas Site Parking
- 17.46.024 Lighting
- 17.46.025 Aesthetics
 - 17.46.025.1 Landscaping/Visual Resources
 - 17.46.025.2 Walls
 - 17.46.025.3 Sanitation
 - 17.46.025.4 Architecture
- 17.46.026 Roads
 - 17.46.026.1 Construction of Site Access Roads
- 17.46.027 Signage
- 17.46.028 Steaming
- 17.46.029 Utilities
- 17.46.030 On-Site Storage and Placement of Equipment
- 17.46.031 Safety Assurances and Emergency/Hazard Management
 - 17.46.031.1 Fire Prevention Safeguards
 - 17.46.031.2 Blowout Standards and Testing
 - 17.46.031.3 Earthquake Shutdown

- 17.46.031.4 Storage Tank Monitoring
- 17.46.031.5 Safety Measures and Emergency Response Plan
- 17.46.031.6 Transportation of Chemicals and Waste On and Off-site
 - 17.46.031.6.1 Natural Gas Liquids (NGLs)
 - 17.46.031.6.2 Transportation Risk Management and Prevention Program (TRMPP)
 - 17.46.031.6.3 Pipeline Leak Detection
- 17.46.032 Environmental Resource Management
 - 17.46.032.1 General Environmental Program
 - 17.46.032.2 Air Quality
 - 17.46.032.3 Greenhouse Gas Emissions and Energy Efficiency Measures
 - 17.46.032.4 Air Quality Monitoring and Testing Plan
 - 17.46.032.5 Water Quality
 - 17.46.032.5.1 Water Management Plan
 - 17.46.032.5.2 Stormwater Runoff
 - 17.46.032.5.3 Groundwater Quality
 - 17.46.032.6 Noise Impacts
- 17.46.033 Standards for Wells
- 17.46.034 Standards for Pipelines
 - 17.46.034.1 Pipeline Installations and Use
 - 17.46.034.2 Pipeline Inspection, Monitoring, Testing and Maintenance
- 17.46.035 Temporary Buildings
- 17.46.036 [Reserved]
- 17.46.037 [Reserved]

Part 3. Development Standards for Site Abandonment and Redevelopment

- 17.46.038 Development Standards

CHAPTER 5
OIL AND GAS CODE

Part 1. Administrative Procedures

17.46.01 Purpose

- A. This Chapter shall be known as the Oil and Gas ordinance of the City of Arvin.
- B. It is the purpose of this ordinance, amongst other things, to protect the health, safety, public welfare, physical environment and natural resources of the city by the reasonable regulation of oil and gas facilities, equipment, and operations, including but not limited to: exploration; production; storage; processing; transportation; disposal; plugging abandonment and re-abandonment of wells; of operations and equipment accessory and incidental thereto and development and redevelopment of oil and gas sites. It is further the intent of the City that oil and gas operations shall be permitted within this city (except where expressly prohibited herein), subject to the application of this ordinance and all other applicable laws, regulations and requirements.
- C. It is not the intent of this ordinance to regulate public utility operations for the storage or distribution of natural gas under the jurisdiction of the California Public Utilities Commission (CPUC). Any well or site related operations, however, shall be subject to this ordinance.

17.46.02 Ordinance Applicability

- A. The regulations in this ordinance shall apply, insofar as specifically provided herein, to oil and gas production and related sites and facilities, equipment, structures, or appurtenances including, but not limited to:
 - 1. Drilling, and abandonment operations of any new or existing well or re-entry of a previously abandoned well for the production of oil and gas.
 - 2. Sites, infrastructure, structures, equipment, and/or facilities necessary and incidental to processing of oil, produced water, gas, and condensate obtained from an oil and gas field, zone, subsurface lease or area.
 - 3. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of produced water.
 - 4. Equipment and facilities necessary for enhanced oil recovery including water flooding, steam flooding, air injection, carbon dioxide injection, or introduction of polymers, or other techniques.
 - 5. Pipelines located within an oil and gas lease area that are necessary for oil and gas production operations.

6. Pipelines that transport oil or gas to another location for sale or transfer to a third party.
7. Storage tanks and equipment necessary or incidental to gathering, separation or treatment of oil, water, and gas, and/or temporary storage of separated fluids and gases, and transfer of the produced hydrocarbons to pipelines or tanker trucks.
8. Oil spill containment and recovery equipment, and facilities including offices, storage spaces, and vehicles for the storage of floating oil and water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife cleanup and recovery equipment.

B. All portions of this ordinance are applicable to new or existing oil and gas sites and operators if they have or are required to obtain a CUP. For oil and gas sites lawfully existing at the time of adoption of this ordinance, or at the time this ordinance becomes applicable, which do not have or are not required to obtain a new CUP, only the following sections are applicable:

- 17.46.07 Well Drilling Permit
- 17.46.08.4(B) Modifications and Extensions
- 17.46.011 Facility Closure, Site Abandonment, and Site Restoration Procedures
- 17.46.022 (C) Setbacks
- 17.46.023 Site Access and Operations
- 17.46.024 Lighting
- 17.46.027 Signage
- 17.46.028 Steaming
- 17.46.031 Safety Assurances and Emergency/Hazard Management (except 17.46.31.4)
- 17.46.032 Environmental Resource Management (except 17.46.32.3 and 17.46.32.5.1)
- 17.46.033 Standards for Wells (except subsection G)

Violations of these sections shall also be subject to enforcement mechanisms contained in this ordinance and Code.

To the extent the ordinance applies to existing oil and gas sites, it is not intended to apply in such manner as to interfere with any vested rights that have accrued to property owners.

C. The provisions of this ordinance which impose any limitation, prohibition, or requirement, or confer a right on the basis of the distance between a well or any other use or improvement and another zone classification, use or improvement, shall be applied solely with reference to zone classification uses and improvements within the City.

17.46.03 Allowable Uses

Table 1-1 below specifies what City zoning designations allow for oil and gas sites and, if allowable, what type of authorization is required for the use.

TABLE 1-1

* In addition to the zones listed in the table below, oil and gas sites shall be permitted in any specific plan area where such uses are specifically allowed in accordance with the requirements of this ordinance, and permitted on federal, state, county or municipal land, subject to the entitlement process (CUP, DA, or otherwise) of the governmental entity having jurisdiction over such entitlement.

**CUP indicates a requirement for a Conditional Use Permit, while DA indicates a development agreement. Where not prohibited, all oil and gas facilities or sites within the city’s jurisdiction are required to have either a CUP or a DA.

	Zoning Designation	Oil and Gas Facility/Site Permit Required by Zone
R-1	One-family dwelling zone	Prohibited
R-2	Two-family dwelling zone	Prohibited
R-3	Limited multiple-family dwelling zone	Prohibited
R-4	Multiple-family dwelling zone	Prohibited
R-S	Suburban residential zone	Prohibited
E	Estate zone	Prohibited
E-1	Estate zone	Prohibited
E-2	Estate zone	Prohibited
E-3	Estate zone	Prohibited

E-4	Estate zone	Prohibited
E-5	Estate zone	Prohibited
C-O	Professional office zone	Prohibited
N-C	Neighborhood commercial zone	Prohibited
C-1	Restricted commercial zone	Prohibited
C-2	General commercial zone	CUP or DA ¹
M-1	Limited manufacturing zone	CUP or DA ¹
M-2	Light manufacturing zone	CUP or DA ¹
M-3	General manufacturing zone	CUP or DA ¹
A-1	Light agricultural zone	CUP or DA ¹
A-2	General agricultural zone	CUP or DA ¹
OS	Open space	Prohibited
P	Automobile parking zone	Prohibited
D	Architectural design zone	Prohibited
B	Buffer zone	CUP or DA ¹
P-D	Precise development zone	Prohibited
MUO	Pedestrian-oriented mixed-use overlay zone	Prohibited

¹ Development agreement provisions apply as specified in Section 17.46.09.

17.46.04 Definitions

Unless the context otherwise requires, the definitions hereinafter set forth shall govern the construction of this ordinance.

“**Abandoned Well**” means a non-producing well DOGGR so designates after it has been demonstrated that all steps have been taken to protect underground or surface water suitable for irrigation or other domestic uses from the infiltration or addition of any detrimental substance, and to prevent the escape of all fluids to the surface.

“API” refers to the American Petroleum Institute.

“ASTM” ASTM shall mean the American Society of Testing and Materials.

"City Manager" is the City's administrative official, and the City Manager's designated assistants, inspectors and deputies having the responsibility for the enforcement of this ordinance. The City Manager is authorized to consult experts qualified in fields related to the subject matter of this ordinance and codes adopted by reference herein as necessary to assist in carrying out duties. The City Manager may also appoint such number of officers, inspectors, assistants and other employees and/or to appoint a Petroleum Administrator to assist in carrying out duties. If the City Manager determines it is necessary based on public health, safety or welfare, he or she may require any information as deemed reasonably necessary for a CUP or an abandonment application.

"DOGGR" is the Division of Oil, Gas and Geothermal Resources which is part of the Department of Conservation of the State of California. DOGGR oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells.

"DOGGR Statutes and Regulations" are the California statutes and regulations related to or governing DOGGR, at California Public Resources Code, Division 3, and Oil and Gas and the California Code of Regulations, Title 14, Division 2.

"Drill" or "Drilling" is to bore a hole in the earth, usually to find and remove subsurface formation fluids such as oil and gas. Drilling, under this ordinance, includes re-drilling and re-working of wells.

"Enforcement action" is any administrative, injunctive, or legal action (either civil or criminal), to enforce, cite or prosecute a violation or efforts to abate or correct a violation (or dangerous or hazardous situation caused by a violation), including investigation, research, legal action, physical abatement, law enforcement and other necessary acts.

“EPA” refers to the U.S. Environmental Protection Agency.

“Existing” as applied to oil and gas sites, wells or other facilities and operations, refers to and includes all that were lawfully in existence at the effective date of this ordinance

“Exploratory Well” is defined in the DOGGR Statutes and Regulations and means any well drilled to extend a field or explore a new, potentially productive reservoir.

"Facilities" include tanks, compressors, pumps, vessels, and other equipment or structures pertinent to oil field operations located at an oil and gas site.

“Gas” means any natural hydrocarbon gas coming from the earth.

"Gas Plant" means processing equipment for produced gas to separate, recover, and make useful natural gas liquids (condensate, natural gasoline [e.g., pentenes], and liquefied petroleum gas, etc.), to separate, remove, and dispose of other non-hydrocarbon substances, such as water,

sulfur, carbon dioxide, ammonia, etc., and to produce utility-grade gas suitable for delivery and sale.

"High risk operation" means an oil or gas production, processing or storage facility which: (a) has been in violation of any applicable section of this ordinance for more than 30 consecutive days and resulted in the issuance of a notice of determination of fines pursuant to Section 17.46.012 of this ordinance during the preceding twelve months; or (b) has had three separate unauthorized releases of oil, produced water and/or other hazardous materials of a quantity not less than fifteen barrels (six hundred thirty gallons) other than within secondary containment for each incident during the preceding twelve months

"Idle well" is defined in the DOGGR Statutes and Regulations and is any well that for a period of 24 consecutive months has either not produced oil or natural gas, produced water to be used in production stimulation, or been used for enhanced oil recovery, reservoir pressure management, or injection. An idle well does not include an active observation well.

"Natural gas liquids" (NGLs) include propane, butane, pentane, hexane and heptane, but not methane and ethane, since these hydrocarbons need refrigeration to be liquefied.

"NFPA" refers to the National Fire Protection Agency.

"New Development" means any of the following: 1) development of new buildings, structures or wells for oil and gas operations on a site that has either not previously been used for such activities, or where the previous use was abandoned, or a CUP expired or was revoked; 2) the expansion by 3 or more wells at an existing site used for oil and gas operations and which conforms to setback requirements; 3) the placement or erection of tanks for holding produced substances or substances intended for subsurface injection in connection with oil and gas operations exceeding by 25% or more the capacity of existing tanks as of the effective date of this ordinance. New development does not include the like-kind replacement of facilities required for legally operating oil and gas operations that are damaged, failed, are at risk of failure, or are at the end of their useful life at an existing site. New development does not include workovers or other maintenance for legally operating oil and gas operations, including replacement-in-kind, or re-drills of existing active or idle wells. Re-drills of abandoned wells are considered new wells under this ordinance; re-drills of abandoned wells for re-abandonment are not considered new wells under this ordinance.

"New Well" is defined by the DOGGR Statutes and Regulations as the drilling of a well that requires the submission of the DOGGR form OG105 - Notice of Intention to Drill New Well – Oil and Gas, as may be updated or amended. For the purposes of this ordinance, the re-drilling of an abandoned well is considered a new well.

"Oil" is a simple or complex liquid mixture of hydrocarbons that can be refined to yield gasoline, kerosene, diesel fuel, and various other products.

"Oil and Gas Site" or **"Site"** is a oil drilling site and all associated operations and equipment attendant to oil and gas production or injection operations including but not limited to, pipelines, tanks, exploratory facilities (including exploratory wells), flowlines, headers, gathering lines,

wellheads, heater treaters, pumps, valves, compressors, injection equipment, drilling facilities, and production facilities.

"Oil and Gas Operations" are all activities in connection with the exploration, drilling for and the production of oil and gas and other hydrocarbons, together with all incidental equipment and appurtenances thereto.

"Operator" means the person, who by virtue of ownership or under the authority of a lease or any other agreement, has the right to drill, operate, maintain, or control a well or production facility.

"OSHA" refers to the California Occupational Safety and Health Administration.

"Person" encompasses any individual, firm, association, corporation, joint venture or any other group or combination acting as an entity.

"Petroleum" is a substance occurring naturally in the earth in a solid, liquid, or gaseous state and composed mainly of mixtures of chemical compounds of carbon and hydrogen, with or without other nonmetallic elements such as sulfur, oxygen, and nitrogen.

"Pipelines" for the purposes of this ordinance, shall mean all flow lines associated with wells located within the City of Arvin used for the transportation of petroleum or petroleum by-products or of materials used in the production of petroleum.

"Produced water" is a term used to describe the water that is produced along with crude oil and gas.

"PSM" refers to process safety management.

"Redevelopment" for the purposes of this ordinance is the development of all of a portion of a current or former oil or gas site to another authorized use other than petroleum operations.

"Re-drilling" is defined in the DOGGR Statutes and Regulations and is the deepening of an existing well or the creation of a partial new well bore including plugging of the original bore and casings and requires the submission of DOGGR form OG107 - Notice of Intention to Rework/Redrill Well, as may be updated or amended.

"Re-entry" is the process of cleaning a plugged and abandoned well by drilling, jetting, or other method.

"Re-work" is defined in the DOGGR Statutes and Regulations and means any operation subsequent to initial drilling that involves re-drilling, plugging, or permanently altering in any manner the casing of a well or its function and requires the filing of a notice of intent to rework/redrill a well with DOGGR. Altering a casing includes such actions as a change in well type, new or existing perforations in casing, running or removing of cement liners, placing or drilling out any plug (cement, sand, mechanical), running a wireline tool that has the ability to drill through a cased borehole, or any other operation which permanently alters the casing of a well. For the purposes of this ordinance, re-work includes a well abandonment.

"Refining" shall mean any industrial process facility where crude oil is processed and refined into more useful products and sold to others without further treatment or processing.

"Regional Water Quality Control Board" shall mean the Central Valley Regional Water Quality Control Board.

"Secondary containment" means an engineered impoundment, such as a catch basin, which can include natural topographic features, that is designed to capture fluid released from a production facility."

"Shut down" or "Shut Down Order" is an order by the City Manager, Kern County Fire Department Chief, California State Fire Marshall, or DOGGR official, to restrict or prohibit certain (or all) functions or operations at a facility or by an operator pursuant to authority of this ordinance.

"SJVAPCD" refers to the San Joaquin Valley Air Pollution Control District.

"SPCC" refers to Spill Prevention, Control, and Countermeasures.

"Structure" means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, except outdoor areas such as walks, paved areas, tennis courts, and similar open recreation areas. This definition includes buildings, but does not include wells.

"Supervisor" means the DOGGR Supervisor.

"Toxic Air Contaminants" means an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health as defined in California Health and Safety Code Section 39655, as may be amended from time to time. Title 17, Section 93000, of the California Code of Regulations, lists substances defined as Toxic Air Contaminants.

"USEPA" refers to the United States Environmental Protection Agency.

"Regional Water Quality Control Board" shall mean the Central Valley Regional Water Quality Control Board.

"Well" is defined in the DOGGR Statutes and Regulations and means any oil or gas well or well for the discovery of oil or gas; any well on lands producing or reasonably presumed to contain oil or gas; any well drilled for the purpose of injecting fluids or gas for stimulating oil or gas recovery, repressuring or pressure maintenance of oil or gas reservoirs, or disposing of waste fluids from an oil or gas field; any well used to inject or withdraw gas from an underground storage facility; or any well drilled within or adjacent to an oil or gas pool for the purpose of obtaining water to be used in production stimulation or repressuring operations.

"Workover" is the process of major maintenance or remedial treatments on an oil or gas well without changing the physical design of the well. Workovers include all operations that do not

involve the initial drilling or re-working of wells and is regulated by DOGGR but without requirements for notices of intent or permits.

17.46.05 Consistency with Other Laws, Rules and Regulations

This ordinance, insofar as it regulates oil and gas operations also regulated by the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), is intended to supplement such state regulations and to be in furtherance and support thereof. Some definitions in Section 17.46.04 are based on DOGGR Statutes and Regulations and the intent of this ordinance is to utilize those definitions, as they may be amended from time to time by the California Legislature or by DOGGR, as applicable. In all cases where there is conflict with state laws or regulations, such state laws or regulations shall prevail over any contradictory provisions, or contradictory prohibitions or requirements, made pursuant to this ordinance. Additionally, the approving body, whether the City Manager, Planning Commission or City Council, may grant an exception or modification to the requirements of this ordinance to the minimal extent necessary to prevent a compensable taking. Such exception or modification shall be as consistent with the intent and purpose of this ordinance as possible given the specific factual circumstances of the particular project.

17.46.06 Appeals

Unless otherwise specified in this ordinance, any discretionary decision of the City Manager shall be final unless within fifteen (15) days after the decision by the City Manager, or ten (10) days after the mailing of the required notice(s), whichever date is later, any aggrieved person appeals therefrom in writing to the planning commission by timely presenting such appeal to the city clerk. At its next regular meeting after the filing of such appeal with the city clerk, the planning commission shall set a date for a hearing thereon. The decision appealed from shall be affirmed unless reversed by a vote of not less than a majority of all the members of the planning commission. An appeal of the planning commission to the city council shall follow the same process. Mandatory requirements of this ordinance are not subject to appeal.

- A. Any court action or proceeding to attack, review, set aside, void or annul any decision or any matter mentioned in this ordinance or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, (except for any decision approving or denying an application for a permit or revoking a previously granted permit, which is governed by subsection B) shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date on which such decision becomes final. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.
- B. Any court action brought pursuant to Code of Civil Procedure Section 1094.5 to attack, review, set aside, void or annul any decision approving or denying an application for a permit or revoking a previously granted permit, shall not be maintained by any person unless such action is commenced within ninety (90) days after the date on which such decision becomes final. This subsection has been adopted pursuant to Code of Civil Procedure Section 1094.6.

C. Nothing in this section shall expand or otherwise extend any shorter statute of limitation set by State or federal law, including any statute of limitation under the California Environmental Quality Act.

17.46.07 Well Drilling Permit

Prior to commencing drilling or re-working of any oil and gas well, the operator must receive a well drilling or re-work permit from DOGGR. Well permits from DOGGR shall be provided to the City Manager prior to commencement of drilling or re-working activities.

17.46.08 Required Procedures for Conditional Use Permits

- A. New development to which this ordinance applies (see Section 17.46.02) shall be required to receive a Conditional Use Permit (CUP), from the city planning commission in order to receive authorization for, and proceed with, the construction and operation of new development. No permits shall be considered or approved without such permits being consistent with provisions of the CUP.
- B. All procedures for CUPs to which this ordinance applies shall be the same as provided in the Arvin Municipal Code except appeals as noted above. Additionally all procedures for CUPs to which this ordinance applies shall comply with the following additional requirements:

17.46.08.1 Conditional Use Permit (CUP) Filing Requirements

In addition to the filing requirements required by use permits of this Code, for projects within the City to which this ordinance is applicable, the following materials are also required as part of a CUP application for the consideration of the Planning Commission, or the City Council on appeal:

- A. A complete statement of the proposed project including, but not limited to, activities, facilities, and sites.
- B. A new or updated emergency response plan to deal with potential consequences and actions to be taken in the event of floods, earthquakes, hydrocarbon leaks or fires for the site. The emergency response plan shall be approved by the City's Engineer and the Kern County Fire Department.
- C. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, completion, restoration, and, where applicable, the location and amount of land reserved for future expansion.
- D. A site plan showing:
 - 1. Surface property, easement, rights-of-way and pipeline right-of-way boundaries within the site.
 - 2. Proposed access road constructions or modifications and connections with City streets and roads and any existing private roads.

3. Areas to be used for construction.
 4. Areas to be used for access and maintenance during pipeline operation within and adjacent to the site.
 5. Existing roads, and pipelines and pipeline rights-of-way, if any.
 6. Location and type of existing and proposed structures within 50 feet of pipeline right-of-way.
 7. Location of existing and proposed wells and oil or gas containing equipment and their measured distance from nearby uses, including the closest residential or school property line.
 8. Proposed alteration of surface drainages within the site.
 9. A contour map showing existing and proposed contours.
 10. A plan for parking on or off site.
 11. A map of all known, historic, or suspected active, idle and abandoned oil and gas wells or wellheads within the site and within 750 feet of the surface location of any existing or proposed new well within the site.
- E. Site operations plan containing process flow diagrams, piping and instrumentation diagrams, expected process flows (rates, pressures, composition, and shut-down/start-up procedures, quarterly/annual production, disposition, injection, and disposal).
- F. Plans with measures to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, air pollutants, and vibration) and to prevent danger to life, environmental quality, and property, consistent with the Development Standards in this ordinance.
- G. Estimates of the amount of cut and fill required by the proposed project.
- H. If the site is within 600 feet of any prohibited zoning as listed in Table 1-1, a plan for a community alert system (including new or utilizing existing systems, including but not limited to, those operated by the Police, Sheriff or Fire Department) to automatically notify area residences and businesses in the event of an emergency at an oil or gas site that would require residents to take shelter or take other protective actions.
- I. If any grading is proposed that results in the loss of vegetated, sandy, permeable ground areas, which could alter surface runoff at the site, a site-specific hydrologic analysis to evaluate anticipated changes in drainage patterns and associated increased runoff at the site.
- J. If the site is within 600 feet of any prohibited zoning as listed in Table 1-1, a quiet mode operation plan which includes, but is not limited to, the following noise reduction measures throughout the weekends and on weekdays between the hours of 6 p.m. and 8 a.m.:

1. Using signalers for all backup operations instead of backup alarms and turning off backup alarms;
2. Using radios instead of voice communication;
3. Minimizing crane use and pipe handling operations, pipe offloading from trucks and board loading to the maximum extent feasible and nighttime loading only for safety reasons;
4. Prohibiting material and supply deliveries to the Project Site, other than along designated truck routes, between the hours of 6 p.m. and 8 a.m. on weekdays and prohibiting deliveries on weekends and holidays, with exceptions only for safety; and
5. Limiting process alarms and communications over the broadcast system to the maximum extent feasible during all operations and use only for safety reasons.

K. If the site is within 600 feet of any prohibited zoning as listed in Table 1-1, a photometric analysis, which compares the baseline of the existing light measurements with the proposed light spill that will result from the oil and gas site.

L. An Environmental Quality Assurance Program ("EQAP"). (Ref. Section 17.46.32.1).

17.46.08.2 Processing and Review

Processing of CUPs shall comply with California's Permit Streamlining Act requirements as consistent with this Code.

A. The applicant may apply for:

1. The drilling operations only;
2. The production facilities only; or
3. Both the drilling and production facilities.

B. The City Manager will review the submitted application(s) for completeness in compliance with the filing requirements of Section 17.46.08.1 and any other applicable sections of the Code, and shall refer the filed CUP to appropriate City departments or local and state agencies, as appropriate, for review and comment.

17.46.08.3 Findings and Permitting Conditions

A. In addition to the requirements of a use permit by this Code, the planning commission shall approve a Conditional Use Permit only if it is able to make affirmative findings of the following criteria:

1. The proposed project shall be in conformance with requirements of other local, regional, or State entities;

2. The project shall not be detrimental to the comfort, convenience, health, safety, and general welfare of the community, and will be compatible with the uses in the surrounding area;
3. The project shall be in compliance with the Development Standards contained in Part 2 of this ordinance, commencing with Section 17.46.22; and
4. The project shall not result in an increased level of freshwater pollution or groundwater contamination in the immediate area or cause regulatory water standards at an existing water production well to be violated as defined in the California Code of Regulations, Title 22, Division 4, Chapter 15 and in the Safe Water Drinking Act, as they may be amended.

B. As a condition of approval of a CUP, the planning commission shall consider and impose appropriate conditions as deemed reasonable and necessary to find consistency with the findings 1 through 4 above.

17.46.08.4 Modifications and Extensions

- A. The provisions of this Section shall apply for all modifications or extensions requested for oil and gas operations.
- B. Any existing oil and gas operation that does not have a CUP or development agreement for the operation shall be required to comply with this ordinance if any new development occurs at the existing oil and gas site.

17.46.08.5 Change of Ownership/Operators Criteria

- A. Listing on Permit. Any person who operates an oil or gas site that is subject to this ordinance shall be listed as a permittee on the permit(s) issued for that facility.
- B. Acceptance of Permit. Prior to being listed on a permit, any operator of an oil or gas site that is subject to this ordinance shall provide the City with a letter from an authorized agent or officer of the operator formally accepting all conditions and requirements of the permit.
- C. Permits Transferable. Any CUP issued to any oil and gas site authorized pursuant to this Code shall be transferable to a new operator provided that the new operator accepts and meets all of the conditions and requirements of the CUP and this ordinance.
- D. Ongoing Notification. All operators, and guarantors shall, as an ongoing requirement, notify the City Manager in writing of any change in the information required by this Section within thirty days of such change.
- E. Change of Operator. A change of operator shall require an application filed with the City within thirty days prior to a change of operator. Upon approval by the City Manager, such change of operator will become effective upon joint notice from the prior and new operators that the change of operator has become effective. An application is not required when the

change of operator does not entail a substantive change to operations or personnel of the oil or gas site as determined by the City Manager.

F. Liability for Compliance with Permit Conditions. Any operator listed on a permit pursuant to this ordinance shall comply with all conditions of such permit. Failure to comply with such permit conditions shall subject the operator to the applicable penalty and enforcement provisions of this Code or other applicable ordinance for such permits.

G. Liability for Abandonment. The operator, as determined by the records of the City Manager, of a facility or site subject to this ordinance shall be responsible for the proper abandonment of the facility or site.

17.46.09 Procedures for Development Agreements

Projects appropriate for development agreements are subject to the requirements of this Section, which establishes procedures for adoption. The procedures for development agreements will comply with Government Code Division 1, Chapter 4, Article 2.5 and the following additional requirements:

17.46.09.1 Filing Requirements

- A. Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person(s) who has a legal or equitable interest in the real property of the oil or gas site. The qualified applicant shall provide proof of ownership interest, proof of interest in the real property, and proof of the authority of the agent or representative, to act for the applicant. Said proof of interest and proof of authority shall be subject to review and approval by the City Attorney.
- B. The City Manager shall prescribe the form for each application, notice and documents provided for or required under these regulations for the preparation and implementation of development agreements. The applicant shall complete and submit such an application form to the City Manager, along with a deposit for the estimated direct and indirect costs of processing the development agreement. The applicant shall deposit any additional amounts for all costs and fees to process the development agreement, including all legal fees, within 15 days of request by the City Manager. Upon either completion of the application process or withdrawal of the application, the City shall refund any remaining deposited amounts in excess of the costs of processing.
- C. The City Manager shall require an applicant to submit such information and supporting data as the City Manager considers necessary to process the application.
- D. A community benefit assessment to evaluate the benefits the DA will provide to the community.

17.46.09.2 Processing and Review

- A. The City Manager shall endorse on the application the date it is received. An application or related document shall not be complete until an estimated deposit for the cost of processing has been paid to the City. If within 30 days of receiving the application the City Manager finds that all required information has not been submitted or the application is otherwise incomplete or inaccurate, the processing of the application and the running of any limits shall be suspended upon written notice to the applicant and a new 30 day period shall commence once the required material is received by the City Manager. If the City Manager finds that the application is complete it shall be accepted for filing and the Applicant so notified. The City Manager shall review the application and determine the additional requirements necessary to complete processing of the agreement. After receiving the required information and the application is determined to be complete, the City Manager shall prepare a staff report and recommendation to the Planning Commission and City Council stating whether or not the agreement as proposed or in an amended form would be consistent with policies of the City, this ordinance and any applicable general or specific plan. The City Attorney shall review the proposed development agreement as to legal form.
- B. Notice of a hearing regarding the development agreement shall be given by the City Manager and shall comply with the requirements of Government Code Section 65867, as may be amended, except that the City Manager, not the Director, shall be responsible for providing notice.
- C. The planning commission shall review the proposed development agreement and provide a recommendation to the City Council to approve, approve with modifications or deny the proposed development agreement. If the planning commission fails to take action within 60 days of opening the hearing on the matter, such failure shall be deemed to have made a recommendation of denial to the City Council unless the applicant has requested an extension of time, either in writing or on the record, which has been approved by the Planning Commission prior to the running of the 60th day.
- D. The proposed development agreement shall be set for hearing and consideration before the Council within 60 days of the recommendation of the Planning Commission, unless the applicant agrees in writing to an extension of time with the City Manager prior to the matter being heard by the Council.
- E. Within 10 calendar days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the City terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.

17.46.09.3 Findings and Development Agreement Conditions

- A. After the City Council completes the public hearing, the Council may not approve the development agreement unless it finds that the provisions of the agreement:
1. Are consistent with the goals, objectives, and policies of the general plan and any applicable specific plan;
 2. Are compatible with the uses authorized in, and the regulations prescribed for the zoned district in which the real property is located;
 3. Will not be detrimental to the health, safety, environmental quality, and general welfare of the community;
 4. Will not adversely affect the orderly development of property or the preservation of property values; and
 5. Provides for a penalty for any violation of the development agreement consistent with the provisions of Section 17.46.015.

17.46.09.4 Modifications and Extensions

- A. The provisions of Government Code Section 65868 shall apply for all modifications, extensions or other amendments of the terms of a development agreement subject to this ordinance.
- B. Either party may propose an amendment or termination of an approved development agreement subject to the following:
1. The procedure for amending or terminating, the development agreement is the same as the procedure for entering into an agreement in the first instance.
 2. The development agreement may be amended or cancelled only by the mutual consent of the parties, as provided in California Government Code section 65868.
- C. Nothing herein shall limit the City's ability to terminate or modify the agreement consistent with Government Code section 65865.1 or 65865.3 as may be amended.

17.46.010 Periodic Review

The City may choose to conduct a comprehensive performance review of any oil or gas drilling permit, CUP or DA every ten years from the date of approval to determine if the project and the associated CUP or DA are adequately mitigating significant environmental impacts caused by the drilling and operations. Nothing in this section shall limit the City's authority to conduct a review at more frequent intervals, engage in mitigation monitoring as required by CEQA, or otherwise act as directed or authorized by law.

- A. If a periodic review reveals violation of the conditions of any City-issued permit, CUP or DA related to the oil and gas site operations, and if the City takes any subsequent and successful enforcement action based up that violation or related violations, the operator shall reimburse the City with funds necessary for the City to prepare the periodic review, whether performed through a third party or not. If the periodic review identifies significant deficiencies in an oil and gas drilling permit, a CUP or DA that are resulting in unmitigated adverse impacts, but which do not constitute violations of any permit, CUP or DA, then the City Manager may identify these deficiencies and bring forward recommendations of corrective actions to the Planning Commission for consideration, including to the Planning Commission for recommendation to the City Council for consideration and prospective amendments of DAs, as deemed necessary.
- B. A permit, CUP, or DA may also be reviewed by the City Manager at any time, if more than three violations occur within a twelve month period and the City Manager determines that resolution of the violations may be addressed by a new permit and/or an amendment to the CUP or DA. If such a review reveals violation of the conditions of any City-issued permit, CUP or DA related to the oil and gas site operations, and if the City takes any subsequent and successful enforcement action based up that violation or related violations, the operator shall reimburse the City with funds necessary for the City to prepare the periodic review, whether performed through a third party or not. The City Manager shall make a recommendation of corrective actions to the Planning Commission for CUPs and permits, and the Planning Commission and City Council for DAs, as deemed necessary. Nothing in this Section shall preclude the City from taking any other enforcement action authorized by this Code, including more frequent reviews.
- C. Nothing in this Section shall limit the requirements of an operator with a DA to demonstrate to the City Manager good faith compliance with the terms of the agreement at least every 12 months as required by Government Code section 65865.1. If as a result of that review the City Manager believes there is substantial evidence that the operator has not complied in good faith with the terms or conditions of the agreement, the City Manager shall present the matter to the Commission for a recommendation to the City Council. The Commission shall set the matter for public hearing within 40 days of receipt of the matter from the City Manager. If the Commission fails to act upon such request within a reasonable time, the Council may, by written notice, require the Commission to render its recommendation within 40 days. Failure to so report to the Council within the above time period shall be deemed to be a recommendation against modification or termination. After the Commission has rendered its recommendation, the matter shall be set for hearing before the City Council, who may terminate or modify the agreement if it finds and determines, on the basis of substantial evidence, that the operator or successor in interest has not complied in good faith with the terms and conditions of the DA.

17.46.011 Facility Closure, Site Abandonment, and Site Restoration Procedures

The following provisions and procedures shall be implemented at the end of life of an oil and gas site, subject to a CUP, and govern the site (including well) facility closure and site restoration procedures:

17.46.011.1 Purpose and Intent

- A. Section 17.46.11 et seq. establishes procedures and provisions to achieve the timely abandonment of oil and gas related activities and land uses, and following the abandonment, the timely and proper removal of applicable oil and gas facilities (including wells, equipment and gas-related structures), reclamation and remediation of host sites, and final disposition of pipelines, in compliance with applicable laws and permits.
- B. The procedures ensure appropriate due process in differentiating idled from abandoned facilities and protecting the vested rights of permittees while also ensuring that sites with no reasonable expectation of restarting are removed, in compliance with the intent of abandonment permits. These procedures also ensure a process for abandoning or re-abandonment of portions of sites where oil and gas operations will continue on the site, as well as procedures for restoration and redevelopment of a site to other uses at the end of the economic life of oil and gas production.

17.46.011.2 Applicability

Oil and gas sites and operations subject to Section 17.46.11 and its subsections, shall include all permitted uses identified in Section 17.46.02.A of this Code, regardless of whether these uses were permitted in compliance with this ordinance or any preceding ordinance. This includes, all pipeline systems, except for public utility natural gas transmission and distribution systems, that either transport or at one time transported natural gas, oil, produced water, or waste water that originated from a reservoir, regardless of whether these uses were permitted in compliance with this Code or any preceding ordinance.

17.46.011.3 Application Process

The City Manager has the discretion to process and approve the application. Any person may submit an appeal to the City Manager or the Planning Commission within 15 days of the City Manager's notice of decision consistent with Section 17.46.06. Mandatory requirements of the Code are not subject to appeal. All procedures shall be consistent with the following requirements:

17.46.011.3.1 Requirement to File an Application

- A. Complete Abandonment of oil and gas operations: The operator shall submit an application to the City Manager upon intentional abandonment of the entire oil and gas operation or site. The application for abandonment and site restoration proceedings shall be submitted 60 calendar days prior to the planned shutdown of all the facilities.
- B. Partial Abandonment of oil and gas operations: If any portion of the oil or gas site is being abandoned, or if a well is being re-abandoned, the operator shall submit an application to the City Manager for partial abandonment of oil or gas operations. Said application shall be submitted not later than 30 calendar days prior to abandonment or re-abandonment of wells involving no more than 10% of the total number of wells on site or 10 wells, whichever is

more; all other applications shall be submitted not later than 60 calendar days prior to abandonment, re-abandonment or restoration.

C. Other Events Requiring an Application. The operator shall submit an application for abandonment, re-abandonment, and site restoration proceedings to the City Manager upon any of the following:

1. Any event or condition designated in an existing City permit or entitlement that would require consideration of abandonment. The Application shall be submitted 60 days in advance of the event or condition. If the event or condition cannot be known until after it occurs, the application must be submitted within 15 days of the event or condition.
2. Upon order of DOGGR. The application shall be submitted within 30 days of a DOGGR order to abandon, re-abandon, and restore the site, provided, however, that if the operator timely appeals such an order of the DOGGR, it shall have no obligation hereunder until 30 days after a final decision affirming such order.

D. Nothing in this ordinance shall limit the City's police powers. The City may require those measures reasonably necessary to address specific site or operational conditions that threaten public health, morals, safety or general welfare, which measures could include partial or complete abandonment.

17.46.011.3.2 Content of Application

The application shall be in a form and content specified by the City Manager and this Section. The application shall contain the following:

- A. Name, address, and contact information for the permittee.
- B. Name, address, and general description of the permitted land use.
- C. Gross and net acreage and boundaries of the subject property.
- D. Location of all structures, above and underground, proposed to be removed.
- E. Location of all structures, above and underground, proposed to remain in-place.

- F. Location of all wells, including active, idled, abandoned or re-abandoned wells, including distances from site boundaries, and existing structures. Each well shall include the DOGGR well name and number, as well as the American Petroleum Institute (API) well number. If available, the location of the wells shall be identified with the name of the operator and well designation.

- G. Location of all City or public utility easements on or adjacent to the subject property that may be affected by demolition or reclamation.
- H. To the extent known, the type and extent of any contamination and proposed remedial actions to the level of detail that can be assessed through environmental review. This information does not require a new or modified Phase 2 site assessment in advance of any requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
- I. A proposed abandonment and restoration plan that details the activities for the proposed action, including the following details: hours of operation, disposition of equipment and structures proposed for decommissioning, and an estimated schedule for decommissioning the facilities or completion of the work.
- J.
- K. A proposed grading and drainage plan if drainage from the site will be altered.
- L. A proposed plan to convert the site to natural condition or convert to other proposed land use. In the latter case, include other applicable permit applications required, if any, for the proposed land use.
- M. A statement of intent regarding the disposition of utilities that served the oil and gas operations, including fire protection, power, sewage disposal, transportation, and water.
- N. Measures proposed to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, traffic congestion, vibration) and to prevent danger to life and property.
- O. A copy of DOGGR approval to abandon, re-abandon or remediate well(s), such as an approval of a notice of intent of request to abandon.
- P. A leak test report for each abandoned well on the site that meets the requirements of Section 17.46.38.
- Q. For abandonment or restoration in any circumstances where the permit is approved by the City Manager without Planning Commission action, proof of mailed notice of intent to seek a permit to abandon or restore to the owner of record on the latest assessment roll for neighboring parcels within 300 feet of the oil and gas site property boundaries. The notice shall generally describe the scope of the activity being proposed.

R. Any other information deemed reasonably necessary by the City Manager to address site-specific factors.

17.46.011.3.3 Permitting Specifications

- A. Application Filing. The City Manager shall process complete applications for permits after determining the applications to be complete in compliance with Section 17.46.011.3.2 of this ordinance, and submit applications subject to initial Planning Commission review to the Planning Commission with a recommendation regarding approval if the findings in Section 17.46.011.3.4 are met. An application shall not be complete unless the applicant has made a deposit for the estimated direct and indirect costs of processing the application. The applicant shall deposit any additional amounts for the costs to process the application, including legal review, within 15 days of request by the City Manager. Upon either completion of the permitting process or withdrawal of the application, the City shall refund any remaining deposited amounts in excess of the direct and indirect costs of processing.
- B. Independent or concurrent processing of applications. For applications subject to initial Planning Commission review, the Planning Commission shall process complete applications for abandonment and site restoration permits independently of any other permit applications to develop the site in question, unless the City Manager makes the determination that the concurrent processing of abandonment and site restoration permits and development permits for the same site do not unduly hinder timely restoration of abandoned sites or result in long delays in securing approval of development permits.
- C. Demolition and restoration permit shall supersede. Upon approval of a demolition and restoration permit subject to initial approval by the Planning Commission, or upon abandonment of operations, whichever occurs later, the demolition and reclamation permit shall supersede any inconsistencies in the discretionary permit approved for construction and operation of the facilities.
- D. Conditions of Permit. In addition to any other requirements of this Code, any permit for abandonment, re-abandonment or restoration shall be subject to the following requirements regardless whether initially approved by the City Manager or the Planning Commission:
1. Oil well abandonment shall be performed by oil service company contractors with a business license issued by the city.
 2. All equipment and surface installations used in connection with the well that are not necessary, as determined by the City Manager or Planning Commission, for the operation or maintenance of other wells on the drill or operation site shall be removed from the site.
 3. The abandoned site or portions of the oil and gas site shall be restored to its original condition or as nearly as is practical given the nature of the location and continuing uses for an oil and gas site, so long as the restoration will not adversely impact ongoing oil and gas production operations.

4. All sumps, cellars, and ditches which are not necessary for the operation or maintenance of other wells on the oil or gas site shall be cleaned out and all oil, oil residue, drilling fluid, and rubbish shall be removed to reduce hydrocarbons to standards acceptable to federal, state, or local agencies. All sumps, cellars, and ditches shall be leveled or filled. Where such sumps, cellars, and ditches are lined with concrete, the operator shall cause the walls and bottoms to be broken up and all concrete shall be removed.
5. The portions of the site not necessary for continuing oil or gas site operations shall be cleaned and graded and left in a clean and neat condition free of oil, rotary mud, oil-soaked earth, asphalt, tar, concrete, litter, and debris.
6. All public streets, alleys, sidewalks, curbs and gutters, and other places constituting public property which may have been disturbed or damaged in connection with any operation, including operations for the abandonment or re-abandonment of the well shall be cleaned, and, except for ordinary wear and tear, shall be repaired and restored to substantially the same condition thereof as the same existed at the time of issuance of the permit, or at the time operations were first commenced in connection with the drilling, operation, or maintenance of the well.
7. A copy of written approval of DOGGR confirming compliance with all state abandonment proceedings for all abandoned facilities must be furnished to the City Manager.
8. Proposed restoration will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.

17.46.011.3.4 Findings Required for Approval

In addition to the findings specified in the Code for a use permit, for permits the City Manager or Planning Commission shall also make affirmative findings based on the following criteria:

- A. The subject site will be restored and remediated to its pre-project conditions unless areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived by the Planning Commission; provided, the development is permitted within five years and the permittee has posted financial assurances acceptable to the City Manager to ensure restoration to natural conditions if the proposed development is not permitted.
- B. The proposed restoration will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property
- C. The permit conditions comply with Section 17.46.011.3.3 and contain specific enforceable requirements to ensure the timely completion of any abandonment or re-

abandonment of wells, restoration activities or cessation of other oil and gas site operations subject to the permit.

17.46.012 Operational Noticing

- A. Each operator shall submit copies of notices provided to or received from DOGGR, to the City Manager, within ten business days of transmission or receipt of such notices, as applicable. These shall include: designation of agents, notice of intent to drill a new well, division approvals (permit to conduct well operations, notice and permit to drill, permit to rework/redrill well (p-report), enhanced recovery project approval, water-disposal project approval, commercial water-disposal approval), notice of intention to rework/redrill well, notice of intention to abandon/re-abandon well, supplementary notices, report of property transfer forms and any inspection reports or notices of violation, as these notices may be updated or amended. All other DOGGR notices or other DOGGR communications shall be submitted at the discretion of the City Manager.
- B. The operator of (or any person who acquires) any well, property, or equipment appurtenant thereto, whether by purchase, transfer, assignment, conveyance, exchange or otherwise, shall each notify the City Manager within ten business days of the transaction closing date. The notice shall contain the following:
1. The names and addresses of the person from whom and to whom the well(s) and property changed.
 2. The name and location of the well(s) and property.
 3. The date of acquisition.
 4. The date possession changed.
 5. A description of the properties and equipment transferred.
 6. The new operator's agent or person designated for service of notice and his address.
- C. The operator of any well shall notify the City Manager, in writing, of the idling of any well. The operator shall notify the City Manager in writing upon the resumption of operations of an idle well giving the date thereof.
- D. The operator shall report any violations of state or federal laws that occur on an oil and gas site to the City Manager within 30 days of their date of documentation by a state or federal agency.

17.46.013 Complaints

All complaints related to activities regulated by this ordinance received by the operator shall be reported within two business days to the City Manager. In addition, the operator shall maintain a written log of all complaints and provide that log to the City Manager on a quarterly basis.

17.46.014 Injunctive Relief

In addition to any administrative remedies or enforcement provided in this Code, the City may seek and obtain temporary, preliminary, and permanent injunctive relief to prohibit violation or mandate compliance with this Code. All remedies and enforcement procedures set forth herein shall be in addition to any other legal or equitable remedies provided by law.

17.46.015 Notice of Violation and Administrative Fines

- A. The operator shall also be subject to a fine for violation of any requirement of a CUP or this ordinance as determined by the City Manager, subject to the following:
1. Depending on the specific type and degree of the violation, the operator in violation may be penalized at a rate of up to \$10,000 per day, per violation, until it is cured, but in no event, in an amount beyond that authorized by state law. The City Manager will develop a violation fine schedule for Council approval to specifically identify the fines associated with oil or gas site violations. This violation fine schedule may also include nuisance violations. Nothing in this Section shall preclude the use of use of fines as may be applicable from this code, including those related to nuisances, as long as said fines are not imposed in addition to fine schedule developed under this ordinance for a similar violation.
 2. In the event of a violation of any of the City's permitting actions, a written notice of violation, and notice of the associated fine amount if the violation is not cured, will be sent to the operator by the City Manager. If the noted violation is not corrected within 15 calendar days (as may be extended by the City Manager up to an additional thirty days) to the satisfaction of the City Manager, the City Manager will provide the operator notice of the imposition of administrative fines. The operator shall be required to pay the fines to the City, and any fines which continue to accrue until the violation has been cured. Notwithstanding, if the violation creates an immediate danger to health or safety, the City (including a contractor hired by the City) may immediately abate the dangerous condition, and said costs of abatement shall also be paid by the operator.
 3. The operator has a right of appeal to the City Manager or Planning Commission within 15 days of the written notice or contested determination of compliance. Decisions of the City Manager not appealed within 15 days become final.
- B. Nothing in this Section or ordinance shall limit the City's ability to pursue other enforcement procedures, including CUP revocation proceedings, actions to enforce a DA, or other legal or equitable remedies provided by this Code or available under the law including code enforcement provisions as amended, as long as those provisions are identified. Revocations or suspensions of a permit or CUP may be done pursuant to Title 17-Zoning, as may be amended,

17.46.016 Nuisance Procedures

Any violation of this ordinance is hereby declared to be a public nuisance for the purposes of Section 8.12.020, and may be abated pursuant to the procedures set forth in Section 8.12.030 of this Code. The procedures for abatement shall not be exclusive, and shall not in any manner limit or restrict the City from otherwise enforcing this ordinance or abating public nuisances in any other manner as provided by law, including the institution of legal action by the City Attorney to abate the public nuisance at the request of the City Manager.

17.46.016.1 High-Risk Operations

A. Upon determination that any oil and gas production, processing or storage operation meets the definition of high risk operation from Section 17.46.004, the City Manager shall give the operator written notice of the City Manager's intent to determine the operation a high risk operation under this Section. The intent of this Section shall be to remediate the high-risk operation and bring the oil or gas site and the operator within normal, safe operating standards and protect the public safety, health and environment. The written notice of the intent to determine the operation a high-risk operation shall include:

1. Facts substantiating the determination; and
2. A notice regarding the right to appeal the determination to the Commission within 15 days. During the pendency of any such appeal, the City Manager's determination shall remain in full force and effect until affirmatively set aside by the Planning Commission. The Planning Commission's decision shall be supported by substantial evidence, and refusal by the operator to provide access to the operation to allow inspection or investigation to determine compliance as authorized by this Code or other law shall be deemed evidence the definition of a high risk operation has been met.

B. Along with the determination of the site being a high risk operation, the City Manager may take either or both of the following actions:

1. An investigation of the causes leading up to the high risk determination;
2. Require a mandatory restoration plan to be submitted by the operator. Such plan shall include, but is not limited to:
 - i. A mandatory restoration schedule for bringing the site and operator within normal, safe operating standards. Such schedule does not supersede any timeline for abatement otherwise established for individual outstanding violations.
 - ii. An audit of overall site operation(s):
 - a. The audit shall be conducted by an independent third party approved by the City Manager. Costs associated with the audit shall be borne by the operator;

- b. The audit shall identify and analyze the root causes leading to the high risk designation;
 - c. The audit shall further identify and analyze other potential areas in overall site operation that could impact the site's ability to operate within safe and normal standards (e.g. personnel training, operational policies, internal procedures, etc.);
 - d. Provide a plan for remediating all issues identified in the audit, including a mandatory schedule for remediating those issues. Such restoration plans shall be subject to approval by the City Manager.
 - e. The audit may be ordered in lieu of, or in addition to the investigation undertaken by the City Manager.
- iii. Any other requirements the City Manager deems necessary to bring the site and operation within normal, safe operating standards for the purposes of protecting the public safety, health and environment.
- C. The operator of the high risk operation shall carry out the approved restoration plan and shall be responsible for paying all reasonable costs associated with the implementation of the plan, including:
- 1. City staff time in enforcing these provisions at an hourly rate that provides for full cost recovery of the direct and indirect costs. Staff time shall include, but is not limited to, the ongoing monitoring and verification of compliance with the approved restoration plan;
 - 2. Investigative, research (including legal research) and consulting costs associated with preparation of the restoration plan;
 - 3. Third party costs for investigation, consultation, engineering, clean-up, operator staff training, operations and all other related costs necessary to carry out the restoration plan;
 - 4. Any other costs necessary to remediate the high risk operation as ordered by the City Manager.
- D. At the sole discretion of the City Manager, at any time during which a site or operator is subject to this Section, the City Manager may require a bond be posted to cover the cost of remediating the causative problems of the high risk operation.
- E. The determination of high risk operations shall continue to apply until the goals and guidelines of the restoration plan established hereunder is achieved. The high risk operator shall notify the City Manager when a milestone in the restoration plan has been satisfied. The City Manager may conduct independent verification of the compliance upon such notification. The restoration plan may be amended from time to time as necessary to achieve the purposes of this Section. Upon a determination by the City that the goals and guidelines of the restoration

plan have been achieved, the City shall notify the operator in writing that the site is no longer a high risk operation.

F. Failure of the operator of a high risk operation to post a bond required under this Section, prepare the restoration plan within a reasonable timeframe as ordered by the City Manager, or to reasonably achieve the goals and guidelines of an approved restoration plan under this Section, may be cause for a shutdown of the high risk operation(s) or any other petroleum operations located in the City that are co-owned or co-operated by the high risk operator, at the discretion of the City Manager.

G. The operator of a high risk operation shall compensate the City for any costs associated with the enforcement of this Section within 30 days of written demand by the City Manager. Any City costs associated with enforcement of this Section, which are not promptly paid by the operator shall be subject to enforcement by tax bill lien or other collection methods at the discretion of the City.

H. The City may institute legal proceedings to require compliance provisions with this Section.

17.46.017 Compliance Monitoring

A. Environmental Compliance Coordinator(s). The City may hire Environmental Compliance Coordinators as needed to oversee the monitoring and condition compliance requirements of the City's permitting actions subject to regulation under this ordinance, the costs of which shall be reimbursed by operator. The number of Environmental Compliance Coordinators shall be determined by the City and shall take into account the level of oil and gas operations associated with the project site. The Environmental Compliance Coordinator(s) shall be approved by, and shall report to, the City Manager consistent with the City Manager's authority under Section 2.06.070 of this Code. The responsibilities of the Environmental Compliance Coordinator(s) shall be determined by the City for the project site and shall generally include:

1. Monitoring of oil and gas sites for compliance with this ordinance as it relates to construction, drilling, operational or abandonment and site restoration activities as determined by the City Manager.
2. Taking steps to ensure that the operator, and all employees, contractors and other persons working in the project site, have knowledge of, and are in compliance with all applicable provisions of the conditional use permit or development agreement.
3. Reporting responsibilities to the various City departments with oversight responsibility at the project site, as well as other agencies such as DOGGR, and SCAQMD.

B. Compliance Deposit Account. An applicant must establish a compliance deposit account with the City within 30 days of receiving authorization for a CUP or DA from the City. The

compliance security deposit amounts shall be determined by the City Manager, and shall be based on the nature and extent of the compliance actions required.

17.46.018 Financial Assurances Applicability

- A. Sections 17.46.019 through 17.46.021 shall apply to any person who operates any oil or gas site involved in exploration, production, processing, storage or transportation of oil or gas extracted from reserves in the City of Arvin:
- B. This ordinance shall not apply to the change of operator of the following:
 - 1. Sales gas pipelines operated by a public utility and regulated by the California Public Utilities Commission;
 - 2. A change of ownership consisting solely of a change in percentage ownership of a site and which does not entail addition or removal of an owner or affect any financial guarantee or bonds for a permit, CUP, and/or DA.

17.46.019 Operator's Financial Responsibilities

The applicant shall be fully responsible for all reasonable costs and expenses incurred by the City or any City contractors, consultants, or employees, in reviewing, approving, implementing, inspecting, monitoring, or enforcing this ordinance or any CUP, DA, or permit, including but not limited to, costs for permitting, permit conditions implementation, mitigation monitoring (including well abandonment and re-abandonment), reviewing and verifying information contained in reports, inspections, administrative support, and including the fully burdened cost of time spent by City employees, City Attorney, or third-party consultants and contractors on such matters.

17.46.020 Securities and Bond Requirements

The operator or any contractor of any oil and gas operation subject to this ordinance shall provide, or cause to be provided, the securities and bond requirements described below

- A. The operator shall file a faithful performance bond with the City Manager consistent with the following bonding requirements:
 - 1. The City Manager shall determine the amount of the bond based on the total number of wells, proposed operations, size and nature of the property, appropriate environmental studies on the property, including a Phase I, II or Human Health Risk Assessment Reports and other relevant conditions related to the proposed wells or operations at a specific oil or gas site, and recognized commercial standards.
 - 2. The amount of the bond shall be sufficient to assure the completion of the abandonment, necessary re-abandonment, site restoration, to the extent not fully covered by DOGGR bonds, and remediation of contamination of the oil or gas site if the work had to be performed by the City in the event of forfeiture. The performance

bond shall be inflation indexed to ensure the amount of the bond shall be sufficient to assure completion of the abandonment, restoration and remediation of contamination of the oil or gas site. The bond shall be available within a time frame to allow the City to undertake related activities in a timely manner, including at least half for immediate access and use in the event of an emergency as determined by the City Manager.

3. Prior to expansion of an oil or gas site, the operator shall apply to the City Manager for a determination of the amount of the bond necessary to ensure completion for both the existing and expanded operations. In addition, every bond shall be re-assessed by the City Manager every 5 years to ensure the amount is sufficient to ensure the completion of the abandonment, site restoration, and remediation of contamination of the oil or gas site.
4. Upon application by the operator, the City Manager may reduce bonding amounts based upon change of physical circumstances, completion or partial completion of work, or significant reduction in cost to perform the work. In no event shall the amount of the bond be reduced to an amount insufficient to complete any remaining work, nor shall the bond be reduced due to economic hardship or similar considerations.
5. After completion of all abandonment and site restoration requirements, the bond shall be maintained in a sufficient amount to ensure remediation of contamination at the oil or gas site for a period not less than 15 years. Upon application by the former operator, the City Manager may provide for partial or complete release of the bond at an earlier date if a former site is being developed or redeveloped consistent with Section 17.46.038(G) and construction of said development or redevelopment is completed,
6. In no event shall the bonding amount required by the City be less than \$10,000 per well.
7. The bond may be drawn only from a qualified entity without any economic interests or relationship with the operator and any related economic entities related thereto, and bonds must and must be rated "A" or better by a nationally recognized bond rating organization. The City Manager shall receive all pertinent information related to the bond and bonding entity prior to issuance of a final approved permit, CUP, or DA.

B. In lieu of these bonding requirements, an operator may also submit any type of legally adequate and binding financial mechanism, subject to City Attorney approval, to satisfy the monetary assurance requirements set by the City Manager to assure completion of the abandonment, restoration and remediation of contamination of the oil or gas site to the extent not fully covered by DOGGR bonds.

C. For any evaluation of bonding amounts by the City Manager in this Section, or evaluation of a financial mechanism proposed in lieu of a bond by the City Attorney, the operator shall deposit the estimated costs, or deposit equivalent, with the City Manager with the application,

and shall also make any additional deposit(s) within 30 days of written request by the City Manager. The City Manager may retain consultants or other experts in the industry to assist in deriving a commercially reasonable bond amount.

17.46.021 Operator Liability Insurance

The operator of any oil and gas operation subject to this ordinance shall provide, or cause to be provided, the insurance described below for each oil and gas site during the pendency of oil and gas operations. The operator or contractor must provide to the City sufficient documentation that the insurance complies with the minimum requirements and coverage amounts of this Section before a permit may be issued.

A. General provisions regarding insurance:

1. The operator or any contractor shall pay for and maintain in full force and effect all policies of insurance described in this Section with an insurance company(ies) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide.
2. In the event any policy is due to expire, the operator or any contractor shall provide a new certificate evidencing renewal of such policy not less than 10 calendar days prior to the expiration date of the expiring policy. Upon issuance by the insurer, broker, or agent of a notice of cancellation in coverage, operator or any contractor shall file with the City Manager a new certificate and all applicable endorsements for such policy.
3. Liability policies shall name as "additional insured" the City, including its officers, officials, agents, employees and authorized volunteers.
4. All policies shall be endorsed to provide an unrestricted 30 calendar day written notice in favor of City of policy cancellation of coverage, except for: 1) non-payment, which shall provide a 10-day written notice of such cancellation of coverage, and 2) the Workers' Compensation policy which shall provide a 10 calendar day written notice of such cancellation of coverage.
5. The operator shall present to the City Manager copies of the pertinent portion of the insurance policies evidencing all coverage and endorsements required by this Section before the issuance of any permit subject to this ordinance, and the acceptance by the City of a policy without the required limits or coverage shall not be deemed a waiver of these requirements. The City may, in its sole discretion, accept a certificate of insurance in lieu of a copy of the pertinent portion of the policy pending receipt of such document by the City. After the issuance of the permit, the City may require the operator to provide a copy of the most current insurance coverage and endorsements for review at any time. The operator will be responsible for paying an administration fee to cover the costs of such review as may be established by the City's fee schedule.
6. Claims-made policies shall not be accepted except for excess policies and environmental impairment (or seepage and pollution) policies.

7. Insurance coverage shall be reviewed by the City Manager as required by Section 17.46.010 to ensure adequate insurance is maintained.

B. Required insurance coverage:

1. Commercial or comprehensive general liability insurance:

- i. Bodily injury and property damage coverage shall be a minimum combined single limit of \$2,000,000 per occurrence \$2,500,000 in the aggregate. This coverage must include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, underground reservoir (or resources) damage, broad form property damage, independent contractor's protective liability and personal injury.
- ii. Environmental impairment (or seepage and pollution) coverage shall be either included in the comprehensive general liability coverage or as separate coverage. Such coverage shall not exclude damage to the lease site. If environmental impairment (or seepage and pollution) coverage is written on a "claims made" basis, the policy must provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids, oil and gas, waste material, or other irritants, contaminants or pollutants. Such policy shall provide for minimum combined single limit coverage of \$2,000,000 per occurrence and \$2,500,000 in the aggregate. A discovery period for such peril shall not be less than ten years after the occurrence.

2. Commercial automobile liability insurance: Minimum combined single limit of \$1,000,000 per occurrence for bodily injury and property damage. The policy shall be at least as broad as the most current version of Insurance Services Office (ISO) Business Auto Coverage Form CA 00 01 and shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Section 1, subsection A.1 entitled "Any Auto")

3. Worker's compensation insurance: Maintain the minimum statutory requirements, coverage which shall not be less than \$1,000,000 for each occurrence.

4. Excess (or umbrella) liability insurance: Minimum limit of \$5,000,000 providing excess coverage for each of the perils insured by the preceding liability insurance policies, except for underground reservoir (or resources) damage.

5. Control of well insurance (only during drilling or re-working):

- i. Minimum limit of \$2,000,000 per occurrence, with a maximum deductible of \$100,000 per occurrence.

- ii. Policy shall cover the cost of controlling a well that is out of control, drilling or restoration expenses, and seepage and pollution damage. Damage to property in the operator's care, custody and control with a sub-limit of \$500,000 may be added.
- 6. Self-Insurance: The operator shall have the option to self-insure if insurance is not commercially feasible to obtain and maintain in the commercial insurance market, as certified by a written report prepared by an independent insurance advisor of recognized national standing, for the following types of insurance required by this Subsection: Excess (or umbrella) liability insurance, control of well insurance, and environmental impairment (or seepage and pollution) coverage. The operator shall provide a certificate for self insurance subject to approval by the City Manager and Risk Management, and to the City Attorney for approval as to legal sufficiency. To the extent said insurance is limited to amounts less than that required by this ordinance, the operator must first obtain available insurance coverage to the extent it is commercially feasible, and then shall self insure for the remaining amount.
- 7. Commercially Available: If the City Manager determines that certain types of insurance identified herein are not reasonably commercially available or necessary given specific field conditions, the City Manager has the discretion to authorize substitute or equivalent types of insurance, to the extent there is a reasonable and relevant risk, or modifications to an amount that is commercially available, all subject to approval as to legal form by the City Attorney.
- C. Failure to maintain coverage: Upon failure of the operator, or contractors to provide that proof of insurance as required by this Section when requested, the City Manager may order the suspension of any outstanding permits and petroleum operations of the operator until the operator provides proof of the required insurance coverage.

Part 2. Development Standards for Petroleum Operations

The following Sections of Part 2 apply only to those operations subject to a CUP or DA, except for those existing operations as noted in Section 17.46.02.B.

17.46.022 Setback Requirements

- A. The surface locations of wells and tanks within an oil and gas site shall not be located within:
 - 1. Three hundred feet (300 feet) of the property boundaries of any public school, public park, clinic, hospital, long-term health care facility.
 - 2. Three hundred feet (300 feet) of the property boundaries of any residence or residential zone, as established in this Code, except the residence of the owner of the surface land on which a well might be located and except a residence located on the land which, at the time of the drilling of the well, is under lease to the person drilling the well.

3. Three hundred feet (300 feet) of the property boundaries of the commercially designated zone C-O, N-C, C-1, C-2, MUO, PUD (see Table 1-1), as established by this Code and as may be amended.
4. One hundred feet (100 feet) of any dedicated public street, highway, public walkway, or nearest rail of a railway being used as such, unless otherwise specifically allowed per Public Resources Code section 3600, but in no event less than fifty (50) feet of any dedicated public street, highway, public walkway, or nearest rail of a railway being used as such.

B. For all injection wells, the Applicant shall provide a copy of the area of review (AOR) study, consistent with the requirements of Title 14 California Code of Regulations Section 1724.7, as per DOGGR.

C. Legally existing oil and gas operations that do not meet the setback requirements and were conforming immediately before the effective date of this ordinance are not considered non-conforming uses and are not made subject to Chapter 17.52 (Nonconforming Buildings and Uses) of this Code by this ordinance. Such operations may continue to lawfully operate to the extent the operations can demonstrate to the City vested rights as of the effective date of this ordinance, but are prohibited for expanding operations beyond those demonstrated vested rights. Vested rights for a particular well may be demonstrated by the existence of an installed conductor in a cellar for that well or any other method established by law. The operator can replace structures and equipment required for oil and gas operations that are damaged, have failed, are at risk of failure, or are at the end of their useful life. Said replacements shall be made with like-kind structures and equipment that does not expand capacity or structural footprint. If the operator can demonstrate that such structure or equipment is not reasonably available or appropriate for current operational practices, the City Manager may approve minor expansion of equipment or structure upon findings the proposed changes are minor and do not constitute or tend to produce an expansion or intensification of capacity for the site. For existing oil and gas facilities and operations that do not meet the setback requirements as of the effective date of this ordinance, drilling of new wells is prohibited unless the operator can demonstrate vested rights for each new well.

D. Consolidation and Relocation Incentives.

1. Existing Uses in Setback: For existing wells legally operating within the prohibited setback identified in Section 17.46.022.A or within the prohibited zones included in Table 1-1, an operator can exchange wells, either existing or vested, at a 1:2 ratio to another (existing) receiving site(s) without counting toward new development that would require a CUP or DA. The receiving site must be within a zone that is not prohibited in Table 1-1 and must comply with all setbacks and other requirements of this Ordinance. The contributing well(s) must be completely abandoned, including confirmation of compliance with all state abandonment requirements, before wells can be constructed at any receiving site.

2. Existing Uses Outside Setback: For existing wells legally operating outside the prohibited setback and zones, an operator can exchange only wells actually existing at the time of the ordinance (not vested or hypothetical wells) at a 1:1 ratio to another existing receiving site(s) without counting toward "new development" that would require a CUP or DA. The receiving site must be within a zone that is not prohibited in Table 1-1 and must comply with all setbacks and other requirements of this Ordinance. The contributing site must be completely abandoned before wells can be constructed at any receiving site, including confirmation of compliance with all state abandonment requirements. The operator must completely abandon all surface rights to the contributing site (i.e., no future oil and gas operations to occur at the site) and provide acceptable proof to the City of the same. All receiving sites must exist and have active operations as of the date of approval of this ordinance.
3. For All Consolidation or Relocation: The operator must provide the City with notice of intent to transfer prior to abandonment of any well(s) or contributing site intended to be consolidated or relocated. Transfers may occur at any time after abandonment is complete and the rights may be "banked" and assigned to another operator upon notice to the City. No well can be transferred more than one time. The receiving well location or site must be located outside the boundaries identified in Section 17.46.022.A.1-3, and comply with Section 17.46.022.A.4 outside of the prohibited setback. The receiving site cannot expand by more than 10 wells from any source or exchange, in addition to those existing or vested, without being considered new development. All receiving sites must comply with Section 17.46.02.B for sites not required to obtain a new CUP.

17.46.23 Site Access and Operation

The following measures shall be implemented throughout the operation of any oil and gas site or project subject to this ordinance:

17.46.23.1 Deliveries

For oil and gas sites located in non-industrial areas or for delivery routes, other than designated truck routes, that pass through or adjacent to prohibited zones as listed in Table 1-1, (a) deliveries to the oil or gas sites shall not be permitted after 9:00 p.m. and before 6:00 a.m. (Chapter 9.08 Noise Disturbances), except in cases of emergency and (b) no deliveries shall be permitted on Saturdays, Sundays or legal holidays, except in cases of emergency. The City Manager may authorize a single oil shipping truck used on an occasional basis upon a showing of no reasonably feasible alternative, Said authorization shall take into consideration the location of the site and the types of adjacent uses, and may require compliance with Section 17.46.032.6 (Noise Impacts), light and glare restrictions, etc.

17.46.23.2 Construction Time Limits

Construction of permanent structures, workovers and other maintenance, including replacement in kind, shall not be permitted after 9:00 p.m. and before 6:00 a.m. (Chapter 9.08 Noise

Disturbances), or during Saturdays, Sundays, or legal holidays, except in the event of an emergency as approved by the City Manager. The drilling or re-drilling of wells is not subject to construction time limits.

17.46.23.3 Oil and Gas Site Parking

- A. At all times during the construction and operation of any oil and gas site, parking facilities shall be provided for all vehicles associated with the oil or gas site at a rate of 1 parking space per shift-employee. If approved as part of a CUP or a DA, parking for vehicles of employees or workers engaged in any oil or gas site activities can also be provided by the operator at off-site parking lots or in parking facilities, other than public streets, at locations other than the oil or gas site. The operator shall prohibit personal parking on City streets by operator, permittees, contractors, or consultant staff. If the parking lot or parking facilities are not located within a reasonable walking distance of the controlled drill site, the operator shall provide transportation to and from the parking site for employees and workers.
- B. At all times vehicular access to an oil and gas drill site shall be provided in accordance with the plans for vehicular access reviewed and approved by the City Engineer, except for operations existing prior to the effective date of this ordinance.
- C. All entrances to an oil and gas site shall be equipped with sliding or swinging gates which shall be kept closed at all times except when authorized vehicles are entering or leaving the oil and gas site.
- D. When traffic lanes on any public street are closed or impaired by the operator's operations, flagmen, and safety officers as required by the City Engineer or Police Department shall be provided by the operator at all such times to control traffic and maintain traffic flow.

17.46.024 Lighting

Except for oil and gas sites located within industrial zones, and located farther than 600 feet from any prohibited zone as listed in Table 1-1, all lighting sources that may be introduced on a site in support of nighttime operations, at the onset and throughout all operations at an oil and gas site shall be screened and directed to prevent light or glare from passing beyond site boundaries. Outdoor lighting shall be restricted to only those lights that may otherwise be required by this Code for lighting building exteriors and safety and security needs.

17.46.025 Aesthetics

The following measures shall be implemented for all projects that are subject to this ordinance:

17.46.026 Landscaping/Visual Resources

- A. Prior to any new development, the operator shall implement a landscaping plan that has been approved as part of a CUP or a DA, which provides adequate screening and blending of the facilities so that the site shall not appear unsightly or aesthetically deficient compared with the surrounding character of the area. Except for oil and gas sites located within industrial

zones, all tanks shall not extend more than twenty feet above the surface of any site, unless otherwise approved in a CUP or DA.

- B. Within six months after the completion of activities related to the drilling or re-drilling of a well and the removal of the drilling well mast/rig, any oil and gas site shall be landscaped with suitable shrubbery and trees in accordance with a plan approved by the Planning Commission, unless the site is to be otherwise developed in such a manner that would preempt re-vegetation requirements.
- C. If the site is within 600 feet of any prohibited zoning as listed in Table 1-1, if any drilling masts are in place on an oil and gas site for a time period of more than one year and are visible from public viewing points, then the operator shall wrap all such masts to reduce their visibility prior to the onset of operations at an oil and gas site.

17.46.025.2 Walls

Prior to commencement of operations at an oil or gas site the following development standards shall be satisfied:

- A. All oil and gas sites shall be enclosed with a wall not less than six feet (6 feet) high, which shall be of a material and texture that blends in with the surrounding environment and is not visually obtrusive. There shall be no aperture below the wall larger than one foot (1 foot) in height.
- B. The wall enclosure around the oil and gas site shall have a setback of twenty-five feet from all property lines. The gate or entrance through the wall shall remain locked at all times and constructed in a manner to prevent the public from coming closer than twenty-five feet to the pumping facilities. Pursuant to the approval of the CUP, the location of the wall may be modified subject to compliance with the California Fire Code as approved in a CUP or DA with modifications as applicable.
- C. The entire outside facing length of the wall must be coated with anti-graffiti paint or solutions.

17.46.025.3 Sanitation

The oil and gas site shall be maintained in a clean, sanitary condition, free from accumulations of garbage, refuse, and other wastes.

17.46.025.4 Architecture

The architectural design of any oil or gas site buildings, equipment, or other associated structures shall be consistent with the character of the surrounding community and shall utilize finishing materials and colors which blend in with the surrounding environment and are not visually obtrusive.

17.46.026 Roads

The following policies specific to streets or other roads shall apply to all projects for which this ordinance is applicable:

17.46.026.1 Construction of Site Access Roads

Private roads and other excavations required for the construction of access roads shall be designed, constructed, and maintained to provide stability of fill, minimize disfigurement of the landscape, prevent deterioration of vegetation, maintain natural drainage, and minimize erosion. Prior to construction of any new road, the operator shall prepare and submit to the Department of Public Works for review and approval a private road construction plan. The operator shall thereafter comply with all provisions of the approved private road construction plan. All new private access roads leading off any surfaced public street or highway shall be paved with asphalt or concrete not less than three inches thick for the length of said access road from the public street or highway.

17.46.027 Signage

The following policies apply only to signs visible from the public right of way.

- A. Signage as required by DOGGR or law shall be kept in good legible condition at all times.
- B. No sign other than that described in this ordinance or required by law shall be allowed, other than informational signs, no smoking signs, and other signs as reasonably required for safe operation of the project.
- C. Identification signs shall be posted and maintained in good condition along the outer boundary line and along the walls adjoining the public roads that pass through the oil or gas site. Each identification sign shall prominently display current and reliable emergency contact information that will enable a person to promptly reach, at all times, a representative of the operator who will have the expertise to assess any potential problem and recommend a corrective course of action. Each sign shall also have the telephone number of the City department of planning or zoning enforcement section and the number of SJVAPCD that can be called if odors are detected. For existing oil and gas sites, the signs shall be updated when they are replaced or repaired.

17.46.028 Steaming

The installation of any surface equipment designed to produce steam shall be prohibited without the approval of the City Manager. The operator shall submit a steaming plan addressing equipment sizing and design to the City Manager for review and approval. The operator shall also submit well casing and cementing design specifications as required by DOGGR. Unless a specific health, safety or welfare issue is created, which will include any non-compliance with any DOGGR regulation or other applicable law including this ordinance related to the use of the surface equipment, the City Manager will approve a completed steaming plan, The City

Manager may adopt implementing guidelines for this Section to further the purposes of this Ordinance.

17.46.029 Utilities

- A. Each oil or gas site shall be served by and utilize only reclaimed water, aside from potable water used for human consumption, unless the use of reclaimed water is deemed infeasible (such as regulatory requirements, initial unavailability during operations or technological considerations) or unwarranted (including secondary environmental impacts such as increased use of chemicals, surface activities, and other items that may be adverse to public health, safety or welfare) by the City Manager, in which case the following criteria apply:
1. The operator must prepare and submit a supply assessment study of all water resources available for use and submit the study for review to the City Manager.
 2. If the study indicates that potable water is the only feasible or warranted alternative then the operator may utilize such a water source under appropriate conditions as determined by the City Manager.
- B. New electrical power may be routed underground from the nearest source adequate to meet the needs of the well site if undergrounding is required for other uses in the vicinity as determined by the City Manager.

17.46.030 On-Site Storage and Placement of Equipment

No equipment shall be stored or placed on the site, which is not either essential to the everyday operation of the oil or gas well located thereon or required for emergency purposes.

17.46.031 Safety Assurances and Emergency/Hazard Management

The following measures shall be implemented throughout the operation of any oil or gas site or project subject to this ordinance:

17.46.031.01 Fire Prevention Safeguards

- A. All oil and gas site operations shall conform to all applicable fire and safety regulations, codes, and laws.
- B. The oil and gas site shall be kept free of debris, pools of oil, water or other liquids, weeds, and trash.
- C. Land within twenty-five (25) feet of the facilities shall be kept free of dry weeds, grass, rubbish or other combustible material at all times.
- D. All equipment, facilities, and design shall be approved by the Kern County Fire Department, as applicable and as it may require, prior to approval of a CUP or DA.

17.46.031.02 Blowout Standards and Testing

The operator shall comply with DOGGR regulations for blowout prevention and will provide all equipment as stipulated in the DOGGR regulations during the drilling operations of any well.

17.46.031.03 Earthquake Shutdown

- A. The operator shall immediately inspect all oil and gas-related facilities, equipment, and pipelines following any seismic event with a magnitude of 4.0 or greater with an epicenter within 10 kilometers (km) of the oil and gas site, magnitude 4.5 or greater within 30 km, or magnitude 6.0 within 100 km.
- B. The operator shall either, (1) Operate and maintain an accelerometer at the project site or (2) Obtain real time data from the USGS to determine the earthquake magnitude of any seismic event in the area. The operator shall immediately inspect all project site pipelines, facilities, equipment, storage tanks, and other infrastructure following any seismic event above the thresholds defined in 17.46.31.03.A and promptly notify the City Engineer and the City Manager of the results of the inspection within 24 hours of the seismic event. Shall there be any structural damage or equipment failure as a result of any seismic event, the operator shall isolate and address any damage or equipment failure as appropriate to minimize environmental or safety impacts. The operator shall prepare and submit a written report of all inspections and findings to the City for review with one week of the seismic event.
- C. The operator shall not reinstitute operations at those portions of the project site and associated pipelines damaged by a seismic event until the damage has been repaired and confirmed by the operator to be structurally sound and safe for operation, and has passed any otherwise required inspection. Before returning any damaged structure, fixture or equipment to operation, the operator shall prepare and submit to the City Manager a written report of inspections and repairs of that structure, fixture or equipment, and the results of any required inspection.

17.46.031.04 Storage Tank Monitoring

The operator shall install tank leak detection monitoring system that will indicate the physical presence of a leaked product underneath storage tanks on site that have the potential to result in soil contamination. The results of the monitoring shall be submitted to the City Manager upon request. The monitoring system required by 14 California Code of Regulations Section 1773.2 is sufficient. This section does not apply to existing facilities.

17.46.031.05 Safety Measures and Emergency Response Plan

The operator is responsible for compliance with safety and emergency response requirements.

- A. Copies of all Emergency Response Plans, Emergency Action Plans, Oil Spill Plans, inspections, reports and any emergency response drill training as required by DOGGR, CalEPA, OSHA, Kern County Fire Department, SJVAPCD or any other agency shall be submitted to the City.

- B. Safety Audit. The operator shall cause to be prepared an independent third-party audit, under the direction and supervision of the City, of all facilities, once constructed or within 1 year of the adoption of this ordinance, including the well pads, to ensure compliance with the California Fire Code (as may be adopted by the City with modifications as applicable), applicable API and NFPA codes, EPA RMP, OSHA PSM, DOGGR and SPCC and emergency response plans requirements. All audit items shall be implemented in a timely fashion, and the audit shall be updated annually, as may be directed by the City and the Kern County Fire Department. The operator shall also cause to be prepared a seismic assessment, including walkthroughs, of equipment to withstand earthquakes prepared by a registered structural engineer in compliance with Local Emergency Planning Committee Region 1 CalARP guidance and the seismic assessment shall be updated, with walkthrough inspections, annually to ensure compliance with the codes and standards at the time of installation.
- C. Community Alert System. If the site is within 600 feet of any prohibited zoning as listed in Table 1-1, the operator shall implement a community alert notification system, or utilize an existing system operated by the Police, Sheriff or Fire Department, to automatically notify area residences and businesses in the event of an emergency at an oil or gas site that would require residents to take shelter or take other protective actions.

17.46.031.06 Transportation of Chemicals and Waste On and Off-site

The operator shall implement the following measures throughout the operations of any oil and gas site subject to this ordinance:

- A. Solid Waste Disposal. Solid waste generated on the site shall be transported to a permitted landfill or hazardous waste disposal site as may be appropriate for the life of the operation. The operator shall provide written notice to the City Manager of the landfill or hazardous waste disposal facility being utilized.
- B. Site Waste Removal. The operator shall comply with the following provisions:
1. All drilling and workover waste shall be collected in enclosed bins. Any drilling and workover wastes that are not intended to be injected into a Class II Well, as permitted by DOGGR, shall be removed from the project site no later than thirty days following completion of the drilling and workover.
 2. No site waste shall be discharged into any sewer unless permitted by the Sanitation District, or into any storm drain, irrigation system, stream, or creek, street, highway, or drainage canal. Nor shall any such wastes be discharged on the ground.
- C. Storage of Hazardous Materials. The operator shall submit to the City Manager a copy of the Hazardous Material Business Plan, as reviewed by the Kern County Fire Department, annually. This plan shall include a complete listing and quantities of all chemicals used onsite, and provide the location of where hazardous materials are stored at the site. Hazardous materials shall be stored in an organized and orderly manner, and identified as may be necessary to aid in preventing accidents, and shall be reasonably protected from sources of

external corrosion or damage to the satisfaction of the Fire Chief of the Kern County Fire Department or designee.

17.46.031.06.01 Natural Gas Liquids (NGLs)

Throughout the operation of any oil and gas site subject to this ordinance, NGLs, as defined by this code, shall be blended with crude oil for shipment by pipeline to the maximum extent allowable within the technical specifications of the pipeline. Oil transportation pipelines and gas processing facilities shall be designed to maximize the blending of NGLs into the crude oil stream.

17.46.031.06.02 Transportation Risk Management and Prevention Program (TRMPP)

If the transportation routes of any product from oil and gas development in the City passes through or adjacent to any prohibited zoning as listed in Table 1-1, excluding designated truck routes, the operator shall prepare and maintain a Transportation Risk Management and Prevention Program which shall be provided to the City Manager upon request. The TRMPP may contain the following components including, but not limited to:

- A. Provisions for conducting comprehensive audits of carriers biennially to assure satisfactory safety records, driver hiring practices, driver training programs, programs to control drug and alcohol abuse, safety incentive programs, satisfactory vehicle inspection and maintenance procedures, and emergency notification capabilities. The operator shall submit to the City any audits that were conducted each calendar year.
- B. Provisions for allowing only carriers which receive a satisfactory rating under the above audit process to transport oil and gas.
- C. Truck loading procedures for ensuring that the truck driver conducts and documents in writing a visual inspection of the truck before loading and procedures to specify actions to be taken when problems are found during the visual inspection.

17.46.031.06.03 Pipeline Leak Detection

All new offsite DOT oil pipelines shall use a supervisory control and data acquisition (SCADA-type) monitoring system for leak detection; unless the City Manager determines that there is better available technology that shall be utilized instead. Flow meters used on the SCADA system shall be accurate to within one percent. If a leak is detected the operator shall be responsible for immediately reporting it to the City Manager.

17.46.032 Environmental Resource Management

Throughout operation of an oil and gas site, the operator shall comply with the following environmental resource management policies:

17.46.032.1 General Environmental Program

A. Environmental Quality Assurance Program ("EQAP"). The operator shall comply with all provisions of an environmental quality assurance program that has been accepted by the City Manager and approved as part of a CUP or DA. For oil and gas sites that are existing at the time of the adoption of this ordinance and are not required to have a CUP, completion of the requirements of section 17.46.31.5.B satisfies the requirements of section 17.46.032.1. The following provisions relate to the EQAP:

1. EQAP Requirements. The EQAP shall provide a detailed description of the process, individual steps, and submissions, the operator shall take to assure compliance with all provisions of this Section, including but not limited to, all of the monitoring programs called for by this Section.
2. Annual EQAP Reports. Within sixty days following the end of each calendar year, the operator shall submit to the City Manager an annual EQAP report that reviews the operator's compliance with the provisions of the EQAP over the previous year and addresses such other matters as may be requested by the City Manager. The annual EQAP report shall include the following:
 - i. A complete list and description of any and all instances where the provisions of the EQAP, or any of the monitoring programs referred to therein or in this Section, were not fully and timely complied with, and an analysis how compliance with such provisions shall be improved over the coming year.
 - ii. Results and analyses of all data collection efforts conducted by the operator over the previous year pursuant to the provisions of this Section.
3. EQAP Updates. Proposed updates to the EQAP shall be submitted to the City Manager for approval along with the annual EQAP report. The City Manager shall complete the review of EQAP updates as soon as practicable, and shall either approve the updated EQAP or provide the operator with a list of specific items that must be included in the EQAP prior to approval. The operator shall respond to any request for additional information within thirty days of receiving such request from the City Manager and shall modify the proposed EQAP update consistent with the City Manager's request.

B. Publicly Available Monitoring Data. The operator shall be responsible for making current monitoring results and data available to the public unless otherwise required by law. The up-to-date monitoring data and results shall be maintained by the operator. The monitoring results and data shall include the following information:

1. Air quality data (if required to be collected);
2. Wind direction speed (if required to be collected);
3. Seismic events;

4. Water quality monitoring results for both surface and groundwater monitoring locations at an oil or gas site, or from nearby groundwater monitoring location(s), as authorized by the City Manager;
5. Pipeline testing and monitoring results;
6. Vibration (if required to be collected); and
7. Ambient noise levels (if required to be collected).

17.46.032.2 Air Quality

The operator shall at all times conduct oil or gas site operations to prevent the unauthorized release, escape, or emission of dangerous, hazardous, harmful and/or noxious gases, vapors, odors, or substances, and shall comply with the following provisions:

- A. **Odor Minimization.** If the site is within 1,000 feet of any prohibited zoning as listed in Table 1-1, or if three (3) odor complaints from three (3) different citizens of the City have been confirmed by the SJVAPCD or the City within any 12-month period, at all times the operator shall comply with the provisions of an odor minimization plan that has been approved by the City Manager. The plan shall provide detailed information about the site and shall address all issues relating to odors from oil or gas operations. Matters addressed within the plan shall include setbacks, signs with contact information, logs of odor complaints, method of controlling odors such as flaring and odor suppressants, and the protocol for handling odor complaints. The odor minimization plan shall be reviewed and updated by the operator on an annual basis to determine if modifications to the plan are required. Any modifications to the odor minimization plan shall be submitted to the City Manager for review and approval. Any operator's submissions to the SJVAPCD shall be provided to the City Manager and shall be consistent with Section 17.46.031.2.
- B. **Portable Flare for Drilling.** If the well is within 1,000 feet of any prohibited zoning as listed in Table 1-1, and either the historical operations of the producing zone have exhibited a gas-oil ratio (scf/bbl) of more than 400 or no data is available on the producing zone targeted, the operator shall have a gas buster and a portable flare, approved by the SJVAPCD, at the oil and gas site and available for immediate use to remove any gas encountered during drilling and abandonment operations from well muds prior to the muds being sent to the shaker table, and to direct such gas to the portable flare for combustion. The portable flare shall record the volume of gas that is burned in the flare. The volume of gas burned in the flare shall be documented in the operations logs. The operator shall notify the Fire Chief of the Kern County Fire Department and the SJVAPCD within forty-eight hours in the event a measurable amount of gas is burned by the flare, and shall specify the volume of gas that was burned in the flare. All other drilling and abandonment operations shall be conducted so that any measurable gas that is encountered can, and will, be retained in the wellbore until the gas buster and portable flare are installed on the rig, after which the gas will be run through the system to flare. The operator shall immediately notify the Fire Chief of the Kern County Fire Department and the SJVAPCD in the event any gas from operation is released into the atmosphere without being directed to and burned in the flare.

C. Odor Control for Drilling Operations. If the well is within 1,000 feet of any prohibited zoning as listed in Table 1-1 and either the historical operations of the producing zone have exhibited a gas-oil ratio of more than 400 (scf/bbl) or no data is available on the producing zone targeted, the operator shall use an enclosed mud system that directs all mud vapors through an odor capturing system, such as a carbon bed, to prevent odorous pollutants from passing the site boundaries and impacting the area. An odor suppressant spray system may be used on the mud shaker tables for all drilling operations to ensure that no odors from said operations can be detected at the outer boundary line of the oil and gas site.

D. Closed Systems. The operator shall ensure that all produced water, gas and oil associated with production, processing, and storage, except those used for sampling only, are contained within closed systems at all times and that all pressure relief systems, including tanks, vent to a closed header and flare-type system to prevent emissions of pollutants. This subsection does not apply to existing facilities.

E. No open pits are allowed.

F. Off-Road Diesel Construction Equipment Engines. All off road diesel construction equipment shall comply with the following provisions:

1. Utilize California Air Resources Board ("CARB") EPA Certification Tier III or other methods approved by the CARB as meeting or exceeding the Tier III standard.
2. Utilize a CARB Level 3 diesel catalyst. The catalyst shall be capable of achieving an eighty-five percent reduction for diesel particulate matter. Copies of the CARB verification shall be provided to the City Manager. Said catalysts shall be properly maintained and operational at all times when the off-road diesel construction equipment is in use. Use of an EPA Certification Tier 4i engine will also satisfy this requirement.

G. Drill Rig Engines. All drilling rig diesel engines shall comply with the following provisions:

1. Utilize CARB/EPA Certification Tier III or better certified engines
2. Utilize a CARB Level 3 diesel catalyst. The catalyst shall be capable of achieving an 85 percent reduction for diesel particulate matter. Copies of the CARB verification shall be provided to the City Manager. Said catalysts shall be properly maintained and operational at all times when the off-road diesel construction equipment is in use. Use of an EPA Certification Tier 4i engine will also satisfy this requirement.

17.46.032.3 Greenhouse Gas Emissions and Energy Efficiency Measures

A. The operator of an oil and gas site shall completely offset all emissions from the oil and gas site through participation in the statewide cap and trade program, if applicable, or obtaining credits from another program as approved by the City Manager. On an annual basis, the

operator shall provide the City Manager with documentation of the operator's participation in the program. This section does not apply to existing facilities.

- B. Throughout the oil and gas site life, as equipment is added or replaced, cost-effective energy conservation techniques shall be incorporated into project design.

17.46.032.4 Air Quality Monitoring and Testing Plan

If the site is within 1,000 feet of any prohibited zoning as listed in Table 1-1, at all times the operator shall comply with the provisions of an air monitoring plan that has been approved by the City Manager. During all well operations, including but not limited to drilling, re-drilling and workover operations, the operator shall continuously monitor for hydrogen sulfide, in a manner that allows for detection of pollutants from all wind directions, as approved by the City Manager. Total hydrocarbon vapors shall be monitored at drilling, workover and processing plant areas as specified in the approved plan. Such monitors shall provide automatic alarms that are triggered by the detection of hydrogen sulfide or total hydrocarbon vapors. The alarms shall be audible and/or visible to the person operating the equipment. Actions to be taken shall be as follows when specified alarm levels are reached:

- A. At a hydrogen sulfide concentration of equal to or greater than five parts per million but less than 10 parts per million, the operator shall immediately investigate the source of the hydrogen sulfide emissions and take prompt corrective action to eliminate the source. The corrective action taken shall be documented in the drilling or workover log. If the concentration is not reduced to less than five parts per million within four hours of the first occurrence of such concentration, the operator shall shut down the drilling or workover operations and equipment in a safe and controlled manner, until the source of the hydrogen sulfide emissions has been eliminated, unless shutdown creates a health and safety hazard.
- B. At a hydrogen sulfide concentration equal to or greater than 10 parts per million, the operator shall promptly shut down the drilling or workover operations and equipment in a safe and controlled manner until the source of the hydrogen sulfide emissions has been eliminated, unless shutdown creates a health and safety hazard. The corrective action taken shall be documented in the drilling or workover log. When an alarm is received, the operator shall promptly notify the Kern County Fire Department, the City Manager, and the SJVAPCD.
- C. At a total hydrocarbon concentration equal to or greater than 500 parts per million but less than 1,000 parts per million, the operator shall immediately investigate the source of the hydrocarbon emissions and take prompt corrective action to eliminate the source. The corrective action taken shall be documented in the drilling log for drilling or workover and in the log for the oil and gas site. If the concentration is not reduced to less than 500 parts per million within four hours of the first occurrence of such concentration, the operator shall shut down the drilling or workover, or site operations in a safe and controlled manner, until the source of the hydrocarbon emissions has been eliminated, unless shutdown creates a health and safety hazard.
- D. At a total hydrocarbon concentration equal to or greater than 1,000 parts per million, the operator shall promptly shut down the drilling or workover or operations in a safe and

controlled manner, until the source of the hydrocarbon emissions has been eliminated, unless shutdown creates a health and safety hazard. The corrective action taken shall be documented in the drilling log for drilling or workover and in the log. When an alarm is received, the operator shall promptly notify the Kern County Fire Department - Health Hazardous Materials Division, and the SJVAPCD.

E. The City Manager may also require additional monitoring at the closest residential receptor periodically for hydrogen sulfide, hydrocarbons or Toxic Air Contaminants. All the monitoring equipment shall keep a record of the levels of total hydrocarbons and hydrogen sulfide detected at each of the monitors, which shall be retained for at least five years. The operator shall, on a quarterly basis, provide a summary of all monitoring events where the hydrogen sulfide concentration was at five parts per million or higher and the total hydrocarbon concentration was at 500 parts per million or higher to the Fire Chief of the Kern County Fire Department. At the request of the Fire Chief, the operator shall make available the retained records from the monitoring equipment.

17.46.032.5 Water Quality

The operator shall at all times conduct operations to avoid any adverse impacts to surface and groundwater quality, and shall comply with the following provisions:

17.46.032.5.1 Water Management Plan

The operator shall comply with all provisions of a potable water management plan that has been approved by the City Manager. The plan shall include best management practices, water conservation measures, and the use of a drip irrigation system. The water management plan shall be reviewed by the operator every three years to determine if modifications to the plan are required. Any modifications to the water management plan shall be submitted to the City Manager for review and approval. This Section does not apply to existing facilities.

17.46.032.5.2 Stormwater Runoff

Construction Storm Water Pollution Prevention Plan ("SWPPP"). The operator shall maintain and implement all provisions of a storm water pollution prevention plan ("SWPPP") that has been submitted to the Regional Water Quality Control Board, if required. The operator shall provide the City Manager with a copy of the SWPPP, and any future modifications, revisions, or alterations thereof, or replacements therefore upon written or verbal request of the City Manager. The SWPPP shall be updated prior to new construction activities as required by the Regional Water Quality Control Board.

17.46.032.5.3 Groundwater Quality

A. Prior to any new development, the operator shall prepare and submit a baseline study of all groundwater resources located within and beneath the project site or directly adjacent to the site, to specifically include an analysis of the location and reservoir characteristics of all existing groundwater resources, a chemical analysis of the groundwater, and an overall assessment of the groundwater quality. Nothing in this Section shall authorize the operator to

trespass on private property including private wells; operator shall use reasonable efforts to obtain permission from private wells. Upon determining that the testing data for said well(s) is otherwise not publically available, the operator may make a showing of reasonable efforts to obtain permission to access private wells to the City Manager. Upon such a showing, and a deposit by the operator to cover the costs noticing, the City Manager may send out notices requesting access to the private wells for sampling purposes. If data from nearby private wells is not available, the operator may rely on data from the two closest public wells.

B. The operator shall not inject any water spoils/wastewater derived from the any oil or gas operations into any non-exempt freshwater aquifers.

C. Upon indication that groundwater contamination has occurred and where there is a reasonable probability it could be related to oil and gas activities at the site, within 30 days of request by the City the operator shall deposit funds with the City necessary to retain a third party to prepare a hydrological analysis Groundwater Testing Program, or alternately, provide comparable analyses performed through the Groundwater Ambient Monitoring and Assessment Program or other reliable source as determined by the City Manager. Based on the results of the geo-hydrological analyses, the City Manager has the discretion to require the operator to install one or more groundwater monitoring wells to allow for confirmation that groundwater is not being affected by oil and gas activities. As part of the Groundwater Testing Program the operator is required to provide the City Manager with annual monitoring and testing results.

D. The operator shall be responsible for obtaining a field/site study from DOGGR. If DOGGR does not provide this to the operator then the operator shall submit evidence detailing DOGGR's response to their field/site study request to the City Manager for review.

E. The operator shall provide to the City Manager a copy of the DOGGR Annual Injection Project Review (if the operator is operating a water injection or water disposal well) upon written or verbal request by the City Manager. The operator shall provide to the City Manager the results of any DOGGR required cement casing integrity testing, including radial cement evaluation logs or equivalent upon written or verbal request by the City Manager, before any wells are put into production.

17.46.032.6 Noise Impacts

All facilities at an oil or gas site located within 600 feet of any prohibited zones, as indicated in Table 1-1, or if noise levels exceed City thresholds as confirmed by the City Manager, operations shall comply with the following provisions:

A. All noise produced from the site shall conform to the noise thresholds specified in Table 4 – Noise Standards For Land Use Compatibility

B. Backup alarms on all vehicles operating within 600 feet of the prohibited zone in Table 1-1, shall be disabled between the hours of 6:00 p.m. and 8:00 a.m. During periods when the backup alarms are disabled, the operator shall employ alternative low-noise methods for ensuring worker safety during vehicle backup, such as the use of spotters.

C. Any and all operations, construction, or activities on the site between the hours of 6:00 p.m. and 8:00 a.m. shall be conducted in conformity with a quiet mode operation plan that has been approved by the City Manager. The quiet mode operation plan shall be reviewed by the operator every year to determine if modifications to the plan are required. Any modifications to the quiet mode drilling plan shall be submitted to the City Manager for review and approval. Operations that are existing at the time this ordinance is adopted are exempt from the quiet mode plan submittal requirements but are required to comply with the quiet mode provisions listed in section 17.46.08.1.J.

D. All noise producing oil and gas site equipment shall be regularly serviced and repaired to minimize increases in pure tones and other noise output over time. The operator shall maintain an equipment service log for all noise-producing equipment.

E. All construction equipment shall be selected for low-noise output. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

F. Unnecessary idling of construction equipment internal combustion engines is prohibited.

G. The operator shall instruct employees and subcontractors about the noise provisions of this ordinance. The operator shall prominently post quiet mode policies at every oil and gas site if applicable.

H. All oil operations on the oil and gas site shall be conducted in a manner that minimizes vibration. Additionally, vibration levels from oil or gas operations at the site, as measured from the perimeter of the oil or gas site, shall not exceed a velocity of 0.25 mm/s over the frequency range 1 to 100 Hz.

I. For all oil and gas operations if noise levels exceed the levels prescribed in Table 4 – Noise Standards For Land Use Compatibility or the vibration thresholds specified in Subsection (H) of this Section, including those outside of 600 feet as indicated above, within 30 days of request by the City Manager, the operator shall deposit funds for the City Manager to retain an independent qualified acoustical engineer to monitor (1) ambient noise levels and (2) vibration levels in the areas surrounding the oil or gas site as determined necessary by the City Manager. The monitoring shall be conducted unannounced and within a time frame specified by City Manager. Should noise or vibrations from the oil or gas site exceed the noise thresholds specified in Table 4 – Noise Standards for Land Use Compatibility of the Noise Element of the General Plan or the vibration thresholds specified in Subsection (H) of this Section, operation can also be subject to enforcement under this ordinance including notices of violation per Section 17.46.015. No new drilling permits, CUPs, or DAs shall be issued by the City until the operator in consultation with the City Manager identifies the source of the noise or vibration and the operator takes the steps necessary to assure compliance with thresholds specified in this ordinance. The results of all such monitoring shall be promptly posted on the website for the oil or gas site and provided to the City Manager.

17.46.33 Standards for Wells

The operator shall comply with all of the following provisions:

- A. All DOGGR regulations related to drilling, workovers, operations and abandonment operations.
- B. No more than two rigs shall be present within the oil or gas site at any one time.
- C. All derricks and portable rigs and masts used for drilling and workovers shall meet the standards and specifications of the American Petroleum Institute as they presently exist or as may be amended.
- D. All drilling and workover equipment shall be removed from the site within ninety days following the completion of drilling or workover activities unless the equipment is to be used at the site within thirty days for drilling or workover operations.
- E. All drilling sites shall be maintained in a neat and orderly fashion.
- F. Belt guards shall be required over all drive belts on drilling and workover equipment. Guarding shall be as required by Title 8 of the California Code of Regulations, Section 6622, or as may be subsequently amended.
- G. Aboveground pumpjack assemblies are prohibited for new wells located in non-industrial and non-agricultural areas, and new wells in non-industrial areas sites are restricted to the exclusive use of submersible downhole pumping mechanisms for extraction. However, any well already lawfully existing at the time of implementation of this ordinance using a pumpjack assembly may continue to do so. The requirements of this subsection are applicable to all oil and gas sites in all non-industrial zones and non-agricultural zones except where the City Manager determines that the use of submersible downhole pumping mechanisms is infeasible due to technical reasons or other circumstances which would specifically preclude the use of such technology (including field and well specific flowrates and fluid types) or render its use less desirable (such as increased environmental impacts, surface impacts, or other issues related to public health, welfare or safety).

17.46.034 Standards for Pipelines

The operator shall comply with the following provisions related to pipelines throughout operation of an oil or gas site:

17.46.034.1 Pipeline Installations and Use

- A. Pipelines shall be used to transport oil and gas off-site to promote traffic safety and air quality, unless it can be demonstrated to the satisfaction of the City Manager that a pipeline is not reasonably feasible (which may include proximity of pipelines to prohibited uses, production volumes resulting in less than one truck delivery trip per week, etc.) and that transportation of products do not pass through or adjacent to prohibited areas as defined in Table 1-1, except on designated truck routes. Trucking on a temporary basis is allowed with approval of the City Manager.

- B. The use of a pipeline for transporting crude oil or gas may be a condition of approval for expansion of existing facilities or construction of new facilities unless it can be demonstrated to the satisfaction of the City Manger that a pipeline is infeasible and that transportation of products do not pass through or adjacent to prohibited areas as defined in Table 1-1, except on designated truck routes.
- C. New pipeline corridors shall be consolidated with existing pipeline or electrical transmission corridors where feasible, unless there are overriding technical constraints or significant social, aesthetic, environmental or economic reasons not to do so, as approved by the City Manager.
- D. New pipelines shall be routed to avoid residential, recreational areas, and schools if possible. Pipeline routing through recreational, commercial or special use zones shall be done in a manner that minimizes the impacts of potential spills by considering spill volumes, durations, and projected spill paths. New pipeline segments shall be equipped with automatic shutoff valves, or suitable alternatives approved by the City Manager, so that each segment will be isolated in the event of a break.
- E. Upon completion of any new pipeline construction, the site shall be restored to the approximate previous grade and condition. All sites previously covered with vegetation shall be reseeded with the same or recovered with the previously removed vegetative materials, and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established, and to promote visual and environmental quality, unless there are approved development plans for the site, in which case re-vegetation would not be necessary.
- F. Gas from wells shall be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality, and to reduce fire hazards and light sources, unless the SJVAPCD approves the flaring of gas during the temporary operation of an well. Oil shall also be piped to centralized collection and processing facilities, in order to minimize land use conflicts and environmental degradation, and to promote visual quality.

17.46.034.2 Pipeline Inspection, Monitoring, Testing and Maintenance

- A. Operators shall visually inspect all aboveground pipelines for leaks and corrosion on a monthly basis.
- B. The operator shall install a leak detection system for all offsite DOT regulated oil and gas pipelines. The leak detection system for oil shall include pressure and flow meters, flow balancing, supervisor control and data acquisition system, and a computer alarm and communication system in the event of a suspected leak. The leak detection system for gas pipelines shall include pressure sensors. The accuracy shall be defined once the system is established and tested and approved by the City Manager. The City Manager may deviate from these requirements to address system specific operating requirements.
- C. Pipe clamps, wooden plugs or screw-in plugs shall not be used for any permanent repair approved by the City Manager.

D. Pipeline abandonment procedures shall be submitted to the City Manager for review and approval prior to any pipeline abandonment.

E. Copies of pipeline integrity test results required by any statute or regulation shall be maintained in a local office of the operator and posted online on the same website that provides the monitoring results required in Section 17.46.032.1 for five years and shall also be made available to the City, upon request. The City shall be promptly notified in writing by the operator of any pipeline taken out of service due to a test failure.

17.46.035 Temporary Buildings

During full production of an oil or gas site no temporary buildings are allowed to be constructed or maintained anywhere at the site.

17.46.036 [Reserved]

17.46.037 [Reserved]

Part 3. Development Standards for Site Abandonment and Redevelopment

17.46.038 Development Standards

The following development standards shall be applied to all redevelopment projects within the footprint of an oil or gas site, including any building permit involving a current or former oil or gas site:

- A. Any demolition, abandonment, re-abandonment, or restoration shall be adequately monitored by a qualified individual, funded by the permittee or operator and retained by the City, to ensure compliance with those conditions designed to mitigate anticipated significant adverse effects on the environment and to provide recommendations in instances where effects were not anticipated or mitigated by the conditions imposed on the permit or entitlement. Pre-restoration and post-restoration surveys of sensitive biological resources shall be employed as appropriate to measure compliance.
- B. The site shall be assessed for previously unidentified contamination.
 - 1. The permittee shall ensure that any discovery of contamination shall be reported to the City Manager and the Kern County Fire Department.
- C. The permittee shall diligently seek all necessary permit approvals, including revisions to an entitlement or the demolition. Abandonment, re-abandonment and restoration permit, if any are required, in order to remediate the contamination.
- D. The permittee shall be responsible for any cost to remediate the contamination on the site. This ordinance is not intended to limit the permittee or operator's rights under the law to seek compensation from parties who have contributed to contamination of the site.

E. The permittee shall ensure that appropriate notification has been recorded with the County Recorder to describe the presence and location of any contamination left in place under the authority of the Kern County Fire Department.

F. All abandoned or re-abandoned wells shall be leak tested subject to the following requirements:

1. All abandoned wells located within on the oil and gas site must be tested for gas leakage and visually inspected for oil leakage. The operator shall apply to the City Manager for an inspection permit to witness the well testing. The leak test shall be completed utilizing a gas detection meter approved in advance by the City Manager, and shall be conducted by a state licensed geotechnical or civil engineer or a state registered environmental assessor, Class II, or the City Manager, or a designee, as determined necessary by the City Manager.
2. The permittee shall prepare and submit a methane assessment report for each tested well prepared per the City of LA Department of Building and Safety "Site Testing Standards for Methane" (P/BC 2014-101), as may be amended, or equivalent standards as may be approved by the City Manager. The operator may use the City's consultant to observe the leak test or be responsible for City consultant test fees.
3. The submitted methane assessment report shall be prepared by a state licensed geotechnical or civil engineer. A well shall be considered leaking if the leak test report indicates the meter read is greater than Level II as defined by the City of LA Department of Building and Safety "Site Testing Standards for Methane", which is set at 1,000 parts per million.
4. An approved methane assessment report is valid for 24 months from approval by the City Manager. If an abandonment permit has not been issued by this time, retesting shall be required. Following all testing and inspection, the test area shall be returned to its previous state to the satisfaction of the City building official.
5. If there has not been a change to the well and no indicia of a leak, no leak test is required if a valid methane assessment report, accepted by the City Manager and showing no leaks in excess of the leak limit, has been completed for an abandoned or re-abandoned well.
6. If evidence is provided that a well has been abandoned or re-abandoned per DOGGR standards, and if evidence is provided to the City Manager that the likelihood of methane release is low given local field conditions, etc., the City Manager may waive a methane assessment report if detection at the site is less than 1,000 parts per million,

G. Prior to any development or redevelopment of a current or former oil or gas site, or prior to abandoning or re-abandoning any well, the operator shall:

1. Obtain permit(s) and abandon all idled wells consistent with Section 17.46.011.3 and provide a certificate of compliance to show that the wells and/or sites are abandoned consistent with standards recommended or required by DOGGR to the satisfaction of the City Manager. Permits shall not be required if the idled well is scheduled to produce oil or natural gas, or to be used for injection, as part of the development or redevelopment of a former oil or gas site and if said production or injection occurs within 5 years of issuance of a CUP or DA under this ordinance.
2. Obtain permit(s) consistent with Section 17.46.011.3 to re-abandon all previously abandoned wells that do not meet standards recommended or required by DOGGR for abandonment in effect at the time of re-abandonment, and provide a certificate of compliance that the wells and/or sites are re-abandoned consistent with current conditions and standards recommended or required by DOGGR to the satisfaction of the City Manager. Permits shall not be required if re-entry of an abandoned well is scheduled to occur within 5 years of issuance of a CUP or DA under this ordinance, and if re-entry actually occurs within that period of time.
3. In lieu of Subsections (1) and (2), above, obtain a deferral covenant from the City requiring abandonment or re-abandonment to standards recommended or required by DOGGR, or equivalent standards as determined by the City Manager, at a specific time or upon the occurrence of a future event. The deferral covenant shall be approved as to form by the City Attorney, contain a provision to indemnify and hold harmless the City for damages related to wells not abandoned or re-abandoned consistent with standards recommended or required by DOGGR, and shall be recorded by the operator with the County Clerk prior to approval. In addition to a deferral covenant, the City Manager may require a bond or deposit to cover the estimated cost of future abandonment.

H. Other Development Standards:

1. Permanent structures, or other construction that would be difficult or expensive to demolish, shall not be located on top of any abandoned oil or gas well such that access for a well abandonment rig or other well maintenance equipment is constrained or inhibited from access to the well in the event of a future oil or gas leak, unless it can be demonstrated to the satisfaction of the City Manager that it is not feasible or, within an industrial zone, the developer proposing such construction provides written assurances to the satisfaction of the City Manager, to be included in the recorded declaration of covenant prescribed in Subsection 3, below, that they are aware of and accept the risks associated with such construction. Previous improvements, such as landscaping and porous parking areas with adequate landscape buffers, may be located on top of an abandoned or re-abandoned well which has passed the leak test consistent with this Section.
2. Redevelopment of a Former Oil and Gas Site: If redevelopment of an oil and gas site for use other than an oil and gas operation is proposed at a completely or partially abandoned oil or gas site, the applicant shall submit an application to be processed as a Conditional Use Permit consistent for that use under this Code. Said application

shall include the content required by Section 17.46.11.3.2, and the Conditional Use Permit shall comply with the development standards of Section 17.46.038.

3. Prior to issuance of a permit or entitlement for redevelopment of a former oil and gas site, the owner shall record a declaration of a covenant, in a form subject to the review and approval of the City Attorney, putting future owners and occupants on notice of the following: the existence of abandoned oil wells on the site; that the wells within the site have been leak tested and found not to leak; description of any methane mitigation measures employed; a statement as to whether or not access to these wells has been provided to address the fact that they may leak in the future causing potential harm; acknowledgment that the state may order the re-abandonment of any well should it leak in the future; acknowledgment that the state does not recommend building over wells; and releasing and indemnifying the City for issuing any project permit or entitlement for the project, along with notice of the assurances, if any, required by Subsection 1, above. The covenant shall run with the land, apply to future owners, and may only be released by the City.

DRAFT

NOTICE OF PUBLIC HEARING
Arvin Municipal Code Amendment – Chapter 17.46 Oil and Gas Production
Zoning Ordinance Text Amendment 2017-04

Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time you may be present and be heard to consider the following:

- Recommendation to the City Council regarding Code Text Amendment to Title 17-Zoning, Chapter 17.46 Oil and Gas Production - Repealing existing chapter 17.46 Oil and Gas Production and adoption of a new Chapter 17.46 – Oil and Gas Production (Zoning Ordinance Text Amendment 2017-04); and
- Recommendation of Adoption of Categorical Exemption under CEQA Section 15308 – Actions by regulatory agencies for protection of natural resources, for the proposed text amendments.

Arvin Planning Commission Hearing Information

Date: June 12, 2018

Time: 6:00 PM or as the Agenda permits

Place: City of Arvin Council Chambers

200 Campus Drive, Arvin, CA 93203

The City is proposing a comprehensive update of Title 17.48 Oil and Gas Production due to the age of the existing ordinance, 1965, and at that time the State Division of Oil and Gas was also actively regulating oil production, as well as the site redevelopment process, such that there was no role for a City inspection process. The city's population has grown from 5,000 plus to over 20,000 plus and lands have been developed with residential units and commercial structures where once open fields existed. The proposed oil code amendments deal with not only the changing character of Arvin, but changes in the science and technology of oil production in the last half century. Important regulations have been developed in other jurisdictions to address issues such as decommissioning of oil facilities once they have reached the end of their economic life and appropriate clean up and remediation to allow for appropriate future use of the land. In addition, regulations have evolved to address the potential change of ownership that could occur at oil fields and the importance of addressing such changes to protect the local jurisdictions in matters of financial responsibility and insurance.

Additional information on the proposed project, including a copy of the proposed environmental findings as a hard copy or in electronic format, may be obtained from the City of Arvin, City Hall, 200 Campus Drive, Arvin, California, 93203, or the City's web site at www.arvin.org.

All persons interested in this topic who have questions, would like to provide feedback, or ask questions are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council, at or prior to, the public hearing. Address any communications or comments regarding the project to Jake Raper, Community Development Director, City of Arvin, Community Development Department, 141 Plumtree Drive, Arvin, CA 93203, (661) 854-2822, jraper@arvin.org.

Cecilia Vela, City Clerk

Published: June 01, 2018, Bakersfield Californian



CITY OF ARVIN

OFFICE OF MAYOR JOSE GURROLA

MAYOR

Jose Gurrola

MAYOR PRO TEM

Jazmin Robles

COUNCIL MEMBERS

Erika Madrigal
Gabriela Martinez
Jess Ortiz

CITY MANAGER

Alfonso Noyola, ICMA-CM

FOR IMMEDIATE RELEASE:

June 5, 2018

Contact:

Mayor Jose Gurrola , City of Arvin

jgurrola@arvin.org

(661) 487 - 4010

Arvin Planning Commission to Hear Update of Oil and Gas Code

ARVIN, CALIFORNIA, —At its regularly scheduled June 12, 2018 meeting, the Arvin Planning Commission will hear an ordinance updating the Oil and Gas code.

A copy of the draft ordinance can be found on the City of Arvin website at the following link: <http://www.arvin.org/wp-content/uploads/2018/06/Oil-and-Gas-Code-Ordinance-CC-Update.pdf>

A copy of the agenda can be found on the City of Arvin website at the following link: <https://www.arvin.org/government/clerk/meeting-agendas-minutes/planning-commission/>

If approved by the Arvin Planning Commission, the ordinance, along with the Planning Commission's recommendation, will be heard by the Arvin City Council in July 2018.

The Arvin Planning Commission meets on the second Tuesday of each month. The meetings are held in the Council Chambers at Arvin City Hall, 200 Campus Dr. Arvin, Ca 93203.

###

Phone (661) 854-3134
Fax (661) 854-0817

200 Campus Drive
P.O. Box 548
Arvin, California 93203



RDA Meeting Date: Nov. 21, 2017
Reg. mg.
Council Agenda Item: 4B
Planning Provided By: Kern EDC

November 17, 2017

Arvin City Council
City Hall
200 Campus Drive
Arvin, CA 93203

Re: Consideration of an Oil & Gas Ordinance for Regulation of Petroleum Facilities and Operations

Dear Mayor and Councilmembers:

On behalf of the Kern Economic Development Corporation (Kern EDC), we respectfully request that the Council work collaboratively with industry representatives in advance of the planned adoption of a new Oil & Gas Ordinance for the City of Arvin.

While we understand that decades have passed since the current ordinance was approved, creating a need for an updated policy, we ask that you consider the significant economic impact of the oil and gas industry in Kern County region (please refer to the attached *Economic Impacts of the Kern County Oil & Gas Industry* factsheet). In 2015, the oil and gas sector accounted for almost 22 percent of our county's GDP (approximately \$14 billion in value), and the industry was responsible for over 40,000 jobs (representing \$3.8 billion per year in wage income). In addition, over \$940 million in state and local tax revenues were generated by O&G operations that helped pay for our roads, health care, public safety and schools (representing one-third of all the public services in Kern County).

Currently, California operators must adhere to the most stringent regulations and oversight in the country. The recently-approved Kern County Zoning Ordinance, which was the result of a two-year concerted process between County planning staff, consultants and oil and gas companies, contains "best practice" provisions for local permitting of oil and gas activities that has created a positive and lasting impact on our economy while continuing to protect our environment.

Thank you for your time and consideration.

Sincerely,

Richard D. Chapman
President & CEO



ECONOMIC IMPACTS

Kern County Oil & Gas Industry



\$79,655
Average Annual Wage in O&G
vs.
\$45,508
Kern County Annual Average

O&G Jobs Contribute:
\$14 billion to Kern's economy
21.6% of Kern's total GDP



7 of the Top 10
Kern taxpayers are
energy companies

OIL
Kern County **No. 2**
oil-producing county in
the nation

21,000
of Kern residents directly
employed by O&G industry
40,000
of Kern residents employed
thanks to indirect & induced
impacts of O&G industry

78%
of California's active wells
are located in Kern County

Kern County produces over
367,000 barrels of oil per day,
and over 134 million barrels
of oil annually

\$1 million
Oil & Gas
output creates:
+1.80 Direct Jobs
+2.18 Indirect Jobs
+1.83 Induced Jobs
Total 5.8 Jobs

Kern County produces:



Petroleum in Everyday Life!



Crayons



Food Coloring



Photographic Film



Synthetic Rubbers



Synthetic Fabrics



Pesticides



Plastic



Laundry Detergent,
Dishwashing Soap & Glass
Cleaners



Capsules & Aspirin



Cosmetics



Fertilizers



Paint



Gas Stove, Heating
& Heated Water



Fruit Wax Coating

Cecilia Vela

From: Cheryl Scott <cheryl@kedc.com>
Sent: Monday, November 20, 2017 11:23 AM
To: Cecilia Vela
Cc: Richard Chapman
Subject: Official KEDC Letter RE: Oil & Gas Ordinance
Attachments: KEDC_Oil and Gas Ordinance Hearing_Nov 21 2017-2.docx; O&G Flyer Updated 8-28.jpg

Good morning, Cecilia,

In advance of the Arvin City Council's consideration of the proposed Oil & Gas Ordinance, I am attaching a letter plus a one-page Oil & Gas Economic Impact Fact Sheet on behalf of Kern Economic Development Corporation.

We would appreciate it if you would make these attachments available to the Mayor and the City Council Members, as well as entering them into the formal record for meeting comments since we will be unable to attend tomorrow evening's meeting.

Thank you so much!

Cheryl

Cheryl M. Scott

Executive Director, Kern Economic Development Foundation
VP, Kern Economic Development Corporation
2700 "M" Street, Suite 200
Bakersfield, CA 93301
(661) 862-5162



RDA Meeting Date: Nov. 21, 2017
Reg. mtg. Council Agenda Item: 4B (3pgs)
Planning Provided By: Kern Citizens for Energy and Various other Agencies.



Central California Chapter



November 21, 2017

To: City of Arvin
ATTN: Honorable Mayor Jose Gurrola
200 Campus Drive
Arvin, CA 93203

Re: Proposed Arvin Municipal Code Amendment 2017-04, Oil & Gas Production Regulation of Petroleum Facilities

Mayor Gurrola,

The undersigned persons and organizations, representing thousands of employees, taxpayers and voters across Kern County, appreciate the opportunity to comment on the issue of a proposed oil & gas ordinance in Arvin, CA.

Arvin and its citizens have a long and proud historical connection to the oil and gas industry and these ties mean billions of dollars in tax revenues for Kern County communities and tens of thousands of local jobs. These jobs ensure the livelihoods of many families in our community, and the impacts of unneeded regulations and virtual bans will affect these families first.

Dozens of regulatory agencies at the local, state and federal level already ensure the health & safety of this industry and local companies spend millions of dollars annually to comply and make certain that their employees, the public and the environment are properly protected. In fact, the petroleum industry sets the standard for best practices in environmental health and safety.

The economic challenges that Arvin currently faces make it more important than ever to encourage business and industry in the city, so that many more people might have jobs and future opportunities. We strongly urge the City of Arvin to develop a sustainable economic plan, one that does not involve banning an industry that is so vital to not only Arvin, but the entire county of Kern. It is unsettling to see any industry have such tight and onerous restrictions without sufficient evidence as to the environmental benefits that would result due to those restrictions. It is also very discouraging for any industry to want to do business in a community that would put a virtual ban on any sort of economic development. Especially without notifying the very industry it is impacting.

For these reasons, we urge you and your fellow councilmembers to reject this ordinance and work collaboratively to encourage more business and job creation in the city of Arvin.

Sincerely,

Kern Citizens for Energy
Associated Builders and Contractors
Kern County Hispanic Chamber of Commerce
Greater Bakersfield Chamber of Commerce
Kern Economic Development Corporation
Kern Taxpayers Association
Kern Law Enforcement Association
Kern County Farm Bureau

Kern Citizens for Sustainable Government
Bakersfield Association of Realtors
Homebuilders Association of Kern County
League of United Latin American Citizens Council 3272
Western States Petroleum Association
Kern Energy Foundation
California Independent Petroleum Association
Independent Oil Producers Agency
National Association of Royalty Owners

CC: Councilmember Erika Madrigal
Councilmember Gabriela Martinez
Councilmember Jess Ortiz
Councilmember Jazmin Robles
City Manager Alfonso Noyola
KGET TV 17
KBAK/KBFX
KERO - TV
KUZZ AM/FM
Bakersfield Californian
KNZR 1560 AM 97.7 FM
KERN Radio



RDA
Res. Mtg.
Council
Planning

Meeting Date: Nov. 21, 2017
Agenda Item: 4B
Provided By: CIPA

California Independent Petroleum Association
1001 K Street, 6th Floor
Sacramento, CA 95814
Phone: (916) 447-1177
Fax: (916) 447-1144

November 20, 2017

The Honorable Jose Gurrola Jr.
Mayor, City of Arvin
200 Campus Drive
Arvin, CA 93203

RE: Proposed Arvin Municipal Code Amendment 2017-04, Oil and Gas Production Regulation of Petroleum Facilities

Dear Mayor Gurrola:

The California Independent Petroleum Association (CIPA) wishes to express serious policy and legal concerns regarding the City of Arvin's proposed Municipal Code Amendment 2017-04, Oil and Gas Production Regulation of Petroleum Facilities. CIPA is a non-profit, non-partisan trade association representing approximately 500 independent oil and natural gas producers, royalty owners, and service and supply companies throughout the state of California, including the City of Arvin.

The proposed amendment under consideration by the City is flawed and stands to negatively impact oil and gas operators that have existed in the City of Arvin for many years. The proposed amendment effectively bans future oil and gas production in the City of Arvin, duplicates oversight already provided by local, regional and state agencies and does absolutely nothing to assist the City in addressing budget shortfalls. Absent provable benefits, there is no reason to advance the poorly crafted municipal code amendment before the City Council.

Unfortunately, it is also our understanding the City of Arvin never contacted oil and gas operators within the City and never contacted industry representatives in preparing the proposed amendment now under consideration by the City Council. This is extremely problematic and, in the opinion of CIPA, an abuse of the public process as the industry should have been included in its development from the beginning in an open and fair manner. As drafted, the proposed amendment includes significant provisions and requirements that would create unnecessary, duplicative and expensive burdens on oil and gas operators, while resulting in no real benefits to the residents of Arvin. These changes and the impacts on operators should have been addressed

during a development process that included industry stakeholders, thorough environmental review and an analysis of the economic impacts.

CIPA strongly urges there be no action taken on this item and looks forward to continuing a dialogue on how to best support our local oil and gas industry and the prosperity of the City of Arvin. Should you have any questions or wish to discuss this letter further, please do not hesitate to contact me.

Sincerely,



Rock Zierman
Chief Executive Officer
California Independent Petroleum Association

CC: Councilmember Erika Madrigal
Councilmember Gabriela Martinez
Councilmember Jess Ortiz
Councilmember Jazmin Robles
City Manager Alfonso Noyola

Cecilia Vela

From: Willie Rivera <willie@cipa.org>
Sent: Tuesday, November 21, 2017 3:49 PM
To: Cecilia Vela
Subject: Comment Letter re: Proposed Arvin Municipal Code Amendment 2017-04
Attachments: City of Arvin Ordinance Letter.pdf

Attached please find a comment letter on behalf of the California Independent Petroleum Association (CIPA).

Thanks,
Willie

Willie Rivera
Director of Regulatory Affairs
California Independent Petroleum Association
(661) 477-0401

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0032
(916) 319-2032
FAX (916) 319-2132

Assembly California Legislature



RUDY SALAS, JR.
ASSEMBLYMEMBER, THIRTY-SECOND DISTRICT

COMMITTEES
AGRICULTURE
GOVERNMENTAL ORGANIZATION
RULES
VETERANS AFFAIRS
WATER, PARKS AND WILDLIFE
SELECT COMMITTEES
CALIFORNIA-MEXICO BI-NATIONAL
AFFAIRS
LOCAL PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS
PORTS AND GOODS MOVEMENT
JOINT COMMITTEE ON RULES

November 21, 2017

The Honorable Jose Gurrola
Mayor, City of Arvin
200 Campus Drive
Arvin, CA 93203

RDA Meeting Date: Nov. 21, 2017
Reg. Mtg.
Council Agenda Item: 4B
Planning Provided By: Assemblymember Rudy Salas
office

RE: Proposed Arvin Municipal Code Amendment 2017-04, Oil and Gas Production Regulation of Petroleum Facilities

Dear Mayor Gurrola:

I respectfully request that the Arvin City Council consider deferring action on the proposed ordinance included in the City Council Meeting Agenda for Tuesday, November 21, 2017 to impose new regulations and restrictions on oil and gas operators until a time in which the impacts can be fully evaluated and the financial impacts to the city and county can be determined from the adoption of the proposed ordinance.

Deferring action on the proposed ordinance would allow for a more robust stakeholder process, specifically input from oil and gas operators that were not included during the process for the drafting of this ordinance nor were they made aware of this draft ordinance until recently. The thousands of jobs created by the oil and gas industry ensure the livelihoods of many families in our community. I believe a compromise can be reached that protects these jobs and ensures the continued safety of all residents.

The economic challenges that Arvin currently faces make it critical more than ever to encourage economic growth within the city that provides for job opportunities and an increased tax base that will allow the city to continue serving the residents of Arvin.

I urge you to defer action on the proposed oil and gas ordinance to allow for additional review and evaluation of the new regulations and their impact it will have on our community.

Sincerely,

RUDY SALAS
Member of the Assembly
32nd District

CC: Councilmember Jazmin Robles
Councilmember Erika Madrigal
Councilmember Gabriela Martinez
Councilmember Jess Ortiz
City Manager Alfonso Noyol

DISTRICT OFFICE: KERN COUNTY DISTRICT 1430 TRUXTON AVENUE, SUITE 803 • BAKERSFIELD, CA 93301 • (661) 335-0302 • FAX (661) 335-0361
KINGS COUNTY DISTRICT 113 COURT STREET, SUITE 201 • HANFORD, CA 93230 • (559) 585-7170 • FAX (559) 585-7175



Printed on Recycled Paper

Cecilia Vela

From: Mata, Celia <Celia.Mata@asm.ca.gov>
Sent: Tuesday, November 21, 2017 10:47 AM
To: Cecilia Vela
Cc: Lopez, Joseph (AD32)
Subject: Arvin Oil & Gas Regs ltr
Attachments: Arvin Oil and Gas Regs 11.21.17b.pdf

Hi Cecilia-

Please find the attached letter for today's council meeting regarding the proposed ordinance on oil and gas regulations.

Joseph Lopez from the Assemblymember's district office will be attending the meeting.

Let me know if you have any questions.

Thank you,

Celia Mata
Legislative Director
Assemblymember Rudy Salas
State Capitol, Room 4016
Phone: 916-319-2032
Direct: 916-319-2585
Fax: 916-319-2132
Celia.mata@asm.ca.gov

**DROVE HER
CAR 400 MILES**

- Nov. 21, 2017
- Regular Thursday
Council meetings
- Provided By:
Cesar Aguirre -
Central California
Environmental
Justice Network
- Agenda Item: 4B
- 13 pages

**TO JOIN A PROTEST AGAINST
THE OIL INDUSTRY.**

imgflip.com



Kern Energy @KernEnergy

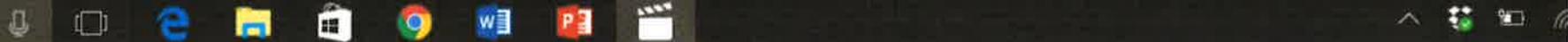
5d

Here's an #OldiebutGoodie...don't be a
HIPPIECRITE. Get the facts. #KernEnergy
#IAmtheOilIndustry #FactsnotFiction #TBT





 FLIR



PCR

on Lease, Kern County, CA (May 2017)

FLIR

N 35°12.497' W 118°50.415'

Dist = 3.3 Trefl = 68.0 z = 0.95 17-05-10 2:34 PM

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AC

Health

Pollution linked to one in six deaths

By Katie Silver

Health reporter, BBC News

20 October 2017 Health



Pollution has been linked to nine million deaths worldwide in 2015, a report in The Lancet has found.

Almost all of these deaths occurred in low- and middle-income countries, where pollution could account for up to a quarter of deaths. Bangladesh and Somalia were the worst affected.

Air pollution had the biggest impact, accounting for two-thirds of deaths from pollution.

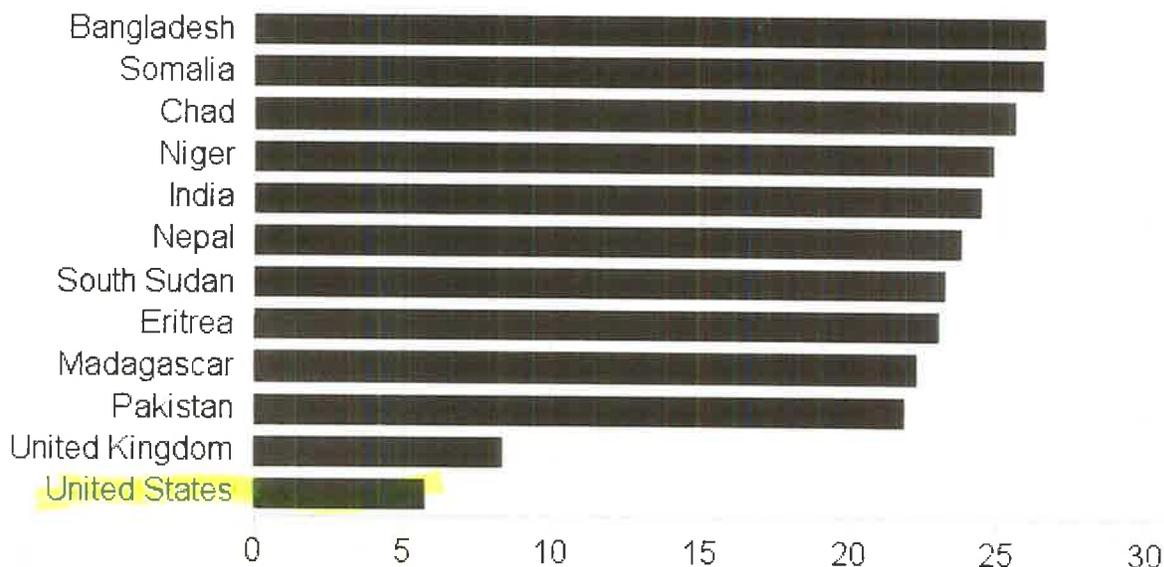
Brunei and Sweden had the lowest numbers of pollution-related deaths.

Most of these deaths were caused by non-infectious diseases linked to pollution, such as heart disease, stroke and lung cancer.

Where has the highest level of pollution deaths?

Top 10 countries plus UK & USA for reference, 2015

■ Proportion of deaths (%)



Source: The Lancet Commission on Pollution and Health



"Pollution is much more than an environmental challenge - it is a profound and pervasive threat that affects many aspects of human health and wellbeing," said the study's author, Prof Philip Landrigan, of the Icahn School of Medicine, at Mount Sinai in New York.

The biggest risk factor, air pollution, contributed to 6.5 million premature deaths. This included pollution from outdoor sources, such as gases and particulate matter in the air, and in households, from burning wood or charcoal indoors.

The next largest risk factor, water pollution, accounted for 1.8 million deaths, while pollution in the workplace was linked to 800,000 deaths globally.

About 92% of these deaths occurred in poorer countries, with the greatest impact felt in places undergoing rapid economic development such as India, which had the fifth highest level of pollution deaths, and China, which had the 16th.

UK faring worse

In the UK, about 8% or 50,000 deaths are estimated to be linked to pollution. This puts the UK in 55th place out of the 188 countries measured, placing them behind the US and many European countries, including Germany, France, Spain, Italy, Denmark.

Dr Penny Woods, of the British Lung Foundation, said: "Air pollution is reaching crisis point worldwide, and the UK is faring worse than many countries in Western Europe and the US.

"A contributing factor could be our dependence on diesel vehicles, notorious for pumping out a higher amount of poisonous particles and gases.

"These hit people with a lung condition, children and the elderly hardest."

- **How bad is air pollution in the UK?**

The Department for Environment, Food and Rural Affairs (Defra) said a £3 billion plan had been put in place to improve air quality and reduce harmful emissions.

A spokesman said: "We will also end the sale of new diesel and petrol cars by 2040, and next year we will publish a comprehensive Clean Air Strategy which will set out further steps to tackle air pollution."

Mike Hawes from the Society of Motor Manufacturers and Traders said the latest diesel cars were the cleanest in history. He said the biggest change to air quality would be achieved "by encouraging the uptake of the latest, lowest emission technologies and ensuring road transport can move smoothly".

In the United States, more than 5.8% - or 155,000 - deaths could be linked to pollution.

The authors said air pollution affected the poor disproportionately, including those in poor countries as well as poor people in wealthy countries.

Study author Karti Sandilya, from Pure Earth, a non-governmental organisation, said: "Pollution, poverty, poor health, and social injustice are deeply intertwined.

"Pollution threatens fundamental human rights, such as the right to life, health, wellbeing, safe work, as well as protections of children and the most vulnerable."

The results were the product of a two-year project. The authors have published an **interactive map** illustrating their data.

20 November 2017

Gustavo Aguirre Jr, Project Coordinator
Central California Environmental Justice Network (CCEJN)
930 Truxtun Ave Ste. #113
Bakersfield, CA 93301

RE: Public Health and Environmental Significance of VOC levels in Ambient Air at the Intersection of Towner Drive & Nelson Court in Arvin, California

Dear Mr. Aguirre,

The Central California Environmental Justice Network (CCEJN) asked that I provide an expert opinion about the public health and environmental significance of levels of volatile organic compounds (VOCs) in a sample of ambient air that was collected at the intersection of Towner Drive & Nelson Court in Arvin, California, at around 7:00 p.m. of October 30th, 2017. In my opinion, if the levels of VOCs in the sample reflect generally prevailing conditions, then they represent exposure of residents to levels of benzene that pose an unacceptable risk of cancer and decreased peripheral blood cell counts. The source of such unsafe levels of benzene is most likely a leakage of methane and natural gas liquids from an oil & gas storage facility approximately 150 feet southeast of the residential area.

Methane and natural gas liquids (ethane, propane, butane, isobutane and pentane) are a family of small-chain volatile hydrocarbons found in prevalent commercial fuels. The sample of ambient air that was collected at the intersection of Towner Drive & Nelson Court in Arvin, California, at around 7:00 p.m. of October 30th, 2017, contained the following levels of methane and natural gas liquids:¹

<u>Compound</u>	<u>Concentration $\mu\text{g}/\text{m}^3$</u>
Methane	21900
Propane	1,500
Isobutane	1100
n-Butane	1400
2-Methylbutane	750
n-Pentane	480

These levels of methane and natural gas liquids vastly exceed naturally-occurring levels. For example, present-day levels of methane, a well-studied greenhouse gas, are only 1270 $\mu\text{g}/\text{m}^3$ (1.8 parts per million) in ambient air unaffected by a source of VOC pollution.

¹ Ethane levels were not quantified but are assumed to be present at a concentration intermediate that of methane and propane.

Benzene is a volatile aromatic hydrocarbon associated with methane and natural gas liquids that are commercial fuels. Benzene is a known human carcinogen. Exposure to benzene is also known to cause non-cancer health effects, including adverse impacts to the human immune systems and the formation of blood cells. The California Office of Environmental Health Hazard Assessment (OEHHA) has determined that the lifetime tumor risk associated with continuous inhalation of benzene is 29 per one million for each incremental increase of $1 \mu\text{g}/\text{m}^3$.² The California Office of Environmental Health Hazard Assessment has also established a safe annual average concentration of benzene in ambient air of $3 \mu\text{g}/\text{m}^3$ to prevent decreased peripheral blood counts in exposed individuals.³

The level of benzene collected at the intersection of Towner Drive & Nelson Court in Arvin, California, at around 7:00 p.m. of October 30th, 2017, was $15 \mu\text{g}/\text{m}^3$. If this is the generally prevailing level of benzene at this location, then it represents an unacceptable lifetime cancer risk of 435 per million exposed individuals. It also represents a level that is 5 times the level established by OEHHA to prevent decreased peripheral blood counts in chronically exposed individuals.

The comments on the Chain of Custody Record state "Visible Pipeline Leakage (Photo Avail)." It is my understanding that the photo below is of the pipeline leakage that was observed at the oil & gas storage facility approximately 150 feet southeast of the residential intersection.



The contemporaneous observation of pipeline leakage from the oil & gas storage facility is substantial evidence that it is the source of methane, natural gas liquids and benzene that was found in the sample of ambient air that was collected at the

² California Office of Environmental Health Hazard Assessment "Hot Spots Unit Risk and Cancer Potency Values." <https://oehha.ca.gov/media/CPFs042909.pdf>

³ California Office of Environmental Health Hazard Assessment (July 2014) "Technical Support Document for Noncancer RELs " <https://oehha.ca.gov/media/downloads/crn/appendixd1final.pdf>

intersection of Towner Drive & Nelson Court in Arvin, California, at around 7:00 p.m. of October 30th, 2017.

The high levels of methane and natural gas liquids in the sample of ambient air collected at the intersection of Towner Drive & Nelson Court also represents a possible risk to public safety. The lower explosive limit (flammability point) of methane and natural gas liquids is between 2-5% by volume of air. Combined levels of methane and natural gas liquids in the sample of air at the intersection of Towner Drive & Nelson Court were approximately 30,000 $\mu\text{g}/\text{m}^3$, equivalent to a concentration by volume of air of approximately 0.005%. If the oil & gas storage facility is indeed the source of these VOCs, then levels of methane and natural gas liquids would be exponentially higher in air that is nearer to the leakage, raising the concern of whether VOCs exist at levels at which a source of ignition (e.g. a spark) could cause a damaging explosion.

Please let me know if you have any comments or questions.

Sincerely,

A handwritten signature in black ink that reads "Mark Chernaik". The signature is written in a cursive, slightly slanted style.

Mark Chernaik

Complaint Investigation

Complaint Number: S-1705-022 **Assigned To:** Stephanie Aranda

Received By: Andrea Vazquez **Date:** May 10, 2017 **Time:** 12:27 PM

Complainant's Name: *****

Address: ***** **City:** *****

Complainant's Primary Phone: ***** **Secondary Phone:** *****

Complaint Location: North of Shane Court **Permit:**

City: Arvin **County:** Kern **Zip:**

Property Owner: **Telephone:**

Address: **City:** **Zip:**

Nature of Complaint:

Site is emitting VOC's. There are emissions coming from a storage tank.

Conclusions:

May 10, 2017; 2:15 PM: Conclusion by Stephanie Aranda: The RP was informed that there is no violation because the tank in question is not subject to leak requirements or on vapor recovery. The RI explained that the annual inspection was performed the day prior to the complaint. The site was not re-visited, and the complaint was not confirmed.

Findings:

May 10, 2017; 1:55 PM Contact by Telephone: Finding by Stephanie Aranda: The RI contacted the RP by telephone. The RP stated a FLIR camera was used to observe emissions from a tank permitted under facility ID S-3036. Emissions appeared to be emanating from the top of the tank at 12:30pm.

The RI explained that the tank was visited on 05/09/17 during the facility's annual inspection. The RI explained that the tank is exempt from leak requirements and has a PV vent valve but is not on vapor recovery.

The RP inquired about the type of inspection that was performed (RI stated an annual/ routine compliance inspection), operations of the company, throughput of the company, and violations/ concerns noted. The RI explained that certain information about the company, inspections, and violations could not be given; however, the RI suggested doing a public records request to obtain some of the information. The RP asked what authority the District has over the tank, specifically, in regards to nuisance. The RI stated that if complaints were received regarding nuisance, the District would have to confirm the complaints to consider issuing a nuisance violation, but it would not necessarily force the producer to cease operations.

Senior Air Quality Inspector, Steve Miller, called the RP to further explain the requirements of R4623 and explain the public records request process. He also suggested using the Division of Oil, Gas, & Geothermal Resources' website to check throughput and production information.

Resolution: No Violation

Date Reporting Person Notified: May 10, 2017 **Time:** 1:55 PM **Method:** Telephone

Date Investigation Completed: 05/10/2017

Inspector: Stephanie Aranda **Supervisor:** OLDERSHM **Date:** 05/16/2017

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT COMPLIANCE INSPECTION SUMMARY

INSPECTION TYPE: COMPLIANCE START-UP VARIANCE BREAKDOWN OTHER: _____

SOURCE NAME: SUN MOUNTAIN OIL & GAS FID#: S-2742

LOCATION: LIGHT OIL CENTRAL CITY: ARVIN

CONTACT & TITLE: Dennis Haralson PHONE: (61) 444-8843 EMAIL: _____

INSPECTION DATE: 05/09/17 INSPECTOR(s): STEPHANIE ARANDA

ACCOMPANIED BY: _____ JOINT INSPECTION REQUIRED WITH: _____

HEALTHY AIR LIVING CONTACT: _____ TITLE: _____ PHONE: _____

INSPECTED EQUIPMENT				OPERATING		COMPLIANCE		
PERMIT UNIT	ATC	C/O	EQUIPMENT DESCRIPTION	YES	NO	YES	NO	ALT. FREQ.
S-2742-0-0	<input type="checkbox"/>	<input type="checkbox"/>	Facility-Wide Requirements			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-6-1	<input type="checkbox"/>	<input type="checkbox"/>	ONE 500 BBL FIXED ROOF PETROLEUM STORAGE TANK, ALEXIS LEASE		OOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-7-1	<input type="checkbox"/>	<input type="checkbox"/>	ONE 500 BBL FIXED ROOF PETROLEUM STORAGE TANK, ALEXIS LEASE	OP		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-8-2	<input type="checkbox"/>	<input type="checkbox"/>	500 BBL FIXED ROOF PETROLEUM STORAGE TANK (ALEXIS/DAY LEASE)		OOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-9-2	<input type="checkbox"/>	<input type="checkbox"/>	500 BBL FIXED ROOF PETROLEUM STORAGE TANK (ALEXIS/DAY LEASE)		OOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-12-0	<input type="checkbox"/>	<input type="checkbox"/>	1,000 BBL FIXED ROOF CRUDE OIL WASH TANK #5012931 (ALEXIS-DAY LEASE)	OP		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-13-0	<input type="checkbox"/>	<input type="checkbox"/>	1,000 BBL FIXED ROOF CRUDE OIL STORAGE TANK #5012932 (ALEXIS-DAY LEASE)	OP		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-14-0	<input type="checkbox"/>	<input type="checkbox"/>	1,000 BBL FIXED ROOF CRUDE OIL STORAGE TANK (BIGGAR LEASE)		OOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S-2742-15-0	<input type="checkbox"/>	<input type="checkbox"/>	1,000 BBL FIXED ROOF CRUDE OIL WASH TANK #3 (BIGGAR LEASE)		OOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(COMPLETE THE FOLLOWING AS IT APPLIES TO THIS SOURCE)		COMPLIANCE		
		YES	NO	N/A
VARIANCE STATUS	On schedule: <input type="checkbox"/> In compliance with all conditions: <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SOURCE TEST STATUS	Required: <input type="checkbox"/> Performed: <input type="checkbox"/> Excess Emissions: <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ATC(s) / PTO(s)	Accurate/Current: YES On site: YES Unpermitted Equip: NO Unimplemented: NO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OPERATING SCHEDULE	Equipment hours comply with ATC/PTO? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMPLAINTS	Are there outstanding complaints against facility? No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V.E. EVALUATION(s)	Conducted: NO In compliance with visible emission standard: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECORDS	Maintained: YES Records show compliance: YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Meets permit limit for process rates: YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PORTABLE ANALYZER	Analyzer check shows emissions in compliance with limits: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Analyzer demonstrated to be in compliance with leak requirements: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CEMS/ OTHER	Proper Maintenance / Calibration Procedures: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MONITORING EQUIP	Have all reports been submitted on time and as required: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BREAKDOWNS	Are there outstanding breakdowns: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HEALTHY AIR LIVING	HAL information discussed with appropriate representative: <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENFORCEMENT ACTION TAKEN: <input type="checkbox"/> NTC(s) <input type="checkbox"/> NOV(s) <input type="checkbox"/> RCAT(s) Number(s)				
INSPECTION FREQUENCY	Modified as result of emission violation or nuisance: NO Frequency changed to: _____			Months.
COMMENTS:				

INSPECTOR SIGNATURE: Stephanie Arvola DATE: 05/16/17 REVIEWER: [Signature] DATE: 5/19/17

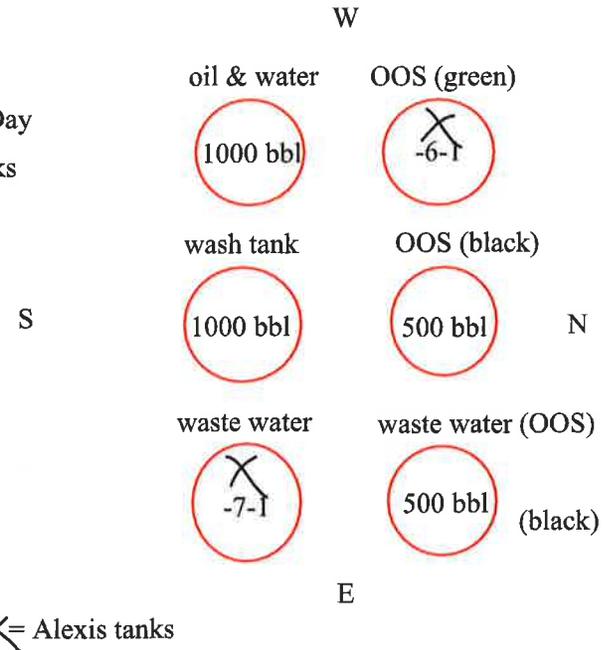
MULTIPLE FIXED ROOF TANK INSPECTION FORM

Company - SUN MOUNTAIN OIL & GAS
 Inspector - Stephanie Aranda
 Inspection Date - 05/09/17
 Company Contact - Dennis Haralson 661-444-8843

Facility # - S 2742
 Facility Location/Lease - Lamont & Arvin
 Analyzer Make/Number - _____
 Compressor Make/hp - _____

PTO	Tank ID	Tank Capacity	PVRV Model	Hatch Model	Leak (ppm)	Leak Location	TVR or TVR Comp	Throughput BOPD/BWPD	V I/M Participant	Tank Removed or Sump	Date
6	1 Alexis	21,000 Gal. Petrole	Yes		not subject	N/A	N/A	0.83 /50	No	No	05/09/17
7	1 Alexis	21,000 Gal Petroleu	↓		↓			0.83 /50	↓	↓	↓
8	2 Alexis-Day	21,000 gal oilfield st	↓		↓			1.5 /50	↓	↓	↓
9	2 Alexis-Day	21,000 gal oilfield st	↓		↓			1.5 /50	↓	↓	↓
12	0 5012931 Alexis-Day	42,000 Gal. Storage	↓		↓			1.5 /50	↓	↓	↓
13	0 5012932 Alexis-Day	42,000 Gal. Storage	↓		↓			1.5 /50	↓	↓	↓
14	0 Biggar	42,000 GALLONS	↓		↓	↓	↓	1.38 /50	↓	↓	↓
15	0 3 Biggar	42,000 GALLONS	↓		↓	↓	↓	1.38 /50	↓	↓	↓

Diagram of Alexis-Day and Alexis lease tanks



Comments Wastewater tank located at Alexis- Day Lease does not require a permit because they are exempt from permitting. Tanks that are OOS were not cleaned out/ opened up, just have not been in use. Biaggar Lease tanks have been OOS for years.

ADDITIONAL INSPECTION COMMENTS

Empty rectangular box for additional inspection comments.

Nombre/Name

Address/Dirección

- | | |
|----------------------------|----------------------------|
| 1 <u>Maria Alvarez</u> | <u>1008 El Camino Real</u> |
| 2 <u>Martin Alvarez</u> | <u>1008 El Camino Real</u> |
| 3 <u>Jonathan Alvarez</u> | <u>1008 El Camino Real</u> |
| 4 <u>Jose Alvarez</u> | <u>Franklin Ave.</u> |
| 5 <u>Angela Lopez</u> | <u>Franklin Ave.</u> |
| 6 <u>Roselyn Garcia</u> | <u>1112 El Camino Real</u> |
| 7 <u>Juana Guillen</u> | <u>1112 El Camino Real</u> |
| 8 <u>Fabiola Cendejas</u> | <u>1112 El Camino Real</u> |
| 9 <u>Lupe Cendejas</u> | <u>1112 El Camino Real</u> |
| 10 <u>Denise Hernandez</u> | <u>1112 Serenidad</u> |
| 11 <u>Marcos Hernandez</u> | <u>1112 Serenidad</u> |
| 12 <u>Yasmin Garcia</u> | <u>1112 Serenidad</u> |
| 13 <u>Briana Garcia</u> | <u>1112 Serenidad</u> |
| 14 <u>Francisco Garcia</u> | <u>1140 El Camino Real</u> |

I am a resident of Arvin and support the City of Arvin's Proposed Amendments to its Oil and Gas Ordinance. We need these amendments to protect our health. The current ordinance is so outdated, it provides no protection for us. The current ordinance is even weaker than State law.

We need the ordinance updates to protect our air and water, and our community from risks and dangers. These updates only ask the Oil Industry to move its operations further away from where we live, work and play. We are not banning the Oil Industry from Arvin, and only want them to be good neighbors and consider our health and well-being.

We urge the City Council to not bow down to the Oil Industry's pressure. The amended ordinance would create even more jobs to move those oil operations to a safer distance from our homes, parks, and schools. Arvin's existing ordinance for oil and gas has not been updated since before the 1970's, and simply cannot protect our health, air and water. **Please vote to adopt the amendments to the Oil and Gas Ordinance.**



Soy residente de Arvin y apoyo las Enmiendas propuestas de la Ciudad de Arvin a su Ordenanza sobre petróleo y gas. Necesitamos estas enmiendas para proteger nuestra salud. La ordenanza actual está desactualizada, no nos brinda ninguna protección. La ordenanza actual es incluso más débil que la ley estatal.

Necesitamos las actualizaciones de las ordenanzas para proteger nuestro aire y agua, y nuestra comunidad de los riesgos y peligros. Estas actualizaciones solo solicitan a la industria petrolera que mueva sus operaciones más lejos de donde vivimos, trabajamos y jugamos. No estamos prohibiendo la industria petrolera de Arvin, y solo queremos que sean buenos vecinos y consideren nuestra salud y bienestar.

Instamos al Concejo Municipal a no inclinarse ante la presión de la industria petrolera. La ordenanza enmendada crearía aún más empleos para mover esas operaciones petroleras a una distancia más segura de nuestros hogares, parques y escuelas. La ordenanza existente de Arvin para el petróleo y el gas no se ha actualizado desde antes de la década de 1970, y simplemente no puede proteger nuestra salud, aire y agua. **Por Favor vote a favor de aprobar las enmiendas a la Ordenanza sobre Petróleo y Gas.**

Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Erica C Ramirez

1004 El Camino Real

2 Adolfo Aranda

1004 El Camino Real

3 Bertha Rodriguez

1004 El Camino Real

4 Gustavo Lopez

1004 El Camino Real

5 Aurora Ornelas

1004 El Camino Real.

6 Yaretzi Aranda

1004 El Camino Real

7 Saydi Aranda

1004 El Camino Real

8 Camila Aranda

1004 El Camino Real

9 Fidencio Rodriguez

1004 El Camino Real

10 Teresa Garcia

1112 El Camino Real

11 Melanie Garcia

1112 El Camino Real

12 Ana Garcia

1112 El Camino Real

13 Sergia Garcia

1112 El Camino Real

14 Toño Trujillo

1112 El Camino Real

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Hector Garcia

1409 VERDE CT Arvin

2 Jose Muñoz

299 Walker ST. Arvin

3 Carolina Muñoz

299 Walker ST. Arvin

4 Juan P. Muñoz

299 Walker ST. Arvin

5 Francisco Muñoz

299 Walker ST. Arvin

6 Karina Aguilera

299 Walker ST. Arvin

7 LILIA Abariz

1409 VERDE CT

8 Manolo Reyes

1400 Hood St apt 67 Arvin

9 Nancy Moreno

1424 LA ROSA AVE Arvin.

10 Amandato Luna

1412 VERDE CO Arvin

11 Eduardo Luna

12 Maria Luna

13 Maria Paz

1408 Verde Ct Arvin

14 Benjamin Ploot

1408 Verde Ct Arvin

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Faustino Duran

2304 Gregg Ln

2 Guadalupe Duran

"

3 Alex Duran

"

4 Faustino Garcia

"

5 Maricela Morales

908 Park Ct Arvin CA 93203

6 Antonio Morales

"

7 Angel Morales

"

8 Ivan Morales

"

9 Jose Tinoco

2105 James St

10 Jana Tinoco

"

11 Jose Tinoco

"

12 Luis G Morales

908 Park Ct Arvin CA 93203

13 Yaciela Duran

2105 James Ct Arvin CA 93203

14 _____

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Rosa Tinoco

2500 Gregg LN

2 Santiago Tinoco

3 Cruz Escutia

1169 Royal st

4 Santiago Escutia

1169 Royal st.

5 Ricardo Parra

1712 Payne Dr

6 Carlos Pantoja

2404 Gregg LN
15

7 Mary Gonzalez

4

8 Nelly Hoyalez

9 Eda Garcia

1609 La Meza

10 Alonso Lopez

11 Maria Jimenez

1400 Verde

12 Jaime Jimenez

1400 Verde

13 Gerardo Tinoco

2500 Gregg Ln

14

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Sincerely/Sinceramente
(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Janette schumaker

1404 Verde Ct Arvin

2 Don schumaker

1408 Verde ct Arvin

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Marcelo Buita

1117 Los Cantos

2 Alfonso Buita

1117 Los Cantos

3 Rene Buita

1117 Los cantos are

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

Nombre/Name

Address/Direccion

1 Miguel Garcia

1716 Payne Dr Arvin CA 93203

2 Arturo Gonzalez

NORA St ARVIN CA 93203

3 IRMA Gonzalez

NORA St ARVIN CA 93203

4 MONICA Gonzalez

NORA St ARVIN CA 93203

5 Adriana Gonzalez

NORA St ARVIN CA 93203

6 Jose Santoyo

740 Sycamor ARVIN CA 93203

7 Enequina Santoyo

740 Sycamor ARVIN CA 93203

8 Jose santoyo Jr

740 Sycamor ARVIN CA 93203

9 Guadalupe santoyo

740 Sycamor ARVIN CA 93203

10 Marilu Parra

1712 Payne Dr

11 Manuel Parra

1712 Payne Dr

12 Ricardo Parra

1712 Payne Dr

13 Antoni Parra

1712 Payne Dr

14 LUZELY Parra

1712 Payne Dr

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(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Gaspar Garcia

1425 LA ROSA AVE ARVIN CA

2 Pedro Martinez

1429 - La Rosa Ave Arvin CA

3 Mario Martinez

4 Gabriel Martinez

5 Evelyn Garcia

1425 LA ROSA AV

6 Carolina Muñoz Garcia

1424 La Rosa Ave. Arvin Ca. 93203

7 Juan Carlos Garcia

1424 La Rosa Ave. Arvin, Ca. 93203

8 Luana Garcia

1424 La Rosa av

9 Ricardo Lopez

1420 LA ROSA AVE

10 _____

1417 La Rosa Ave

11 Christina Lopez

1417 La Rosa Ave

12 Christian Valencia

1410 Hood St Arvin 93217

13 _____

1420 La Lila Ave.

14 _____

1420 La lila Ave

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Mayra Reynoso

1420 La Lila Ave

2 Mayra Reynoso

3 Miguel A Reynoso

4 Beatriz Rocio

1021 Los Cantos

5 Juana Zacarias

1021 Los Cantos

6 Juana B Zacarias

1021 Los Cantos

7 Juanap Zacarias

1021 Los Cantos

8 Carla Zacarias

Arvin ca

9 Ramon Ruiz

332 Longford Ave

10 Harmond G Ruiz

332 Longford Ave

11 Amador G Ruiz

332 Longford Ave

12 Ruben Magdaleno

1424 La Lila Ave.

13 Lourdes Magdaleno

1424 La Lila Ave.

14 Daniel Magdaleno

1424 La Lila Ave.

Nombre/Name

Address/Direccion

1 Andrea Magdaleno

1424 La Lila Ave

2 Sandra Magdaleno

1424 La Lila Ave.

3 Juan~~a~~ Rodriguez

1428 LA lila ave

4 Ana Rodriguez

1428 LA lila ave

5 Orlando Rodriguez

1428 LA lila ave

6 Joanna Rodriguez

1428 LA lila ave

7 Diego Rodriguez

1428 LA lila ave

8 Eliazar Zavala

1425 La Lila ave

9 Jose Zavala

1425 La Lila ave

10 Andres Zavala

1425 La Lila ave

11 Asusena Zavala

1425 La Lila ave

12 Oscar Zavala

1425 La Lila ave

13 Roberto Garcia

1420 La Lila ave

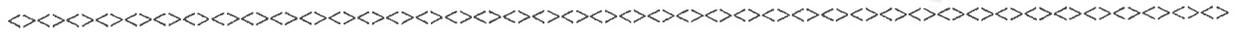
14 Estela Escobedo

1420 La Lila ave

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(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Jorge Gutierrez

Arvin CA

2 Danny Garcia

Arvin CA

3 Noah Kinley

Arvin CA

4 Enrique Gomez

Arvin CA

5 Abdon Bonzel

Arvin CA

6 Isaac Garcia

Arvin CA

7 Ivan Rojas

Arvin CA

8 Anthony Perez

Arvin CA

9 Salvador Gomez

Arvin CA

10 Felipe Alvarez

Arvin CA

11 Jasmine Santiago

501 Walker St.

12 Guadalupe Ramirez

Arvin CA

13 Maria Alvarez

505 Walker St.

14 Olga Alvarez

Arvin CA

Nombre/Name

Address/Direccion

1 Elias Saldana

317 Brower Arvin

2 Atano Leon

313 balasco Arvin

3 Rosario Garcia

313 balasco st Arv

4 Franusca Gario

33

5 Alicia auguavo

702 la mayor st Arv
33 33

6 Cristian Vellaga

7 Ramon Garcia

465 Flouklai st Arvin

8 Eloisa 38

38

9 Vizente Garcia

39

10 Gerard Quintero

Arvin

11 Rosa 99

Arvin

12 Pascual Gonzalez

1204 Camino Real Arvin

13 Mateo Goussi

33

14 Elias Catteron

38

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Daniella C Santop

501 Walker St Arvin CA 93203

2 Claudia C Santop

501 Walker St Arvin CA 93203

3 Roberto Cruz

501 Walker St Arvin CA 93203

4 Esther Cerda

501 Walker St Arvin CA 93203

5 Jessica Santoyo

501 Walker St Arvin CA 93203

6 PABLO REYES

505 Walker St Arvin CA 93203

7 MCCAIN GONZALEZ

501 Walker St Arvin CA 93203

8 Miguel Torres



9 Sergio Blanco

Sergio Blanco

10 Braulio Ortiz

Braulio Ortiz

11 

SEBASTIAN LAGUNA

12 Jose Moreno

601 Walker St Arvin

13 Anais Castro

633 Walker St Arvin CA 93203

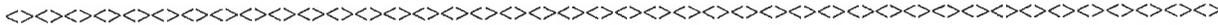
14 Yesenia Morales

601 Walker St

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(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Ruben Santoyo

501 Walker St.

2 Fernando Calzada

661 Walker St.

3 Paulina Parra

663 Walker St

4 Alfredo Ledesma

117 Meyer St

5 Micia Ledesma

117 Meyer St

6 Rafael Moreno

112 Meyer St

7 Blanca Mendoza

112 Meyer St.

8 Arnoldo Lara

701 Meyer St # 107

9 Manuel Jimenez

701 Meyer St

10 Elvira

701 Meyer St Apt 102

11 Ramon JR.

701 Meyer St Apt 102

12 Enrique Medina

701 Meyer St Apt 102

13 Evelyn Medina

701 Meyer St Apt 102

14 Sandra Lopez

801 Olson Way

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Jaime Santoro

632 Langford rd

2 Roberto Santoro

Avila CA.

3 ~~Ernesto~~

301 Laurel Av.

4 Alejandro Rivas

Avila, Ca.

5 Manuel Morales

300 TanFD.

6 ~~Ernesto Santoro~~

Avila CA.

7 ~~Ernesto Morales~~

Avila CA

8 Jose Duran

Avila CA

9 Javier Parfoja

616 Laurel ave

10 Adrian Gomez

Avila Ca

11 Miguel Morales M.

Avila CA

12 ~~Ernesto Flores~~

Avila CA

13 Fausto Garcia

Avila Ca

14 ~~Ernesto Rivas~~

Avila CA

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Pablo Hernandez

Tucker St. Arvin

2 Maria Castillo

Tucker St. Arvin

3 PAUL Gonzalez

ARVIN

4 JOSE ESTRADA

ARVIN

5 Santiago Vinamontes

Arvin

6 Margarita Vinamontes

Arvin

7 Santiago Vinamontes Jr.

Arvin

8 Manuela Sierra

Arvin

9 Cristian Garcia

Arvin

10 Sonia Madrigal

Arvin

11 Carlos Madrigal

Arvin

12 Jose Madrigal

Arvin

13 Dolores Cruz

Arvin Tucker St.

14 Ramon Cruz

Arvin

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(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Perla Aguirre

Tucker St. Arvin

2 Angela Aguirre

Tucker St. Arvin

3 Moises Leal

Arvin CA Tucker St

4 Francisco Ruiz

Arvin CA

5 Adela Martinez

Arvin CA Tucker St

6 Maria Martinez

Arvin CA Tucker St

7 Andrea Simental

Arvin

8 JUAN Simental

Arvin

9 Jocelyn Simental

Arvin

10 Juan Jr. Simental

Arvin

11 Arile Clemente

Arvin

12 JOSE Clemente

Arvin

13 Alma Ortiz

Arvin

14 Gabriel Ortiz

Arvin

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Nombre/Name

Address/Direccion

1 JAVIER Alcaraz

Arvin

2 Angelina Alcaraz

Arvin

3 ROSA Alcaraz

Arvin

4 Alejandra Alcaraz

Arvin

5 Javier Alcaraz

Arvin

6 Joaquin Morales

Arvin

7 Rosalba Morales

Arvin

8 Raquel Ortiz

Arvin

9 Rosali Ortiz

Arvin

10 Ana Ortiz

Arvin

11 Leticia Chavez

Arvin

12 Gabriel Chavez

Arvin

13 FERNANDA CHAVEZ

Arvin

14 Joanna Chavez

Arvin

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Sincerely/Sincieramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

- | | | |
|----|---------------------------|-----------------------------------|
| 1 | <u>Oziel Benavidez</u> | <u>1300 Nelson, et Arvin, CA</u> |
| 2 | <u>Pauline Benavidez</u> | <u>1300 Nelson, et, Arvin, CA</u> |
| 3 | <u>ANDREW Benavidez</u> | <u>1300 Nelson et, Arvin CA</u> |
| 4 | <u>Oziel Benavidez</u> | <u>1300 Nelson et, Arvin, CA</u> |
| 5 | <u>Jennicka Benavidez</u> | <u>1300 Nelson, et Arvin, CA</u> |
| 6 | <u>Byanka Santoyo</u> | <u>1204 Packard Drive</u> |
| 7 | <u>Richard Santoyo</u> | <u>1204 Packard Drive</u> |
| 8 | <u>Trinidad Santoyo</u> | <u>1204 Packard Drive</u> |
| 9 | <u>Bertha Santoyo</u> | <u>1204 Packard Drive</u> |
| 10 | <u>ERICK Rocha</u> | <u>1214 packard Dr ✓</u> |
| 11 | <u>Rubi Camona</u> | <u>1300 Packard DR.</u> |
| 12 | <u>Marisol Camona</u> | <u>1300 Packard DR.</u> |
| 13 | <u>Maria Luisa Camona</u> | <u>1300 Packard DR.</u> |
| 14 | <u>Enrique M. Camona</u> | <u>1300 Packard DR.</u> |

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Antonio Calderon V

912 WALNUT DR ARVIN CA
9320

2 Antonio P. Calderon

912 Walnut Dr. Arvin CA
93203

3 Evelia Torres

|| || ||

4 Ricardo Moreno

|| | | ||

5 Rosa Malagan

|| | |

6 Dalila Moreno

|| | | |

7 Ricardo Moreno M

926 Walnut Dr Arvin CA

8 Maria Martinez

930 Walnut Dr Arvin Ca

9 Bertha A pantoja

1064 Borden ct Arvin CA

10 Maria Arellano

933 Walnut DR. Arvin CA

11 Maria Perez

12 Francisco Lopez

931 Walnut DR.

13 Miguel Tinoco

923- Walnut- Dr Arvin CA. 932

14 Lilia Garcia

921 Walnut Dr Arvin,

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Sincerely/Sincieramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Peli Vellera

921 - Walnut

2 Jame Arregun

919 Walnut

3 Fernando Gomez

911 Walnut

4 Consuelo Gomez

843 Walnut Dr

5 Froylan Silva

843 Walnut Dr

6 Sergio Lopez

841 Walnut Dr.

7 Carolina Baños

8 Maria Fidelia Baños

9 Lorenzo Arellano JR

825 Walnut DR

10 Cynthia Buenavista
Fidel Rangel

809 Walnut DR

11 Patricia Beltran

801 Walnut Dr

12 Ricardo Beltran Jr

13 Angel Beltran

14 Ricardo Beltran

Nombre/Name

Address/Direccion

1 Yael Pizarro

2 Miguel B. Exiga

3 Eugenio Cablero

4 Maria Pizarro

5 Eva Preciado

323 Walnut Dr.

6 Jesus Rios

333 Walnut Dr

7 Obdulia Rios

333 Walnut Dr

8 Maria Parra

Maria mendoza

9 Manuel Parra

341 Walnut

10 Angelica Parra

Rosa moreno

11 Juan Jimenez

533 Walnut Dr.

12 Samuel Carrera

588 Walnut Dr.

13 Cassandra Carrera

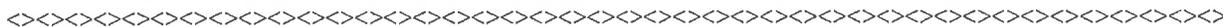
569 Walnut

14 Beatriz Moreno Najera

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Alma Hamed

1305 Nelson ct

Casm Hamed

1305 NELSON CT

3 Leticia Garcia

1304 NELSON CT

4 Bene Garcia

1304 NELSON

5 Eduardo Garcia

1304 NELSON CT

6 Jose Zavala

1302 Nelson ct

7 Maria Zavala

1302 Nelson ct

8 Jose Zavala Jr

1302 Nelson ct

9 Alvaro Lopez

1304 Nance st

10 Lucila Lopez

1304 Nance st

11 Mariana Lopez

1304 Nance st

12 Luis Adrian Lopez

1304 nance st

13 Teresa Rocha

1214 packard Dr

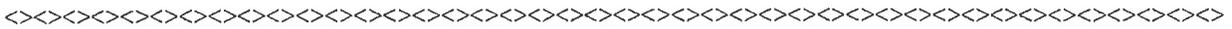
14 Gus da lere Rocha

1214 packard Dr

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(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Socorro Giles

Arvin Ca

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

Nombre/Name

Address/Direccion

1 [Signature]

430 W 11th Ave

2 Raul Mejano

3 [Signature]

410 Walnut Drive

4 Antonio Maldonado

301 South Hill

5 Ysaura Ramirez

810 Walnut Dr.

6 Mania Concepcion

301 South Hill St.

7 Jimena Dellarco

410 Walnut Drive

8 Justina Dellarco

9 Cresencia Dellarco

10 Julio Dellarco

11 Andrea Zayas

308 Walnut Dr.

12 _____

13 _____

14 _____

Nombre/Name

Address/Direccion

1 Irma Chavez

1302 Packard Dr

2 Pedro Chavez

11

3 Angie Chavez

11

4 Pedro jr Chavez

11

5 Raul Pacheco

1206 Packard Drive

6 Martha Pacheco

11

7 Natalia Pacheco

11

8 Victoria Pacheco

11

9 Liseth Pacheco

11

10 _____

11 _____

12 _____

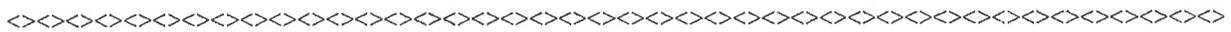
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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Francisco Gonzalez

1307 Nelson Ct Avila CA 93007

2 Cecilia Flores

=

3 Javier Chavez

=

4 Anita Olivares

=

5 Muhammad Hamed

1305 Nelson Ct

6 Erasmo Delgado

1306 Nancy St.

7 Raul Gonzalez

1306 Nancy St.

8 Marisol Gonzalez

1306 Nancy St

9 Jose A Cortez

1309 Nance St

10 Maria Cortez

1309 Nance St

11 Emma A. Gonzalez

1208 Packard Dr

12 _____

13 _____

14 _____

Nombre/Name

Address/Direccion

1 Marisol Perez

319 So. Arala ARVIN, CA 93203

2 Luis Perez

319 So. Arala ARVIN, CA 93203

3 Angel Perez

319 So. Arala

4 Emily Perez

319 So. Arala

5 Teresa Gonzalez

1341 Haven Dr ARVIN CA 93203

6 Bardomiano Gonzalez

1341 Haven Dr ARVIN CA 93203

7 Oscar Gonzalez

1341 Haven Dr ARVIN CA 93203

8 Ivett Gonzalez

1341 Haven Dr ARVIN

9 Maurilio Jimenez

Tucker ARVIN

10 Senaida Bello

Tucker ARVIN CA

11 Veronica Perez

409 Haven Dr. ARVIN CA

12 Jose Rosario Perez

409 Haven Dr ARVIN CA

13 Aditene Perez

409 Haven Dr

14 Maritza Jimenez

Tucker St ARVIN CA 93203

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Gabriela Ojeda

1000 E / Camino Real Arvin

2 Azela Ojeda

1000 E / Camino Real Arvin

3 Itzcacatzin Ojeda

1000 E / Camino Real Arvin

4 Aquileo Moran

1000 EL CAMINO REAL

5 Jose P. Ojeda

1000 EL CAMINO REAL. ARVIN

6 Unette Ojeda

1000 el camino real Arvin

7 Amado Zacarias

Arvin

8 Marcé Zacarias

1308 Serenidad

9 Marcelino Zacarias

Arvin.

10 Feuciano Alonso

1308 Serenidad

11 Christian Herrera

1909 Meyer St

12 Alex Alonso

1909 Meyer St

13 Pascual Gonzales

1021 Santos

14 Marcos Zacarias

1308 Serenidad.

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Sincerely/Sincieramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Judón Velazquez

Laurel Ave. Arvin

2 Petra Velazquez

Laurel Ave. Arvin

3 Rosa Velazquez

Laurel Ave. Arvin

4 Demetrio Garcia

Laurel Ave. Arvin

5 Veronica Garcia

Laurel ave arvin

6 Rosa Estrada

Arvin CA

7 FRANCISCA ESTRADA

ARVIN CA

8 Lina Ortiz

arvin

9 ARMANDO O.

ARVIN CA

10 Juan Ortiz

Arvin Ca

11 Orlando Perez

Arvin Ca.

12 Gilberto Perez

Arvin CA.

13 Clara Perez

Arvin Ca

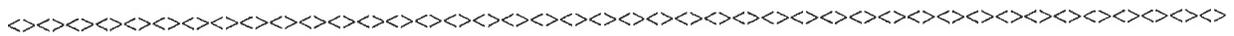
14 Antonio Giles

Arvin Ca

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Sincerely/Sinceramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Lucrecia zacarias

1021 Los cantos.

2 Alex. Feliziano

1308 Serenidad.

3 Tsidro Gonzalez

1716 PAYNE DR ARVIN

4 Daisy Gonzalez

1716 Payne Dr

5 LILIA GONZALEZ

ARVIN

6 Isidro Gonzalez

ARVIN

7 Diego Gonzalez

ARVIN

8 Maricarmen Gonzalez

ARVIN

9 Raul perez

609
~~709~~ CHARLES ST ARVIN

10 Raul Perez II

609
~~709~~ CHARLES ST ARVIN

11 Diego Perez

609
~~709~~ CHARLES ST ARVIN

12 Jesus Martinez

Charles St ARVIN CA

13 Carmen Martinez

Charles St ARVIN CA

14 alex Martinez

Charles St ARVIN CA

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Nombre/Name

Address/Direccion

1 Alfredo Gonzalez

1580 - SHANE CT Arvin CA

2 Maria Escobar

1513 Shane Ct. Arvin CA

3 Maria C Garcia

1557 Shane^{ct} Arvin ca 93203

4 Juan M Garcia

1557 Shane^{ct} Arvin ca 93203

5 Fau Bustamante

1549 Shane^{ct} Arvin CA 93203

6 Guadalupe Galea

7 SALVADOR MORENO P

1515 SHANE CT.

8 Rosalva Juarez

1517 Shane Ct.

9 Maria Mendoza

1509 Shane Ct

10 Jose De laera

1509 Shane Ct

11 Serafin Posada

1540 Shane Ct

12 Rosalba

Shane Ct

13 Fabian Davis

1500 Shane Ct.

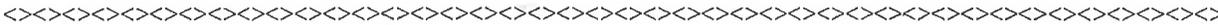
14 Genalva Ramirez

1508 Shane Ct

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Sincerely/Sincieramente

(Please see reverse for signatures)

Nombre/Name

Address/Direccion

1 Manuel Martinez

1516 Shane Ct.

2 Diego Martinez

3 Maria Martinez

4 Liliana Martinez

5 Manuel Martinez JR

6 Chris Gutierrez

1524 Shane Court

7 SQL

8 Chusy Acosta

1016 Charles St.

9 Maria Moreno

1532 Shane Ct.

10 Alicia Perez

1548 Shanie Ct

11 Patricia Perez

12 Yolanda Prada

1556 Shane Ct

13 Elsa Hong

1564 Shane Ct

14 Raymond Hong

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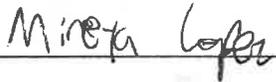
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Sincerely,

Alfredo Lopez

Arvin resident

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Sincerely,

Marjela Lopez

Arvin resident

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Sincerely,

Jennifer L. Lopez

Arvin resident

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Sincerely,

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be "Sueety J".

Arvin resident

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Sincerely,



A handwritten signature in cursive script, appearing to read "Jeffery Capel", is written over a horizontal line.

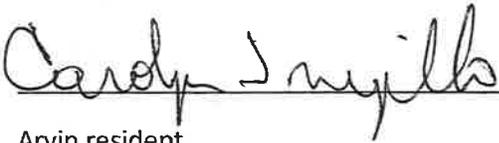
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Sincerely,



A handwritten signature in cursive script, appearing to read "Candy Smith", is written over a solid horizontal line.

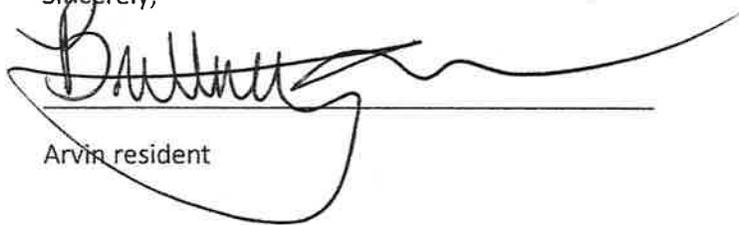
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A handwritten signature in black ink, appearing to read "Ballman", written over a horizontal line. The signature is stylized and extends to the right of the line.

Arvin resident

I am a resident of Arvin and support the City of Arvin's Proposed Amendments to its Oil and Gas Ordinance. We need these amendments to protect our health. The current ordinance is so outdated, it provides no protection for us. The current ordinance is even weaker than State law.

We need the ordinance updates to protect our air and water, and our community from risks and dangers. This updates only ask the Oil Industry to move its operations further away from where we live, work and play. We are not banning the Oil Industry from Arvin, and only want them to be good neighbors and consider our health and well-being.

We urge the City Council to not bow down to the Oil Industry's pressure. The amended ordinance would create even more jobs to move those oil operations to a safer distance from our homes, parks, and schools. Arvin's existing ordinance for oil and gas has not been updated since before the 1970's, and simply cannot protect our health, air and water. **Please vote to adopt the amendments to the Oil and Gas Ordinance.**

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Sincerely,

A handwritten signature in cursive script, appearing to read "Alfonso Sanchez", is written above a horizontal line.

Arvin resident

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Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

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Sincerely,

Naomi Espinoza

Arvin resident

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Sincerely,



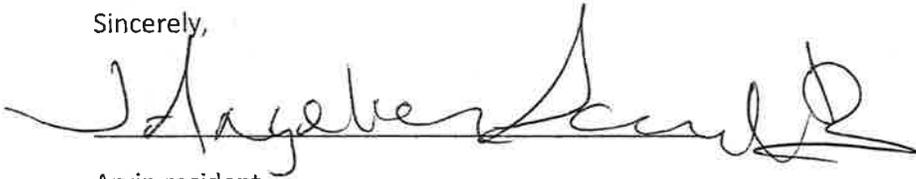
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Sincerely,

A handwritten signature in black ink, appearing to read "J. Hagerber", written over a horizontal line.

Arvin resident

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Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Myers', written over a horizontal line.

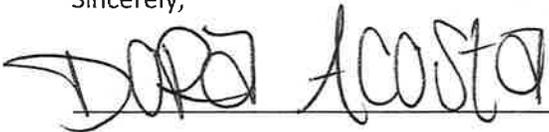
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Sincerely,



A handwritten signature in black ink that reads "Dora Acosta". The signature is written over a horizontal line.

Arvin resident

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Sincerely,

Felipe Ramirez

Arvin resident

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Sincerely,

Francisco Garcia

Arvin resident

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Sincerely,

Ramiro Juarez

Arvin resident

Shannon L. Chaffin

From: Roger Lin <rlin@crpe-ej.org>
Sent: Tuesday, January 16, 2018 4:03 PM
To: cvela@arvin.org
Cc: Shannon L. Chaffin; Juan Flores; jgurrola@arvin.org
Subject: Comment on Oil and Gas Ordinance Amendment
Attachments: CRPE_ArvinOandGAmendments_Support.pdf

To the City Clerk:

Please see the attached comment (six page letter with a nine page attachment including references) in support of the amendments to Arvin's Oil and Gas Ordinance for Regulation of Petroleum Facilities and Operations.

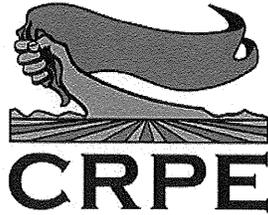
I believe this matter has been postponed from tonight, but regardless, please include this comment, its attachment, and all cited references as part of the official administrative record in consideration of these amendments.

Please also let me know as soon as possible if you have any problems with the attached comment, or any of the hyperlinked sources included therein.

Thank you for your time,

Roger Lin
Senior Attorney
Center on Race, Poverty & the Environment
1999 Harrison Street, Suite 650
Oakland, CA 94612
(415) 346-4179 x 314
(415) 346-8723 fax

This message and any attached documents may contain information that is confidential and/or privileged. It is intended only for the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use of this communication is strictly prohibited. If you have received this transmission in error, please contact the Center on Race, Poverty and the Environment immediately by reply email or at 415-346-4179 extension 314, and then delete this message. Thank you.



CENTER ON RACE, POVERTY & THE ENVIRONMENT

1999 HARRISON STREET, SUITE 650, OAKLAND, CA 94612 TEL 415-346-4179 FAX 415-346-8723
1012 JEFFERSON STREET, DELANO, CA 93215 TEL 661-720-9140 FAX 661-720-9483
WWW.CRPE-EJ.ORG

January 16, 2018

Re: In Support of Amendments to The City of Arvin's Oil and Gas Ordinance for the Regulation of Petroleum Facilities and Operations

To the Arvin City Council,

The Center on Race, Poverty and the Environment ("CRPE") submits the following evidence supporting the adoption of the amendments, unanimously approved by the City Planning Commission, to the Arvin Municipal Code regulating petroleum facilities and operations. The current ordinance was adopted in 1965 and is far outdated to adequately regulate current petroleum operations in Arvin. As detailed below and in the attached review of existing scientific literature, the oil and gas ordinance amendments complement existing regulations and are critical to the protection of public health in Arvin.

In addition, the ordinance revisions include a variety of environmental and health protections for air, water, soil, geology, storm water and wastewater infrastructure, transportation, noise, emergency response, aesthetic issues, and petroleum operations near potentially sensitive receptors. Therefore, the ordinance revisions are also exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the Guidelines for actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment.

I. The Ordinance Amendments Complement State Law

In September 2013, the State Legislature passed Senate Bill 4 ("SB4"). Pursuant to SB4, the California Natural Resources Agency commissioned the California Council on Science and Technology ("CCST") to conduct an independent scientific assessment of well stimulation treatments, including hydraulic fracturing ("fracking"), in California. In July 2015, the CCST completed the second volume of this independent study, which evaluated the potential public health risks and environmental impacts from fracking and acid stimulations in the state.¹

¹ An Independent Scientific Assessment of Well Stimulation in California, 2015 [Accessed January 16, 2018]: Summary available at <http://ccst.us/publications/2015/2015SB4summary.pdf>; Executive Summary available at <http://ccst.us/publications/2015/2015SB4-v2ES.pdf>; Volume I available at <http://ccst.us/publications/2015/160708-sb4-vol-I.pdf>; Volume II available at <http://ccst.us/publications/2015/160708-sb4-vol-II.pdf>; Volume III available at

In particular, the CCST's independent assessment determined that oil and gas extraction operations present:

1. *Dangers to Public Health*: as there are no current restrictions on where a well may be drilled, in many parts of the state, such as Arvin, active wells are located only a few feet from homes, schools, and other areas where residents work, play and breathe. The CCST assessment is clear: the closer residents live to active oil and gas developments, the more elevated risks of health concerns to those residents.²

Specifically, the CCST assessment noted that dangerous and toxic chemicals, such as benzene, a carcinogen, are common to both fracked and conventional wells.³ Consequently, the report emphasizes the need for setbacks between oil and gas wells and sensitive receptors – exactly what the Arvin ordinance amendments would create.⁴

Worse yet, “[T]he scientific literature is clear that certain sensitive and vulnerable populations (e.g., children, asthmatics, those with pre-existing cardiovascular or respiratory conditions, and populations already exposed to elevated air pollution) are more susceptible to health effects from exposures to environmental pollutants known to be associated with oil and gas development.”⁵ This is particularly problematic for Arvin, which ranks in the top percentile of the State’s most polluted areas, and also, in the top percentile for asthma.⁶

A current study concludes that infants and children who live near unconventional oil and gas sites have an increased risk of neurological and neurodevelopmental disorders and defects.⁷ In addition, close proximity to oil and gas production increases the risks of adverse impacts from explosions, blow-outs, chemical spills, and other harms. Consequently, scientists are increasingly urging the immediate adoption of health and safety buffer zones.⁸

<http://ccst.us/publications/2015/160708-sb4-vol-III.pdf>, from which in particular, Chapter 5, a Case Study of the Potential Risks Associated with Hydraulic Fracturing in Existing Oil Fields in the San Joaquin Basin, available at <http://ccst.us/publications/2015/160708-sb4-vol-III-5.pdf>.

² CCST Independent Scientific Assessment of Well Stimulation in California, Volume II at 407-425, available at <http://ccst.us/publications/2015/160708-sb4-vol-II.pdf>.

³ *Id.* at 377.

⁴ The CCST Assessment recommends that public health and safety buffers should be considered around all oil and gas wells: CCST Study, Executive Summary at 13; CCST Study, Vol. II at 433; CCST Study, Vol. III at 13-14.

⁵ CCST Independent Scientific Assessment of Well Stimulation in California, Volume II at 433, available at <http://ccst.us/publications/2015/160708-sb4-vol-II.pdf>.

⁶ See Search Results for Arvin, CA: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.

⁷ Neurodevelopmental and neurological effects of chemicals associated with unconventional oil and natural gas operations and their potential effects on infants and children, October 2017, [Accessed January 16, 2018] available at <https://www.degruyter.com/view/j/reveh.ahead-of-print/reveh-2017-0008/reveh-2017-0008.xml>

⁸ For instance, in a University of Maryland study, it was recommended that a minimum buffer zone of 2,000 ft should be enacted to ensure public safety. Milton, Donald et al., Potential public health impacts of natural gas development and production in the Marcellus Shale in Western Maryland, Maryland Institute for Applied Environmental Health, School of Public Health, University of Maryland, College Park (2014).

2. *Significant Air Pollution:* The CCST assessment found that there are no studies in California monitoring toxic emissions from fracking and other types of well stimulation.⁹ Concurrently, the report finds that this lack of data does not remove the very real threat of these emissions on nearby residents, as noted above. The data that we do currently possess does not paint a more promising picture: in the San Joaquin Valley, emissions from the oil and gas sector account for more than 30 percent of sulfur dioxide emissions, and 70 percent of hydrogen sulfide emissions that only add to Arvin's significant air pollution problems.¹⁰ Enactment of the amendments to Arvin's oil and gas ordinance, for instance through implementation of odor minimization plans, would reduce these risks to public and worker health and safety.

3. *Significant Water Pollution:* The CCST assessment identifies a number of ways in which fracking can cause water contamination, including the potential for older wells to act as conduits to allow chemicals to migrate to sources of groundwater.¹¹

As noted in the General Plan, Arvin relies upon groundwater for its water resources and is located in a high-priority groundwater basin.¹² In fact, absent these ordinance amendments, the City would not be able to comply with the provisions of the Sustainable Groundwater Management Act or its local Groundwater Sustainability Plan that require improvements to, and not degradation of, groundwater supplies by 2040.

4. *Significant Impacts to Wildlife and Vegetation:* The CCST assessment found that habitat damage from well stimulation activities is permanent, where restoration work and natural revegetation do not restore sites to their pre-disturbance value for native species. Besides habitat destruction, the report lists several other ways in which fracking harms wildlife, including exposure to toxic wastewater, spills into surface waters, increased traffic, invasive species, diverting water sources, noise and light pollution.¹³

The ordinance amendments reduce water, traffic and light pollution, and provide financial assurances and other provisions for the cleanup of spills and other hazards. The amendments are therefore critical to mitigate, to the extent feasible, some of these impacts to wildlife and vegetation.

These are just some of the significant impacts from oil and gas operations in Arvin. The CCST report also emphasizes several other impacts of oil and gas extraction operations that occur in Arvin. These include the increased incidents of seismic hazards and significant health

⁹ CCST Independent Scientific Assessment of Well Stimulation in California, Volume II at 183, 409, *available at* <http://ccst.us/publications/2015/160708-sb4-vol-II.pdf>.

¹⁰ *Id.* and *see* Case Study of the Potential Risks Associated with Hydraulic Fracturing in Existing Oil Fields in the San Joaquin Basin, *available at* <http://ccst.us/publications/2015/160708-sb4-vol-III-5.pdf>.

¹¹ *Id.*

¹² *See* Arvin General Plan [Accessed January 16, 2018], *available at* http://www.arvin.org/wp-content/uploads/2015/08/ADOPTED_ARVIN_GP_UPDATE_Aug-21-121.pdf.

¹³ CCST Independent Scientific Assessment of Well Stimulation in California, Volume II at 311, 364, *available at* <http://ccst.us/publications/2015/160708-sb4-vol-II.pdf>.

impacts to workers at these oil and gas operations that further warrant local on-the-ground protections for public and worker health and safety.¹⁴

Moreover, neither the State nor the County's efforts to mitigate the impacts of oil and gas extraction on local residents preempt the City from enacting additional measures to protect the health of its own residents. California courts and the U.S. Supreme Court have long recognized the authority of a local government to use its police and zoning powers to enact local prohibitions and restrictions on oil and gas operations and development.¹⁵ A city has an "unquestioned right to regulate the business of operating oil wells within its city limits, and to prohibit their operation within delineated areas and districts if reason appears for so doing."¹⁶ One court has even upheld a total ban on oil drilling within the city, stating, "[e]nactment of a city ordinance prohibiting exploration for and production of oil ... is a valid exercise of the municipal police power."¹⁷

These ordinance amendments, specifically those prohibiting new oil and gas operations near sensitive receptors, are evidently a valid use of Arvin's police power: "city zoning ordinances prohibiting the production of oil in designated areas have been held valid."¹⁸ In fact, it is "well settled that the enactment of an ordinance which limits the owner's property interest in oil bearing lands located within the city is not of itself an unreasonable means of accomplishing a legitimate objective within the police power of the city."¹⁹ Further, the amendments are consistent with provisions of Arvin's General Plan, including supporting the need to "carefully manag[e] and [provide] adequate buffer space" for oil and gas production "to continue contributing to the community's economic prosperity," considering native plant and animal life and impacts to clean air and water and the health and safety of Arvin residents.²⁰

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¹⁴ *Id.* at 401-437.

¹⁵ Cal. Const. Article XI, sec. 5; Pub. Res. Code § 3690.

¹⁶ *Beverly Oil Co. v. City of Los Angeles* (1953) 40 Cal.2d 552 at p. 558. *See also* California Attorney General's Opinion (1976) 59 Ops. Cal. Atty. Gen. 461, 465 ("[I]t is our opinion that cities and counties have the power to prohibit [oil and gas] operations.").

¹⁷ *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach*, 86 Cal. App. 4th 534, 555 (2001)

¹⁸ *Beverly Oil Co.*, 40 Cal.2d at 558.

¹⁹ *Ibid.* and *see e.g., Palisades Association v. City of Huntington Beach* (1925) 196 Cal.2d 211, 217 (City of Huntington Beach banned oil drilling. Court acknowledged that "Huntington Beach has the unquestioned right to regulate the business of operating oil wells within its city limits and to prohibit their operation within delineated areas and districts, if reason appears for so doing."); *Marblehead Land Co. v. City of Los Angeles*, 47 F.2d 528, 531-32 (9th Cir. 1931) (City of Los Angeles repealed ordinance excluding a strip of plaintiff's land from residential district in which oil production was prohibited. Court held that the city's police powers permitted the city to protect inhabitants from fire and noxious gas hazards, and stated "there can be no question of the inherent right of the city to control or prohibit such production, provided it is done reasonably and not arbitrarily. In that event the loss must fall upon the owner whether it prevents him from erecting structures or establishing industries which he desires to erect or establish, or whether it prevents him from developing the inherent potentialities of his land."); *Friel v. County of Los Angeles* (1959) 172 Cal. App. 2d 142, 157 (Los Angeles County zoned certain areas for residential uses and denied plaintiffs' applications for exceptions or variances for the purpose of drilling for oil. Plaintiffs complained that their neighbors in different zones, who were permitted to drill, were drilling the oil underlying plaintiffs' land, but the court upheld the ordinance, stating: "There is no question that the county has the right to regulate the drilling and operation of oil wells within its lands and to prohibit their drilling and operation within particular districts if reasonably necessary for the protection of the public health, safety and general welfare.").

²⁰ *See supra*, Arvin General Plan, at CO-6.

II. The Findings are Otherwise Also Consistent with Substantial Evidence in the Record

In addition to the three volume CCST assessment, we also submit the following documents into the record supporting adoption of the ordinance amendments:

- Concerned Health Professionals of New York and Physicians for Social Responsibility, *Compendium of Scientific, Medical and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction)*, Fourth Edition, November 2016, available at http://concernedhealthny.org/wp-content/uploads/2016/12/COMPENDIUM-4.0_FINAL_11_16_16Corrected.pdf. (“Air sampling surveys find high concentrations of volatile organic compounds, especially carcinogenic benzene and formaldehyde, both at the wellhead and at distances that exceed legal setback distances from wellhead to residence. In some cases, VOC concentrations exceeded federal safety standards by several orders of magnitude.”)
- The Denver Post, *CU Denver study links fracking to higher concentration of air pollutants*, March 2012, available at <https://www.denverpost.com/2012/03/19/cu-denver-study-links-fracking-to-higher-concentration-of-air-pollutants/> (“People living within a half-mile of oil- and gas-well fracking operations were exposed to air pollutants five times above a federal hazard standard, according to a new Colorado study.”)
- The Atlantic, *New, Major Evidence that Fracking Harms Human Health – A child born very close to a well is likely to be smaller and less healthy than a child born farther away*, December 2017, available at https://www.theatlantic.com/science/archive/2017/12/data-from-11-million-infants-suggests-fracking-harms-human-health/548315/?utm_source=twb, citing Currie, Greenstone, Meckel, *Hydraulic Fracturing and Infant Health: New Evidence from Pennsylvania*, December 2017, full article available at Full available at: <http://advances.sciencemag.org/content/3/12/e1603021.full>.
- Nicole J. Wong, MPH, *Existing Scientific Literature on Setback Distances from Oil and Gas Development Sites*, November 2017, attached. Although the report focuses on the need for a setback from unconventional extraction operations in the Los Angeles area, it includes several peer reviewed scientific studies detailing the significant impacts of these operations and the need for greater public health protections, such as those that the amendments would provide.

Those significant impacts include: increased reported respiratory and skin condition symptoms the closer to well operations, and health symptoms included throat irritation, sinus problems, nasal irritation, eye burning, severe headaches, loss of sense of smell, persistent cough, frequent nose bleeds and swollen painful joints. The literature review also identifies other elevated risks in proximity to such oil and gas operations, such as degraded air and water quality, increased exposure to toxic chemicals and increased incidences of hazards, including explosions from abandoned operations.

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III. The Ordinance Amendments are Exempt from The California Environmental Quality Act (“CEQA”)

CEQA Guidelines § 15308 categorically exempts certain actions of regulatory agencies that “assure the maintenance, restoration, enhancement, or protection of the environment” from the CEQA process. As noted above, the ordinance amendments are critical to preserving environmental resources and protecting public health. Arvin’s current ordinance regulating oil and gas operations was passed in 1965, and therefore only contemplates pre-1965 developments in oil and gas extraction technologies. Conversely, the amendments bring the outdated ordinance up to date with current operations that pose significant impacts to the environment and residents of Arvin. As the ordinance strengthens an outdated version, with a focus on public health and preservation, it directly speaks to the restoration, enhancement and protection of the environment, including the mitigation of socio-economic impacts. Consequently, the ordinance amendments fall squarely within the ambit of CEQA Guidelines § 15308.²¹ The City need not conduct any further review of the amendments under CEQA.

Finally, it is imperative for Arvin to consider the health and safety of its residents, and adopt these urgently needed amendments. Local government in oil-producing cities in Texas have begun to establish stricter and more protective setbacks than that proposed here. Dallas, Texas has enacted a 1,500-foot setback between oil and gas production facilities and “protected uses.”²² Flower Mound, Texas and Denton, Texas have adopted 1,500-foot and 1,000-foot setbacks, respectively.²³ Maryland regulations provide a 1,000-foot buffer from occupied dwellings, schools, churches and well head protection area.²⁴ The City is not even seeking such greater protections in fear of a litigation from the oil industry; instead, the amendments provide the bare minimum protections for the health and safety of the residents of Arvin. We respectfully request the City to adopt these amendments, and in line with the recommendation from the City Planning Commission, to consider further strengthening the ordinance in the future as more data becomes available.

Sincerely,

/s/

Roger Lin
Senior Attorney

²¹ Further, as the amendments improve the environment and do not involve highways, waste sites, or historical resources, none of the exceptions in CEQA Guidelines § 15300.2 apply.

²² City of Dallas, Development Code, Chapter 51A, Art. IV § 51A-4.203(b)(3.2)(F)(ii)(aa); see also <https://www.dallasnews.com/news/news/2013/12/11/dallas-oks-gas-drilling-rules-that-are-among-nations-tightest>.

²³ Code of Ordinances of the Town of Flower Mound, Texas, Art. VII, Sec. 34-422(d); <http://www.dentonrc.com/news/news/2015/08/04/council-turns-to-zoning-powers-after-reducing-well-setbacks-to-1000-feet>. (At least two dozen Texas jurisdictions have 1,000-foot setbacks.)

²⁴ Md. Code Ann., Envir. § 14-112 (West 2017) (“[A] well for the production or underground storage of gas or oil may not be drilled on any property nearer than 1,000 feet to the boundary of the property except by agreement with the owners of the gas and oil on adjacent lands.”); Maryland Code of Reg’s, tit. 26, § 26.19.01.09 (Unless due to site constraints a well must be sited closer, the regulating agency “may not issue a permit to drill a well closer than 1,000 feet to the boundary of any property adjoining the tract on which the well is situated except by written agreement with the landowners and royalty owners of that property”).

Existing scientific literature on setback distances from oil and gas development sites

Nicole J. Wong, MPH

November 2017 (revised)

Background: Need for an LA Relevant Setback

The current body of peer-reviewed scientific literature has a small but growing set of studies investigating the relationship between the proximity of modern oil and gas extraction nearby communities and health impacts. The published studies that have examined this relationship have considered health outcomes, exposure to toxic health risks, and discussed whether current setback requirements in various states are adequate to ensure the health and safety of people who live, work, play, and learn near these facilities. These studies were conducted primarily in lower population density communities and states. Yet, the majority of these studies find a positive correlation between distance of a home from an active oil or gas well and adverse health outcomes. The closer people live to oil and gas wells, the more likely they will be exposed to toxic air contaminants and the more elevated their risk of associated health effects.¹ Most of these distances are measured at a half-mile to a mile (See Table 2). Distances in Los Angeles are much closer. No peer-reviewed studies to date have investigated the relationship between the proximity of oil and gas development and health outcomes in California, nor have any studied this issue in the U.S. urban context. In Los Angeles alone, about 1.7 million people live within 1 mile of an active oil or gas well, and of that group, more than 32,000 people live within 100 m (about 328 feet) of an oil or gas well.²

Overview of Report Contents

A total of 14 studies and publications were considered for this report that investigated the health and quality of life impacts and exposures of unconventional natural gas development proximate to residences. Of the 14 studies and publications, 6 considered the distance of an active well to place of residence (Table 1), while the remaining 4 considered the concentration of wells proximate to residences (Table 2). Four of the publications are studies and non-peer reviewed reports that have setback recommendations or relevant considerations for a safe setback margin (included in Table 1). The distances considered in this report range in setback recommendations and findings from 1,500 to 6,600 feet. Among the peer-reviewed studies that specified where samples and data were collected, the average population density was about 150 people per square mile. To compare, the population density for the City of Los Angeles is about 50 times greater at 8,092.3 people per square mile. In neighborhoods like South Los Angeles that is home to several active oil drilling sites, the population densities are up to more than 20,000 people per square mile.³ The population density in South Los Angeles is about **133 times greater** than those of the populations investigated in the existing literature. Table 1 lays out the peer-reviewed studies included in this report, ordered by the safe setback distance each study considered. Advocacy groups in Los Angeles have called for a 2,500-setback law to protect the health and safety of nearby residents. **Based on the current available research, a 2,500-foot setback recommendation is on the lower end**

The population density in South Los Angeles is about **133 times greater** than the populations investigated in the existing literature.

of the range of distances where research has determined harmful health and quality of life impacts of toxic emissions and exposures.

Oil and Gas Extraction Methods

During much of the early and mid 1900's, conventional methods of extracting oil depleted most of the oil fields throughout the country. In Los Angeles, only 10% of oil field reservoirs can be recovered by conventional means.² Now, in order to access resources that are deeper or more difficult to recover than those that have been recovered historically, oil industry has pursued new technologies in "unconventional" or "enhanced oil recovery" methods.^{2,5} These methods include steam, water, and/or chemical injection, hydraulic fracturing, acidization, and gravel packing.

Although the existing research has primarily focused on health impacts and toxic emissions from unconventional natural gas development, many of the same chemicals of concern used in so-called unconventional activities are used in routine activities such as well maintenance, well-completion, or rework on both conventional oil and natural gas wells.⁶ There are many applications of hazardous chemicals in oil and gas development, and in fact the routine operational chemical use data is less available than that for unconventional chemical use activities.⁶

In Los Angeles, many of the extraction facilities utilize unconventional techniques, such as acidizing with hydrochloric and hydrofluoric acid, directional drilling, and gravel packing which involves use of tons of carcinogenic silica sand. Many of the oil fields in Los Angeles produce both oil and gas at a relatively equal ratio. Among the top ten producing oil fields in the City of Los Angeles, which include Beverly Hills, Wilmington, and Las Cienegas oil fields, the ratio of gas to oil production is about 0.91.⁷ Therefore, the existing research in other parts of the country holds relevance for the nature of oil and gas extraction in Los Angeles.

Health and Quality of Life Impacts

The consequences to health from oil and gas activity investigated in the reviewed studies include birth outcomes, asthma, other respiratory and dermal impacts, pediatric sub-chronic non-cancer and chronic hazard indices, unhealthy noise levels, and various associated health symptoms. Among the existing research, the greatest distance to oil and gas activity investigated was 2 km (6,561 feet) where exposure to hydrogen sulfide combined with VOCs were detected.⁸ The shortest distance measurement studied was 1,500 feet and this study found significantly more reports of health symptoms in households within 1,500 feet of an active well. The health symptoms included throat irritation, sinus problems, nasal irritation, eye burning, severe headaches, loss of sense of smell, persistent cough, frequent nose bleeds, swollen painful joints.⁹ Rabinowitz, et al. (2015) found an increased number of reported upper respiratory symptoms and skin conditions among residents who lived less than 1 km (3,280 feet) from an active well when compared with residents who lived more than 2 km (6,561 feet) from an active well.¹⁰ McKenzie, et al. (2012) found elevated risk of health effects from natural gas development for residents living less than half a mile from wells. They primarily considered the subchronic non-cancer hazard index, which was primarily driven up by exposure to trimethylbenzenes, xylenes, and aliphatic hydrocarbons, and chronic hazard index measurements, which were driven up by benzene exposure.¹¹

Another dimension of health impacts related to oil and gas development is noise levels. Boyle, et al. (2017) conducted a pilot study investigating the 24-hour noise levels of a compressor station relative to

residential homes both indoors and outdoors.¹² His study determined that homes up to 600m away (about 1,968 feet) experienced outdoor noise levels that exceeded the U.S. Environmental Protection Agency’s recommended limit of 55 dBA 100% of the time.¹² In addition to these punctuated periods of noise, the regular day-to-day operations at the site cause what has been described as “buzzing” throughout the night makes it difficult to sleep. Recent studies have increasingly focused on “non-auditory” effects of noise on health including annoyance, sleep disturbance, daytime sleepiness, hypertension, cardiovascular disease, and diminished cognitive performance in school children.¹³ Many residents living in close proximity to oil and gas development sites in Los Angeles routinely complain of noise from routine operations.

Air Quality and Toxic Exposure

Three of the studies investigated levels of volatile organic compounds (VOCs) and endocrine disrupting chemicals that exceeded regulatory agency minimum standards. Haley, et al. (2016) discussed how exposures of hydrogen sulfide combined with VOCs could produce potentially new harmful exposures that could be detected at distances up to 2 km (about 6,561 feet).⁸ Macey, et al. (2014) investigated several jurisdictions with setback regulations for oil and gas operations and conducted air monitoring sampling to examine if the setbacks were adequate.¹⁴ The findings revealed high concentrations of carcinogenic VOCs at distances greater than the setback regulations, including formaldehyde at 2,591 feet and benzene up to 885 feet away from wells. The study also discussed how health-based risk levels that most regulatory agencies rely on for setting limits on air emissions are very limited in providing a sense of the human health impacts.¹⁴ The risk level standards do not account for more vulnerable subpopulations like children and the elderly. Additionally, the number of compounds that are required for monitoring and toxicity reporting is relatively small when considering the vast number of chemicals required for oil and gas operations.¹⁴ Kassotis, et al. (2014) found elevated levels of endocrine disrupting chemicals in water sources 1 mile away from oil and gas operations with known spills or incidences.¹⁵ The study noted that near one of the investigated facilities contaminated by endocrine disrupting chemicals (EDCs), some of the animals in the area were no longer producing live offspring.

The findings revealed high concentrations of VOCs at greater distances than the setback regulations, including formaldehyde at 2,591 feet and benzene up to 885 feet away from wells.

Explosion Risk and Hazards

Haley, et al. (2016) considered the minimum distance that might be required in case of a blow-out or explosion event by investigating historical evacuation data.⁸ For example, an explosion in the Barnett Shale in northern Texas produced a 750-foot burn crater.¹⁶ Their findings determined that the average evacuation zone for such incidences is 0.8 miles, or 4,224 feet. A blowout in Wyoming County, PA required a 1,500 foot evacuation zone, which required the evacuation of only 3 families.¹⁷ Considering that in Wyoming County the population density was only 71.2 people per square mile¹⁸¹⁶ compared to a densely populated neighborhood in South Los Angeles with a population density of over 20,000, if a similar event were to happen, the same distance of 1,500 feet would require evacuation of 100,743 people. A very recent example of natural gas pipeline explosion accident comes from rural Colorado. On April 17, 2017, a one-inch abandoned pipeline exploded under a home in Colorado, leveled the house,

killed two people and badly burned a third person. The gas well head was located just 178 feet from the home.¹⁹

Dense Population of the City of Los Angeles and Close Proximity to Oil and Gas Facilities Magnifies Health and Safety Risks

Four studies investigated the relationship between health outcomes and the number of wells within a certain radius of residential homes (Table 3). The studies were concerned with birth outcomes and childhood leukemia and were conducted in Pennsylvania and Colorado. The density measures ranged from 3.36 – 125 wells per square mile. To compare to Los Angeles, the four extraction facilities in South Los Angeles that extract from the Las Cienegas oil field, the 2nd largest gas producing field in Los Angeles, each have 22 to 36 oil and gas wells operating less than 100 feet from residential homes. The Inglewood oil field has over 1000 wells operating well within 1 mile of residential homes, recreation parks, and other sensitive land uses.

The studies that investigated poor birth outcomes found that mothers in the sampling population who lived near the highest density of active wells were 1.3 more likely to give birth to a child who had congenital heart defects (CHD) and 2 times more likely to give birth to a child with neural tube defects (NTD),²² higher incidences of LBW and SGA,²³ and increased rate of preterm birth.²⁴ McKenzie, et al. (2017) found that increased well density was associated with increased risk for acute lymphocytic leukemia in people ages 5-24.²⁵

Delphi Technique

In addition to peer review studies, a consortium of experts in environmental studies and public health have also assessed and considered policy recommendations to address the health and safety consequences of close proximity to oil and gas development. The Environmental Health Project (EHP) is a public health organization that utilized the Delphi Technique to arrive at an expert consensus on an appropriate setback distance for unconventional oil and gas development from human activity.²¹ “The

...89% participant agreement that **1 to 1.25-mile distance** from unconventional oil and gas development is an acceptable minimum.

Delphi is an accepted method for reaching convergence of expert opinion about a specific topic,” and in this study, consensus was defined as 70% agreement of panelists. The process resulted in an 89% participant agreement that 1 to 1.25-mile distance (6,600 feet) from unconventional oil and gas development is an acceptable minimum to protect human health. Additionally, the study recommends greater setback distances for settings where vulnerable subpopulations might gather, such as schools, day care centers, and

hospitals.

Existing setback laws

It is clear that throughout the scientific literature that researchers agree the existing setback laws in various jurisdictions throughout the U.S. are inadequate to protect the health and safety of residents who live, work, and play near oil and gas operations. Existing setback laws range from 150 to 1,500 feet. States like Arkansas,

...**existing setback laws** in various jurisdictions throughout the U.S. **are inadequate** to protect the health and safety of residents who live, work, and play nearby oil and gas operations.

Colorado, and Ohio have varying setback distances from different sensitive land uses.^{8,14} Pennsylvania and Texas have state level setback laws for any oil and gas operations near residential land use. Several municipalities in Denton County, Texas, have enforced stronger setback laws. In response to override these municipalities, the Texas state legislature subsequently passed HB40 which preempts regulation of oil and gas operations by municipalities. Haley, et al. (2016) determined that based on historical catastrophic events, thermal modeling, vapor cloud modeling, and air pollution data, these existing setbacks laws are not sufficient to protect potential risks and threats to human health from hydraulic fracturing operations.⁸ Macey, et al. (2014) considered the concentration of VOCs in five different states and determined that the setbacks in those states were inadequate to prevent exposure to formaldehyde and benzene.¹⁴ Majority of the established setback laws were typically decided by negotiations between stakeholders, like residents and policymakers, and not supported by scientific, empirical data.²³ The state of Maryland is one example of a jurisdiction that scientifically investigated the health and safety impact of oil and gas operations. In July of 2014, the University of Maryland School of Public Health conducted another study that focused on public health impacts.²⁶ Among the 52 recommendations that resulted from the investigation, the researchers recommended a minimum 2,000-foot setback between dwellings and well pads and non-electric motor compressor stations. In 2017, Maryland became the second state in the country to ban hydraulic fracturing.²⁷

Conclusions

While few studies have investigated the relationship between the proximity of oil and gas operations and human health impacts, this body of literature does highlight a clear public health concern and that existing setback laws are not adequately protecting public health and safety. **The growing body of scientific literature recognizes that a setback distance between oil and gas operations and locations where people live, work, play, and learn are necessary to protect human health and safety. Setbacks are especially crucial to protect vulnerable populations, such as children, elderly, and the chronically ill or disabled.** The 2,500-foot setback recommendation incorporates recognition of Los Angeles' population density and the vulnerability of residents, schoolchildren, and the elderly from health hazards and possible disasters related to oil development. The current literature has identified that existing laws are not adequate for low density, rural communities. This finding underscores the need for a stronger setback in Los Angeles' densely populated urban environment. Many of the impacted communities are in close proximity to a large number of wells and other oil and gas development facilities and are already overburdened by exposure to cumulative environmental health impacts from other industrial and transportation sources. These marginalized communities have long endured environmental injustice. **The scientific literature and published reports make a strong case for a far more protective health and safety setback for the City of Los Angeles than currently exists in other jurisdictions, and creates a substantial basis for the 2,500-foot setback proposed by community advocates.**

Table 1. Comparison of studies and reports by distance to active oil and gas wells with consideration to population density.

Blue shaded rows are non-peer reviewed reports. Orange shaded rows are peer reviewed publications that have relevant setback considerations or recommendations.

*Population density values based on 2010 U.S. Census Fact Finder Population density data.

Citation	Health Impact / Exposure Finding	Distance with health / exposure finding impact / recommendation	Converted to feet	Pop Density 2010 of investigated counties/states (residents per sq.mi.)) *
SW Pennsylvania EHP Technical Reports ²¹	Delphi Technique	1 to 1.25 mile	6,600 feet	--
Haley, et al., 2016 ⁸	Exposure to hydrogen sulfide combined with VOCs could produce potentially new set of exposures - detected at distances of 2 km	2 km	6,561 feet	--
Haley, et al., 2016 ⁸ & Heinkel-Wolfe, 2013 ¹⁴	Considered blow-out and evacuation data, average evacuation zone was 0.8 miles. Explosion in Barnett Shale produced a 750-ft burn crater. ¹⁴	0.8 miles	4,224 feet	--
Kassotis, et al., 2014 ¹⁶	Elevated levels of endocrine disrupting chemicals in water sources 1 mile from sites that had known spills/incidents - animals no longer produced live offspring... Location: Garfield County, Colorado	1 mile	5,280 feet	19.1
Webb, Ellen, et al. 2017	Literature review on neurodevelopmental and neurological effects of chemicals associated with UOG operations and their potential effects on infants and children. Made a recommended minimum setback of 1.6 km.	1.6 km	5,249 feet	--
Rabinowitz, et al., 2015 ¹⁰	Significant respiratory and dermal impacts Location: Washington County, PA	Less than 1 km	3,280 feet	242.5
McKenzie, Witter, Newman, & Adgate, 2012 ¹¹	Significantly increased risk of pediatric sub-chronic non-cancer hazard & Chronic hazard indices	Less than ½ mile	2,640 feet	Rural areas and towns, population <50,000 in 57 counties
Macey, et al., 2014 ¹⁴	Monitored high concentrations of VOCs - up to 2,591 ft Location: Counties in 4 states – AR, PA, CO, OH	2,591 ft	2,591 feet	137.45 (average)
2,500 FEET RECOMMENDATION FOR CITY OF LOS ANGELES				8,092.30
University of Maryland School of Public Health 2014 ²⁶	Recommended min setback distance of 2,000 ft from well pads Location: state of MD	1,000 ft	2,000 feet	594.8
Boyle, et al., 2017 ¹²	Unhealthy noise levels Location: Doddridge County, WV	< 600m	1,969 feet	25.7
Steinzor, Subra, & Sumi, 2013 ⁹	Significantly higher rates of health symptoms in households within 1,500 ft of an active well Location: 14 counties in PA	1,500 ft	1,500 feet	165.1

Table 2. Studies investigating the relationship of health outcomes and proximity to concentration of wells

Study	Outcome	Measurement	Wells density (per sq mile)	Pop Density 2010 of investigated counties/states (residents per sq.mi.) ³²
McKenzie, et al., 2017 ²⁵	In rural Colorado, People ages 5-24 had a 3-4 times higher risk for developing acute lymphocytic leukemia Location: state of Colorado	>33.6 wells in 16.1 km or 10 miles	3.36 wells	48.5
Stacy, et al., 2015 ²³	Birth outcomes by concentration of wells. Those with 6+ wells within mile had higher incidence of SGA and LBW in SW Pennsylvania Location: 3 counties in PA (Butler, Washington, Westmoreland)	6+ wells per 1 mile	6 wells	277.0 (average)
Casey, et al., 2016 ²⁴	Mothers who lived in the highest exposure quartile were 1.4 times more likely to give birth to children who were considered low birth weight (LBW) and smaller than gestational age (SGA). Location: 40 counties in PA – Using state population density	Highest exposure quartile had 124 wells within 20 km; lowest had 8 wells within 20 km	About 10 wells	283.9
South Los Angeles – Jefferson Drill Site (example for comparison)		36 wells within 1 mile	36 wells	21,848
McKenzie, et al., 2014 ²²	In rural Colorado, mothers who lived in higher exposure tertile had 1.3 higher chance of giving birth to a child with congenital heart defect (CHD) 2.4 higher chance of having Neural Tube Defect. Even in the 2 nd tertile of highest exposure, mothers were 1.2 more likely to give birth to a child with CHD. Location:	Highest exposure tertile had 125-1400 wells within a mile, the next highest tertile had 3.63-125 wells within a mile.	125 wells	Rural areas and towns, population <50,000 in 57 counties

References

1. Shonkoff SBC & Gautier D, Chapter 4: A Case Study of the Petroleum Geological Potential and Potential Public Health Risks Associated with Hydraulic Fracturing and Oil and Gas Development in the Los Angeles Basin. <https://ccst.us/publications/2015/vol-III-chapter-4.pdf> [Accessed December 22, 2016]
2. Liberty Hill Foundation. (2015). Drilling Down: The Community Consequences of Expanded Oil Development in Los Angeles. https://www.libertyhill.org/sites/libertyhillfoundation/files/Drilling%20Down%20Report_1.pdf. [Accessed June 9, 2017].
3. Los Angeles Times. Mapping LA, South L.A.: University Park. [Accessed May 27, 2017] (<http://maps.latimes.com/neighborhoods/neighborhood/university-park/>)
4. Webb, Ellen, et al. (2017). "Neurodevelopmental and neurological effects of chemicals associated with unconventional oil and natural gas operations and their potential effects on infants and children." *Reviews on Environmental Health*.
5. U.S. Environmental Protection Agency (2008) Sector Performance Report. Page 86. <https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=P1001IJT.txt>. [Accessed June 9, 2017].
6. Stringfellow, W. T., Camarillo, M. K., Domen, J. K., & Shonkoff, S. B. (2017). Comparison of chemical-use between hydraulic fracturing, acidizing, and routine oil and gas development. *PLoS one*, 12(4), e0175344.
7. DOGGR?
8. Haley, M., McCawley, M., Epstein, A. C., Arrington, B., & Bjerke, E. F. (2016). Adequacy of current state setbacks for directional high-volume hydraulic fracturing in the Marcellus, Barnett, and Niobrara Shale Plays. *Environmental health perspectives*, 124(9), 1323.
9. Steinzor, N., Subra, W., & Sumi, L. (2013). Investigating links between shale gas development and health impacts through a community survey project in Pennsylvania. *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*, 23(1), 55-83.
10. Rabinowitz, P. M., Slizovskiy, I. B., Lamers, V., Trufan, S. J., Holford, T. R., Dziura, J. D., ... & Stowe, M. H. (2015). Proximity to natural gas wells and reported health status: results of a household survey in Washington County, Pennsylvania. *Environmental Health Perspectives (Online)*, 123(1), 21.
11. McKenzie, L. M., Witter, R. Z., Newman, L. S., & Adgate, J. L. (2012). Human health risk assessment of air emissions from development of unconventional natural gas resources. *Science of the Total Environment*, 424, 79-87.
12. Boyle, M. D., Soneja, S., Quirós-Alcalá, L., Dalemarre, L., Sapkota, A. R., Sangaramoorthy, T., ... & Sapkota, A. (2017). A pilot study to assess residential noise exposure near natural gas compressor stations. *PLoS one*, 12(4), e0174310.
13. Basner, M., Babisch, W., Davis, A., Brink, M., Clark, C., Janssen, S., & Stansfeld, S. (2014). Auditory and non-auditory effects of noise on health. *The Lancet*, 383(9925), 1325-1332.
14. Macey, G. P., Breech, R., Chernaik, M., Cox, C., Larson, D., Thomas, D., & Carpenter, D. O. (2014). Air concentrations of volatile compounds near oil and gas production: a community-based exploratory study. *Environmental Health*, 13(1), 82.
15. Kassotis, C. D., Tillitt, D. E., Davis, J. W., Hormann, A. M., & Nagel, S. C. (2014). Estrogen and androgen receptor activities of hydraulic fracturing chemicals and surface and ground water in a drilling-dense region. *Endocrinology*, 155(3), 897-907.

16. Heinkel-Wolfe P. 2013. Few answers in April gas well Blowout [news story]. Denton Record-Chronicle. Denton, TX. 27 July 2013. Available: <http://www.dentonrc.com/news/news/2013/07/27/few-answers-in-april-gas-well-blowout> [Accessed November 22, 2017].
17. Legere, L. (2013). Wyoming County well malfunction causes spill, evacuation. The Times-Tribune, March 15, 2013. <http://thetimes-tribune.com/news/wyoming-county-well-malfunction-causes-spill-evacuation-1.1458575> [Accessed November 22, 2017].
18. U.S. Census Bureau. 2010. Population, Housing Units, Area, and Density: 2010 – County –County Subdivision and Place – 2010 Census Summary File 1. Wyoming County, Pennsylvania.
19. Kelly, D. (2017). Deadly House explosion in Colorado traced to uncapped pipe from gas well. Los Angeles Times, May 2, 2017. <http://www.latimes.com/nation/nationnow/la-na-colorado-explosion-20170502-story.html>. [Accessed June 9, 2017].
20. Fry M. Urban gas drilling and distance ordinances in the Texas Barnett Shale. *Energy Policy* 2013;62:79–89.
21. Health and Unconventional Oil & Gas Development: Delphi Study Results. *South West Pennsylvania Environmental Health Project Technical Reports*, Issue 4. [Accessed November 22, 2017] http://www.marparentgroup.com/uploads/3/0/3/4/30347031/issue_4_-_health_and_unconventional_oil_gas_development_-_delphi_study_results.pdf.
22. McKenzie, L.M., Guo, R., Witter, R.Z., Savitz, D.A., Newman, L.S., Adgate, J.L. (2014). Birth outcomes and maternal residential proximity to natural gas development in rural Colorado. *Environmental Health Perspectives*, 122:412-417.
23. Stacy, S. L., Brink, L. L., Larkin, J. C., Sadovsky, Y., Goldstein, B. D., Pitt, B. R., & Talbott, E. O. (2015). Perinatal outcomes and unconventional natural gas operations in Southwest Pennsylvania. *PLoS One*, 10(6), e0126425.
24. Casey, J. A., Savitz, D. A., Rasmussen, S. G., Ogburn, E. L., Pollak, J., Mercer, D. G., & Schwartz, B. S. (2016). Unconventional natural gas development and birth outcomes in Pennsylvania, USA. *Epidemiology (Cambridge, Mass.)*, 27(2), 163.
25. McKenzie, L. M., Allshouse, W. B., Byers, T. E., Bedrick, E. J., Serdar, B., & Adgate, J. L. (2017). Childhood hematologic cancer and residential proximity to oil and gas development. *PLoS One*, 12(2), e0170423.
26. Milton, D., et al. (2014). Potential Public Health Impacts of Natural Gas Development and Production in the Marcellus Shale in Western Maryland. Maryland Institute for Applied Environmental Health, School of Public Health, University of Maryland, College Park. http://www.marcellushealth.org/uploads/2/4/0/8/24086586/final_report_08.15.2014.pdf. [Accessed June 12, 2017].
27. Henry, D. April 4, 2017. Maryland governor signs fracking ban into law. The Hill. http://www.marcellushealth.org/uploads/2/4/0/8/24086586/final_report_08.15.2014.pdf. [Accessed June 12, 2017].

Shannon L. Chaffin

From: Suzanne Noble <snoble@wspa.org>
Sent: Monday, May 14, 2018 9:22 PM
To: Shannon L. Chaffin
Subject: WSPA Comment Letter City of Arvin Proposed Oil and Gas Ordinance Update - May 14, 2018
Attachments: WSPA Comment Letter City of Arvin Proposed Oil and Gas Ordinance Update - May 14 2018.docx; Kern EIR Global Response Water-04, Feasibility of Potable Water Ban.pdf

Shannon,

On behalf of the Western States Petroleum Association please see our comment letter attached on the City of Arvin's proposed Oil and Gas Ordinance update, with attachment.

We look forward to seeing you at the Arvin workshop on Wednesday, May 16.

Please contact me at 661-319-6340 if you have any questions.

Suzanne Noble

Director Production Operations
Western States Petroleum Association
(661) 319-6340
snoble@wspa.org

Shannon L. Chaffin

From: Shannon L. Chaffin
Sent: Monday, May 14, 2018 9:33 AM
To: 'Dale Hankins'
Subject: RE: Zoning south of development in Section 2

Dale:
Thank you for your interest in the workshop. The workshop set for May 16, 2018 at 9:00 a.m., in the Arvin City Council Chambers, in Arvin, CA. We look forward to seeing you there.
Best,
-Shannon

Shannon L. Chaffin, Esq. | Partner
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From: Dale Hankins [<mailto:dlh2@sbcglobal.net>]
Sent: Saturday, May 12, 2018 12:28 PM
To: Shannon L. Chaffin
Subject: Zoning south of development in Section 2

Mr. Chaffin:

I wish to attend the May 16 meeting/workshop. My interest is the serious limitation of access south of development in Section 2. Because of prohibitive costs to reach minerals from any direction the inaction you proposed in your e-mail to me would allow the City to take my investment and confiscate my Lessor's mineral rights. This is clearly unsatisfactory.

Dale Hankins



Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

Suzanne Noble
Director, Production Operations

May 14, 2018

Mr. Shannon L. Chaffin
City Attorney, Arvin
2125 Kern Street, Suite 307
Fresno, CA 93721

Sent via email: schaffin@awattorneys.com

**RE: COMMENTS ON PROPOSED ORDINANCE TO ADOPT TEXT AMENDMENT
NO. 2017-04, AN OIL AND GAS ORDINANCE FOR REGULATION OF
PETROLEUM FACILITIES AND OPERATIONS**

Dear Mr. Chaffin,

The Western States Petroleum Association (“WSPA”) submits these comments regarding the City of Arvin’s proposed ordinance update to adopt Text Amendment No. 2017-04 to the Arvin Municipal Code (the “Ordinance”).

WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas, and other energy supplies in California and four other western states. We appreciate that the City’s goal is to ensure that oil and gas operations within its limits are conducted safely. Nevertheless, WSPA is concerned that many aspects of the Ordinance are duplicative of state law and regulations, unduly burdensome, technically unworkable or otherwise inappropriate for operations within the City. As such, the Ordinance will create a disincentive for existing operators to continue and for new and expanded activities within the City. Accordingly, we urge the City either to substantially revise the Ordinance or to reject it.

When the Ordinance was brought before the City Council in November 2017, WSPA and others raised concerns about inadequate notice and opportunity for public participation. The Ordinance was not adopted at that time. Then at the end of April 2018, after months with no outreach from City staff, we learned that staff planned to bring the Ordinance back to the City Council for adoption after a single informal workshop on May 16, without a formal public review and comment process. We ask the City Council to direct staff to provide a full opportunity for public participation, take the time to carefully consider that input, and revise the Ordinance.

WSPA respectfully submits the following comments for consideration and inclusion in the administrative record for the Ordinance, while reserving the right to submit additional comments.

Comment 1: The proposed Ordinance relies on a categorical exemption from the California Environmental Quality Act (“CEQA”) for regulatory actions to protect the environment, but that exemption does not apply where there is a reasonable possibility of significant environmental impacts due to unusual circumstances. For example, by prohibiting drilling within zones comprising most of the City, the Ordinance requires operators to drill horizontally from other, permissible zones to reach their underlying mineral rights. Increasing drilling distance and duration raises a reasonable possibility of increased emissions, noise and other impacts, which must be considered. By mandating the use of reclaimed water in lieu of fresh water, the Ordinance may increase the use of chemicals. By mandating pipeline transportation of crude oil in lieu of the current reliance on truck transportation, the Ordinance will require substantial excavation and construction, with attendant impacts related to emissions from fuel combustion, noise, fugitive dust, disruption of vehicular traffic along City streets (as pipelines are often installed under roadways), etc. Similar excavation and construction impacts would result from the Ordinance’s mandate to underground electrical lines. WSPA reserves its right to submit further comments regarding the inapplicability of the exemption and need for CEQA review of the Ordinance’s unintended environmental consequences.

Comment 2: In addition to environmental implications, the need for extensive horizontal drilling will impose costs on owners of mineral rights underlying the majority of the City, where drilling will be prohibited. Moreover, the surface parcels closest to the newly inaccessible minerals may not be available as sites from which to drill horizontally, or the surface owners may impose excessive costs to allow drilling. WSPA urges the City to reconsider allowing drilling to directly access minerals underlying non-residential zones where impacts would be limited, yet drilling is prohibited under the current proposed Ordinance.

Comment 3: In areas where drilling remains permissible, the Ordinance would require the issuance of an individual Conditional Use Permit (“CUP”) for each oil and gas project, including expanded activities entirely within the footprint of existing oil and gas operations. This requirement is procedurally burdensome and unnecessary, as well as exposing both the City and operators to litigation risk. The protracted process for obtaining a CUP, including individualized CEQA review and public comment, introduces delay and costs which may render some projects impractical. Moreover, each of these CUPs must be approved by the Planning Commission, is appealable to the City Council, and may be challenged in court. This lengthy and uncertain timeline, with no guarantee of approval in the end, will be a strong disincentive for new and expanded projects.

Comment 4: Under Section 17.46.010.A of the Ordinance, each CUP would be subject to review at five-year intervals, with potential reopening to add more requirements, again subject to challenge in court. There is no justification for requiring repeated, redundant reviews of every individual CUP. In addition to the burden for operators, requiring repeated reviews every five years, for every CUP, will be a considerable burden on City staff. Moreover, a CUP is supposed to provide certainty, enabling operators who get through the lengthy CUP process to assess the

economic viability of a project based on definitive knowledge of all requirements. These reviewable CUPs provide no such certainty beyond the five-year term, potentially resulting in new requirements and new costs which were unknown at the planning and permitting stage. The periodic review requirement originated in an ordinance applying to large oil field operations in the City of Carson, and was excessive even there, but is even more excessive when applied to the typical project in the City of Arvin, consisting of one or a few wells.¹ However, it is entirely inappropriate for projects of one or a few wells, which is typical in the City of Arvin. This provision should be eliminated or limited to facilities above a specified size, which are unlikely to exist in the City. If the City feels it necessary to impose additional environmental protections, it can do so by adopting requirements and development standards in the Ordinance itself, without requiring an individual CUP for every project and five year reviews of every CUP. In fact, the proposed Ordinance already contains many highly specific requirements and standards that will apply to all activities, independent of the individual CUPs (though some of those requirements and standards are duplicative or otherwise problematic, as noted in further comments below). The future CUPs would then impose additional redundant requirements, administrative process and litigation risk. There is nothing to justify this burden.

Comment 5: The substantive new requirements of the Ordinance, which apply to existing as well as new operations, largely overlap with those of the state Division of Oil, Gas and Geothermal Resources (“DOGGR”), the State Water Resources Control Board, the Regional Water Quality Control Boards, and other agencies. Those are the agencies with special regulatory jurisdiction and expertise, both of which the City lacks. In particular, the City lacks jurisdiction over downhole well activities which are exclusively regulated by the state. Rather than impose the unnecessary burden of duplicative requirements, it should be sufficient for operators simply to provide the City with copies of submittals to the relevant agencies with jurisdiction and expertise. The City’s review approval process should be limited to land use compatibility and surface activities which are properly within its jurisdiction.

Comment 6: Many provisions of the Ordinance impose limitations on currently allowed equipment types and operations as well as extensive new monitoring and testing, all of which will be costly and burdensome to operators. Other provisions require new plans for air quality, water management, access road and transportation, noise and vibration, steaming operations and other activities, but the specific requirements remain to be determined subject to the discretion and approval of the City Manager. These discretionary requirements add further uncertainty for operators, and presumably will also be subject to revisiting in the comprehensive five-year reviews. The additional layer of uncertainty also affects the economic viability of projects and will be further disincentive for initiating new and expanded development proposals. For example, Section 17.46.034.1 requires oil and gas to be transported by pipeline, unless the City Manager finds that pipeline transport is infeasible, in which case the City Manager may – but is not required to – approve transport by truck. But this ignores the reality that truck transport is in

¹ In fact, the entire Ordinance is virtually identical to the City of Carson ordinance and retains references to the City of Los Angeles Department of Building and Safety in Section 17.46.038.F.

fact widespread and routine, while construction of new pipelines is not economically justifiable for smaller projects.

Comment 7: In addition to the pipeline requirement, various other Ordinance provisions contain exceptions if the requirements are determined to be infeasible (specific examples are noted below). However, the Ordinance does not define “feasibility”, leaving the determination up to the unguided discretion of the City Manager. Moreover, some of the language may be read to suggest that only technological infeasibility can provide grounds for waiving or accepting an alternative to a requirement. For many operations, especially small ones, economic considerations may be more important, and the cost of some requirements may be sufficient to render the project uneconomical. The Ordinance must be revised to provide a definition of “feasibility” to be applied consistently, avoiding inconsistent and unfair outcomes. WSPA recommends utilizing the definition from CEQA Guidelines Section 15364: “‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

Comment 8: Other cities have successfully implemented the approach of relying on and enforcing well development standards and land use requirements. See, for example, the well site development standards in Bakersfield Municipal Code Section 15.66. WSPA suggests that Arvin consider following the City of Bakersfield’s model. Bakersfield’s ordinance authorizes the establishment of Drilling Island districts or Petroleum Extraction overlays, utilizing the same public notice and comment process as a CUP. Once established, however, operators have certainty and do not need to obtain a CUP for every subsequent new or expanded development within these areas.

Comment 9: Section 17.46.015 provides that any violation may be penalized up to the maximum amount, with no direction for determining an appropriate amount. This section should be revised to provide an incremental fine structure, reducing or waiving fines for a first violation and increasing fines for repeat violations. In addition, the provision should be clarified to state that, if a notice of violation is corrected or satisfactory steps to cure have been initiated within 30 days, the deposited fine amount will be returned to the operator.

Comment 10: The bonding and insurance requirements are also excessive and duplicative. The Ordinance requires operators to provide bonds in indeterminate amounts (but no less than \$10,000 per well), to be determined at the City Manager’s discretion and revisited every five years, and also provides an extensive list of required insurance coverages. Bonding and insurance are already required by DOGGR, the state Office of Spill Prevention and Response, and other agencies. Imposing costly additional requirements will disincentives new development and may eliminate marginal operations. The bonding and insurance provisions should be revised to accept financial assurances approved by DOGGR and other agencies as sufficient for the City’s purposes.

Comment 11: The Findings section purporting to support adoption of the Ordinance is seriously incomplete and misleading.

- The Findings fail to include basic facts of the existing regulatory structure and protections in place, and so do not justify the need for the Ordinance. In particular, the Findings fail to acknowledge DOGGR's jurisdiction and responsibility for well permitting and testing; safety inspections; oversight of production and injection projects; environmental lease inspections; idle well testing; inspecting oilfield tanks, pipelines, and sumps; hazardous and orphan well plugging and abandonment contracts; and subsidence monitoring. Yet the City is well aware of DOGGR's actual role and responsibilities, as reflected in Ordinance Section 17.46.01, Operational Noticing, requiring the operator to provide the City with copies of its submittals to DOGGR.
- In discussing the need for the Ordinance to protect against impacts to water quality and resources, the Findings do not mention the federal Clean Water Act and State Drinking Water Act, the state Porter-Cologne Act and Sustainable Groundwater Management Act and their respective regulatory implementation that already protect those resources. The Findings assert that water resources are at risk "[w]ithout the appropriate regulations, or a mechanism to confirm compliance with existing regulations" (see Findings, p. 9), but such regulations are already in place and enforced by DOGGR and the State and Regional Water Boards.
- The supposed need to adopt the Ordinance in order to provide for enforcement, compliance monitoring and oversight (Findings, p. 14) does not acknowledge that federal and state regulatory agencies with special jurisdiction and expertise exist, much less demonstrate that additional enforcement, monitoring and oversight by the City of Arvin is needed. The concerns raised in this section are covered by federal and state law, including compliance, bonding and financial assurance, and enforcement.
- The Findings also rely on information with no demonstrated relevance to operations in the City or, for that matter, in California (such as a Canadian study of wellbore leakage rates; see Findings p. 11, footnote 2).
- Finally, the Findings omit any mention of the economic significance of oil and gas operations for the City and for Kern County.

Comment 12, Section 17.46.04: Several of the definitions in the Ordinance are incorrect or inconsistent with state law or regulation:

- The definition of "idle well" states that the term is defined in "DOGGR Statutes and Regulations" but further defines an idle well as one not used for production or injection for six consecutive months in five or more years. That is not consistent with the definition in Public Resources Code § 3008(d): "Any well that has not been used for the production of oil and gas, the production of water for the purposes of enhanced oil recovery or reservoir pressure management, or injection for a period of 24 consecutive months", not six months. The Public Resources Code definition should be used.

- The definition of “secondary containment” is inconsistent with the definition in DOGGR regulations which does not require impervious barriers. The DOGGR definition should be used: “‘Secondary containment’ means an engineered impoundment, such as a catch basin, which can include natural topographic features, that is designed to capture fluid released from a production facility.” 14 Cal. Code Regs. § 1760(n).
- The local air district is the “San Joaquin Valley Air Pollution Control District” or “SJVAPCD”, not the “SJVAQMP” or “San Joaquin Air Quality Management District.”

Comment 13: The definition of “new development” states: “Re-drills of abandoned wells are considered new wells under this ordinance.” Re-abandoning should not subject an abandoned well to all of the requirements for new wells.

Comment 14, Section 17.46.07: DOGGR well permits are available on DOGGR’s WellSTAR system. It is redundant and a potential source of delay to require operators to provide copies to the City Manager prior to the start of drilling or re-working. In some instances, time may be of the essence to complete certain workover activities while minimizing environmental impacts.

Comment 15, Section 17.46.011.3.1: The requirement to file a separate application for abandonment or partial abandonment is duplicative of DOGGR requirements, with no justification for the separate City application. The abandonment process is closely regulated by DOGGR. It should suffice for the operator to provide the City with copies of the DOGGR documentation, verifying that DOGGR is overseeing compliance. In addition, copies of DOGGR documentation would enable the City to track the locations of abandoned wells for future development purposes.

Comment 16, Section 17.46.08.1.J: The “quiet mode” requirements of this section are excessively stringent. Jurisdictions with quiet mode requirements generally require such controls only between 6 pm and 8 am, but in this section the requirements apply at all times except for the restriction on truck deliveries. All of the quiet mode requirements in Section 17.46.08.1.J should apply between 6 pm and 8 am.

Comment 17, Sections 17.46.08.1.L and 17.46.32.1: Environmental Quality Assurance Programs (“EQAPs”) are generally reserved for oil fields or larger production facilities, not individual wells. The EQAP provisions are excessive and should be eliminated for small projects such as individual wells.

Comment 18: Section 17.46.08.3.A.4 prohibits CUP approval unless the Planning Commission makes a specific affirmative finding regarding water quality. This requirement could be read to compel rejection of projects which satisfy all regulatory standards for freshwater and groundwater protection to the satisfaction of DOGGR and the State and Regional Water Boards, if the Planning Commission fails to make a finding on downhole wellbore integrity which is outside its jurisdiction and expertise. Item A.4 should be stricken and the required findings for CUP issuance should be limited to A.1-A.3.

Comment 19, Section 17.46.08.5.C suggests that the new operator must already be in compliance with all ordinance conditions before the CUP may be transferred and the new operator assumes control, which is logically impossible. The provision should be clarified to give new operators a reasonable time period to meet the requirements after assuming control, e.g., six months from the date that the acquiring operator executes the DOGGR notification of well and/or facility disposition form.

Comment 20, Section 17.46.012.C: Read literally, the requirement for the operator to notify the City of the “idling” of any well would require filing a notice every time a well on a timer ceases operating. This provision should be revised to require notification when the well has been idle for 24 months, consistent with the statutory definition of an idle well.

Comment 21: Section 17.46.013 requires reporting of “all complaints” which is overly vague and could apply to trivial or unsubstantiated occurrences. By contrast, Section 17.46.032.2 regarding odor complaints refers to complaints verified by the air district or the City. Similar verification should be required for reporting under Section 17.46.013.

Comment 22: Section 17.46.016 provides that “any violation” of the Ordinance is a public nuisance. Read literally, failure to file required paperwork would be declared a public nuisance, which is an unreasonable standard. This section should be revised to limit “public nuisance” to violations that cause actual adverse impacts to the public.

Comment 23, Section 17.46.017: Compliance monitoring by specialist Environmental Compliance Coordinators is generally reserved for oil fields or larger production facilities, not individual wells. In other local jurisdictions, it is standard for Building Inspectors to inspect the types of facilities that exist in the City of Arvin. This provision is unnecessary, likely to be expensive, and inappropriate in the City, where the typical project consists of one or a few wells. The provision should be eliminated or limited to large facilities above a specified size.

Comment 24, Section 17.46.021: The insurance requirements must be consistent with the types of policies that are available in the marketplace. While policies covering accidental releases are available, generic “environmental impairment” insurance coverage as required by this section may not be available to oil and gas operators or may be cost prohibitive.

Comment 25: Section 17.46.028 prohibits steaming, unless approved by the City Manager. The City Manager may also adopt guidelines which would regulate steaming, apparently without going through the process of amending the Ordinance. As far as WSPA is aware, steaming is not currently utilized in oil and gas operations within the City. Nevertheless, it appears inappropriate to impose a default steaming ban that would preclude access to mineral rights by a method that is effectively used elsewhere and permissible under state law. Moreover, as noted above, the state has exclusive jurisdiction over downhole activities. The language should be revised to remove the prohibition so that steaming would not be a default precluded activity.

Comment 26: Section 17.46.029.A requires use of reclaimed water for oil and gas activities, unless the City Manager finds that reclaimed water use is “infeasible” and the operator provides an “equal and measurable” (but undefined) community benefit. This provision raises two issues:

- First, while the oil and gas industry is taking steps to increase water recycling, use of reclaimed water for all activities is not technically feasible. This issue was discussed in the Environmental Impact Report for the Kern County Oil and Gas Ordinance, which found it infeasible to ban potable water use and require use of recycled produced water for oil and gas activities:

“Using produced water would, in many cases, significantly increase costs, and could result in increased chemical use, longer and more intensive surface activities, and the need for additional permitting processes to avoid adverse secondary environmental impacts.” Master Response Water-04: Feasibility of Potable Water Use Ban, in “Final Environmental Impact Report – Revisions to the Kern County Zoning Ordinance 2015-C” (September 2015)(excerpt attached with additional details).

Since the City cannot, in fact, reasonably expect each oil and gas site to utilize only reclaimed water, this provision should be revised to remove that default requirement.

- Second, “infeasible” is not defined. Presumably “infeasible” at least includes technological infeasibility. But as discussed in the Kern County EIR, significantly increased costs also contribute to the infeasibility of requiring recycled water for all uses. While economic infeasibility is a component of infeasibility as defined by CEQA, that definition does not apply to the Ordinance. The Ordinance should be revised to add the definition of “feasibility” from CEQA Guidelines 15364, which provides that economic and other factors, as well as technological considerations, may be grounds for determining infeasibility.

Comment 27: Section 17.46.029 (B) requires electrical lines to be undergrounded, without even providing the exception if doing so is deemed infeasible. In fact, undergrounding electrical lines is cost prohibitive for individual wells. As with the reclaimed water provision, this requirement should provide an infeasibility exception, defining infeasibility as in CEQA Guidelines 15364 to include economic considerations and other factors.

Comment 28: As noted above, Section 17.46.034.1 requires oil and gas to be transported by pipeline, unless the City Manager finds that pipeline transport is “infeasible”, in which case the City Manager may – but is not required to – approve transport by truck. However, the reality is that truck transport is widespread and routine. This raises two issues:

- First, since the City cannot, in fact, reasonably expect routine truck transport to cease, this provision should be revised to remove the default requirement for pipelines.
- Second, “infeasible” is not defined. Presumably “infeasible” at least includes technological infeasibility. But pipeline construction rarely would be a technical impossibility; rather, the need to construct a new pipeline would affect the economic viability of projects, especially smaller projects. Again, the Ordinance should be revised to add the definition of “feasibility” from CEQA Guidelines 15364, providing

that economic and other factors, as well as technological considerations, may be grounds for determining infeasibility.

Comment 29, 17.46.032.1: As noted above for Section 17.46.08.1.L, EQAPs are generally reserved for oil fields or larger production facilities, not individual wells. The EQAP provisions are excessive and should be eliminated for small projects such as individual wells.

Comment 30, Section 17.46.032.2: While we appreciate that odor complaints must be “confirmed” by the air district or the City, WSPA is concerned that additional requirements should not be triggered by complaints that are not accurate. To be considered “confirmed”, odor complaints must be verified as originating from an odor source within the facility.

Comment 31: Section 17.46.032.5.3 may require groundwater investigation and installation of groundwater monitoring wells that are duplicative of requirements of DOGGR and the State and Regional Water Boards. Compliance with regulatory agency requirements should be deemed sufficient.

Comment 32: Section 17.46.032.5.3.B states:

“The operator shall not inject any water spoils/wastewater derived from the any oil or gas operations into any non-exempt *or DOGGR exempt* freshwater aquifers” (emphasis added).

As drafted, the words in italics appear to prohibit wastewater injection into aquifers designated as “exempt” and approved for such injections through an extensive series of reviews and approval by DOGGR, the State and Regional Water Boards and the U.S. Environmental Protection Agency. The City does not have jurisdiction over downhole activities or authority to ban injection into exempt aquifers approved by federal and state agencies. This section should be revised to read: “The operator shall not inject any water spoils/wastewater derived from the any oil or gas operations into any non-exempt freshwater aquifers.”

Comment 33, Section 17.46.032.6: As noted above in the comment on Section 17.46.08.1.J, noise restrictions should be limited to 6 pm – 8 am which is standard practice.

Comment 34: Section 17.46.33.G prohibits aboveground pump-jack assemblies in new wells in non-industrial sites, apparently for aesthetic reasons. Submersible downhole pumping mechanisms are required for extraction, unless determined to be infeasible by the City Manager. The requirement for more expensive submersible pumps is another cost burden that may render marginal operations inviable. Submersible pumps also tend to have operational issues which require more frequent maintenance, thus increasing truck traffic to and from the site. In this instance, there is a criterion for finding infeasibility “due to technical reasons or other circumstances which would specifically preclude the use of such technology.” However, as with the other uses of “infeasible”, the Ordinance should be revised to add the definition of “feasibility” from CEQA Guidelines 15364, providing that economic considerations and other factors may be grounds for determining infeasibility.

Mr. Shannon L. Chaffin
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Comment 35: Section 17.46.038.F may require leak testing of abandoned wells or re-abandoned wells that is duplicative of requirements of DOGGR and the air district. Compliance with regulatory agency requirements should be deemed sufficient.

Thank you for your consideration of WSPA's comments. If you have any questions, please contact me at 661-319-6340.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Noble".

Attachment: Kern EIR Global Response Water-04 Feasibility of Potable Water Ban

MM 4.17-1, which requires approved septic systems in appropriate locations for oil and gas operations and maintenance buildings to reduce potential water quality impacts, including to surface waters and beneficial uses.

MM 4.17-5, which requires that Oil and Gas Conformity Review applicants not store construction waste onsite for longer than the duration of a construction activity, not transport any waste to any unpermitted facilities, and reduce construction waste transported to landfills by recycling solid waste construction materials.

In summary, the proposed Zoning Ordinance amendments will significantly enhance groundwater level, storage and quality, surface water beneficial use, and land subsidence protection requirements in the Project Area. In addition Oil and Gas Conformity Review applicants will be required to cooperate with the County in the development of a project Area GSP that incorporates best practices for oil and gas exploration and production, including increased produced water reuse with appropriate treatment, and increased oil and gas use of recycled water in lieu of higher-quality ground or surface waters. Implementation of the proposed Zoning Code amendments would support the achievement of and be consistent with all applicable SGMA sustainable groundwater management objectives for the Project Area.

Water-04: Feasibility of Potable Water Use Ban

Some commenters requested that oil and gas producers be banned from use of any potable water for production activity. The County recognizes the importance of addressing impacts on water supply under current drought conditions in California. The EIR incorporates feasible mitigation measures to increase use of produced water. See Mitigation Measures 4.17-2, 4.17-3 and 4.17-4. However, CEQA requires an EIR to identify only mitigation measures that are feasible.¹⁰⁶ Mitigation is feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.¹⁰⁷ Similarly, the County may reject any alternative that is not actually feasible.¹⁰⁸

An alternative or mitigation measure requiring use of produced water for all oil and gas operations, or banning the use of potable municipal and industrial (M&I) water or groundwater for oil and gas operations, would not be feasible. Using produced water would, in many cases, significantly increase costs, and could result in increased chemical use, longer and more intensive surface activities, and the need for additional permitting processes to avoid adverse secondary environmental impacts.

¹⁰⁶ *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 244-245 [“An EIR need not identify and discuss mitigation measures that are infeasible...Nothing in CEQA requires an EIR to explain why certain mitigation measures are infeasible.”]

¹⁰⁷ CEQA Guidelines § 15364.

¹⁰⁸ *California Native Plant Soc.*, 177 Cal.App.4th at 981; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489; CEQA Guidelines § 15091.

Produced water is currently used for some oilfield activities, such as discharge for dust suppression, but increasing that use beyond existing levels would require additional permitting and approvals to avoid impacts to biological, water and other resources. While the oil and gas industry in Kern County has been working with the Regional Water Quality Control Boards to increase use of produced water for dust suppression and other oilfield activities, there are regulatory hurdles to increasing use of produced water and it is uncertain whether and to what extent additional use of produced water will be permitted by the Boards. As such, a requirement to substitute produced water for all uses would not be legally feasible.

While oil and gas operators may be able to utilize additional produced water for some oilfield activities – as contemplated by Mitigation Measures 4.17-2, 4.17-3 and 4.17 – not all oilfield activities are able to use produced water. For some oilfield activities, such as drilling and abandonment work, the use of fresh water is required to properly formulate the cement mixtures that are needed to safely drill and abandon wells. Using produced water for these activities would jeopardize operators' ability to comply with well specifications provided for in DOGGR regulations.

Certain enhanced oil recovery (EOR) operations, such as steam generation, can require higher-quality water supplies than are typically obtained from treated produced water in order to avoid equipment corrosion or damage and potential chemical interactions. Use of produced water in these operations can also lead to increased need for equipment maintenance due to, for example, silica buildup or tube failures in boilers. Even when produced water can be used in EOR operations, water losses in the oil production cycle—due to losses on the surface, in the geological zones, or otherwise—typically necessitate the use of some fresh or brackish “make up” water from a surface or subsurface source. Depending on the nature of the operation, “make up” water often represents between 10 and 25 percent of the water used.

Additionally, the lack of infrastructure linking sources of produced water to the locations where water may be used, particularly in cases of new exploration, can result in increased truck trips and other more significant impacts associated with transporting produced water to operation sites. For example, pilot EOR projects typically cannot use recycled water due to the early stage of project development, which results in a lack of available recycled water. Furthermore, the treatment of water for reuse requires specialized equipment, consumes energy, and generates waste. In many cases, operators have also contracted with local water purveyors to utilize some supply of purchased water over a long-term contract; cancellation of such contracts would also create negative financial impacts for the region.

Some commenters urge a mitigation measure or alternative requiring the use of produced water specifically for well stimulation treatments. However, such requirements would significantly increase chemical use as well as costs. Chemicals used in fracture treatments impart viscosity for proppant transport and fracture geometry creation and improve post-treatment production results by minimizing polymer plugging and other phenomena detrimental to production. Using produced water instead of fresh water as a base fluid for fracture treatments would increase the chemical volumes needed to fulfill these functions. Produced water use for fracture treatments could require as much as a five-fold increase in buffering agents, and additional chelating agents, clay and scale inhibitors, and surfactants to prevent emulsions and reduce surface tension may also be needed to

minimize production complications that would be caused by the use of produced water. While produced water could be pre-treated to require fewer chemicals during the fracture treatment itself, such pre-treatment conditioning would also involve more chemicals, equipment, or both, to obtain water sufficient for use in the fracture treatment. Because of these complications, a typical fracturing operation would become significantly more expensive, and often uneconomic.

In addition, for some types of well stimulation, such as matrix acid stimulation, it is technologically infeasible to utilize produced water. Typically, matrix acid stimulation employs hydrofluoric acid (HF acid), which can only be mixed with fresh water. If HF acid comes into contact with formation brine, insoluble precipitants form, limiting the effectiveness of the acid stimulation system by plugging pore throats in the reservoir pore network. Such plugging can completely counteract the effects of the stimulation treatment. The reduction in the effectiveness of the treatment would require more frequent treatments, larger treatments, or both, which would lead to a significant increase in use of chemicals, emissions and heavy vehicle traffic hauling hazardous chemicals.

In sum, while operators are working to increase their use of produced water for oil and gas operations in Kern County, issues ranging from harms caused by chemical interactions to the lack of availability of produced water at certain sites renders complete elimination of freshwater use economically, socially, environmentally, and technologically infeasible.

Water-05: Water Supply and Demand Data Update

Commenters have indicated that the 2012 water supply and demand estimates for oil and gas exploration and production activities in DEIR Section 4.9, DEIR Section 4.17, Impact 4.17-4, and in the Water Supply Assessment (WSA) for the project region underestimate the amount of surface pond disposal in the Western Subarea and the volume of produced water used for agriculture in the Eastern Subarea, and overestimate the amount surface pond disposal in the Eastern Subarea. Commenters have also requested clarification that the regional groundwater use and supply and demand average, and dry and multiple dry year estimates in the DEIR and WSA, do not identify or are intended to represent an assumed groundwater safe or sustainable yield for the analysis region.

In response to these comments, the County requested that Kennedy-Jenks, the engineering firm that prepared the WSA, review the estimates for the Western and Eastern subareas, clarify that the analysis does not assume a safe or sustainable yield for the analysis region, and revise the WSA as applicable. The revised, final WSA was prepared by Kennedy-Jenks and delivered to the County on September 18, 2015. The final WSA is attached as Appendix T-1. In addition, conforming changes to the table of Project Area produced water generation use or disposal were made to Table 5.1 of the Water Quality Assessment (WQA) prepared by Kennedy Jenks. The revised, final version of the WQA is attached as Appendix S-1.

The revisions in the Final WSA and WQA reflect minor corrections or additional information, including a larger amount of produced water land disposal in the Western Subarea, a larger amount of agricultural reuse of produced water in the Eastern Subarea, and a correspondingly smaller amount of land disposal in the eastern subarea. In addition, because the increased use of treated produced water for irrigation reduces agricultural demand for other water supplies by the same

Shannon L. Chaffin

From: Wyatt Shipley <wshipley@vaqueroenergy.com>
Sent: Wednesday, May 16, 2018 7:47 AM
To: Shannon L. Chaffin
Cc: Cecilia Vela
Subject: Vaquero Energy Comments on O&G Ordinance
Attachments: Vaquero Energy Comments on Proposed Arving Oil Ordinance.pdf

Shannon and Arvin City Council,

Thank you for taking the time to meet with us regarding the proposed ordinance language. We have reviewed the document and have prepared the comments in the attached letter. We look forward to continuing production in the area.

Sincerely,

Wyatt Shipley



**YAQUERO
ENERGY**

Operations Manager
15545 Hermosa Road
Bakersfield, CA 93309
Office: 661-363-7240
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wshipley@Vaqueroenergy.com



VAQUERO
ENERGY

May 15, 2018

Arvin City Council

Re: Proposed update of the City of Arvin's Oil and Gas Ordinance

Dear Mayor Jose Gurrola and City Council:

Vaquero Energy, Inc., PetroRock LLC, and Hunter Edison Oil Development LP are writing to provide comments on the proposed Revisions to City of Arvin's Oil and Gas Ordinance.

Prior to setting forth our comments, we would like to thank the council, the Planning Department, and staff for their dedication and effort in putting together a comprehensive plan for future oil and gas operations in the City of Arvin. We have operated in Arvin for over 50 years and we are proud of our contribution to the local economy through jobs and tax revenue. We look forward to continuing these contributions with ongoing operations in the future, but there are several aspects of the Ordinance that could severely impact our future business in the city. We are small, independent operators, and we are severely impacted by, for example, the numerous fees, limitations, restrictions, and uncertainties proposed with the ordinance. We are hopeful that when you consider the, you also consider the revisions and comments suggested below to avoid the unfair and unlawful impact that they have on smaller independents and their ability to continue to operate in the City of Arvin.

Exhibit "A": Findings of Fact

Page 9: The second paragraph starts out "Without the appropriate regulations". This statement, as well as the following three paragraphs try to paint our industry as reckless cavaliers with no oversight. There is no mention that we are one of the most highly regulated industries in California. Numerous control measures are put in place by the Department of Oil, Gas, and Geothermal Resources, California Air Resource Board, San Joaquin Valley Air Pollution Control District, State and Regional Water Quality Control Boards and Water Resource Boards, Department of Water Resources EPA, CalEPA, Department of Fish and Wildlife, Kern Environmental Health Department, Kern County Fire Department, Office of Emergency Services, and other regulating agencies. In addition, operations are covered by California Public Resource Code Divisions 3, 7.8, and 34 as well as other divisions to a lesser extent.

Page 16, Paragraph 3

This paragraph is making general statements about water floods and the lack of control in the original ordinance. Water flood operations are under strict control of the DOGGR and water boards as well as the EPA when related to Aquifer Exemptions. The Underground

Injection Control, or UIC, process is scrutinized as much as anything we do. Disregarding that a typical water flood is simply reinjecting the produced water back into the oil bearing formation after removing the oil, the entire process requires geological and reservoir descriptions, water analysis, nearby water well investigation and on-going monitoring. Nothing proposed in this ordinance adds anything to the existing process to help prevent or mitigate any hazards with the process.

17.46.03 Allowable Uses

Table 1-1 lists the zoning designations in the City of Arvin. Of the zones listed, 14 have changed from requiring a CUP to prohibiting oil and gas operations. In addition, 5 other designations that are not in the existing ordinance prohibit oil and gas operations. Anyone that owns minerals, royalties, has leases or other operations in these zones will effectively have their property taken or, at a minimum, the property value significantly reduced. While it was established the technology exists to access those minerals from other designated zones, the additional costs of drilling and permitting, permissions from impacted property owners, the need to procure offsetting surfaces and contracts with other mineral owners, and other additional hurdles, make the economics unfavorable and therefore effectively strip the value from the minerals.

17.46.06 Appeals

The first paragraph ends with the statement "Mandatory requirements of this ordinance are not subject to appeal." Throughout the ordinance, there is not a clear direction as to which sections are mandatory.

17.46.08.01 CUP Filing Requirements

This section requires plans be submitted to the Planning commission or City Council and the emergency response plans be approved by the City's Engineer and the Kern County Fire Department. There are no time frames for the review parties to respond. This section, and all following sections should include a statement that the reviewing parties have 10 days to respond or the plans are deemed to be approved.

17.46.08.02 Processing and Review

Paragraph B states the City Manager is to review submitted applications. Again, time frames for a mandatory response need to be included.

17.46.09.01 Filing Requirement (Development Agreements)

Paragraph A states the City Attorney needs to review ownership but does not state time frames to respond.

Paragraph B states the applicant needs to deposit funds to cover estimated direct and indirect costs for processing applications. Nothing in the ordinance or supporting documentation outline costs, or even estimated costs. Please include a fee schedule and estimated costs to review and process permit.

17.46.09.02 Processing and Review

Again, this section requires reviews and fees with no limits stated. Specifically troublesome is **Paragraph C**, which states that if the planning commission fails to take

action on a permit within 60 days of opening a hearing it is deemed to make a recommendation of denial to the City Council. If no answer within 60 days it should be deemed an approval. Otherwise, is the planning commission doesn't want to deal with an application they can just sit on it and make it go away.

17.46.010 Periodic Review

The City may choose to review any permit every 5 years at the undetermined cost to the operator. Five years is not a significant amount of time for most of these projects. No reviews should be required unless there is documented violations that make an operator a high risk. The required personnel and expertise to review a project can get very costly to an operator and does nothing productive to help prevent environmental impacts from responsible operators. If it is determined this section needs remain, what are the estimated costs to the operator for a review?

17.46.011 Facility Closure, Site Abandonment, and Site Restoration Procedures

DOGGR already oversees site abandonments with a very thorough process. Adding additional barriers and costs to this process will likely lead to an increase in orphaned sites/wells/ facilities. Abandonment of a site is only occurring because it was deemed uneconomic. Considering that most of the companies operating in the City are small any economic hardship and added costs and barriers could lead to orphaning a site instead of responsibly abandoning the property. Replace this section by referring to the DOGGR abandonment process and requesting a DOGGR status report of an approved abandonment.

17.46.012 Operational Noticing

Paragraph C: Operator must notify City Manager prior to idling of any well. Does this ordinance follow the DOGGR definition of an idle well which is 24 months of no production? If so, at what point does the City Manager need notification?

17.46.015 Notice of Violation and Administrative Fines

Paragraph 1. Who determines the degree of a violation and the associated fee?

Paragraph 2. Operator shall fund a deposit account upon issuance of an NOV. Accepted practice for violations is that an operator is given a time period to correct the violation. If no action is taken or the operator is a repeat offender, no fine is assessed. The time period can be 30 days to appeal or correct the violation. If after 30 days, the violation still exists, then a fine can be assessed.

17.46.017 Compliance Monitoring

Paragraph A: Environmental Compliance Coordinators may be hired at the expense of the operators. How much will this cost? What triggers the hiring of a compliance manger and how are the costs to the operators determined?

17.46.019 Operator's Financial Responsibilities

The operator shall be fully responsible for all costs and expenses incurred... What is the magnitude of these costs? Many parties are listed in this section, most of which add no real value or impact prevention, to the existing process. This statement reads that the City

is trying to prevent operators from doing business in the city by making it financially burdensome to do so.

17.46.020 Securities and Bond Requirements

Paragraph A and following sub-sections Bonding is to be determined by the City Manager at no less than \$10,000 per well. There is no limit stated. Again, there is too much uncertainty in this section. If bonding is required, then a schedule needs to be published. In addition, it was stated that the bonding requirements are a result of DOGGR bonding being insufficient; however, DOGGR bonding requirements were updated in January 2018 and should be revisited by the City. Tying up bonding for 15 years after abandonment sounds like the City is trying to discourage oil production.

17.46.023.1 Deliveries

Deliveries are not permitted in various times. Please include a statement the oil shipping trucks are allowed.

17.46.026 Landscaping/ Visual Resources

The operator shall hire a licensed landscape architect that has been approved as part of the CUP/DA. This requirement is burdensome of both costs and time and should be stricken from the ordinance as we are required to surround the project site with a wall in section 17.46.025.2. Also, Section 17.46.025.2 should include a 6' wall of privacy fence.

17.46.025.4 Architecture

Section 17.46.025.4 is highly subjective and leaves too much uncertainty to a project. Drilling mechanisms are temporary and should not be included in this section. Equipment is industrial by nature and will not blend in with surroundings.

17.46.028 Steaming

Steaming is already under the oversight of DOGGR and the water board through the UIC process and CARB/APCD for emissions. What more can the City Manager add to the process besides another bill and cost to the operator?

17.46.031.01 Fire Prevention Safeguards

The facility equipment and design is required to be signed off by the Kern County Fire Department. This is not a common practice and there is no process in place to get their approval. There needs to be a maximum time for them to respond or it is considered approved.

17.46.031.05 Safety Measures and Emergency Response Plan

Paragraph B: Annual third-party safety audit to be conducted. A seismic assessment by registered structural engineer completed annually. This is more burdensome requirements for the operator. Annual seismic assessments should not be required. An initial inspection and possibly every 10 years thereafter.

Paragraph C: If within 600' of any prohibited area, the operator must implement a community alert notification system, or utilize an existing system. Does such a system

exist? Citizens don't readily give out their contact information to companies, even if it is for their safety.

17.46.031.06.02 Transportation Risk Management

Paragraph C: Truck loading procedures ensure that loading rack operator and truck driver conduct and document in writing a visual inspection. There is no loading rack operator for many locations. The transportation companies send a driver whenever it fits in their schedule, often in the middle of the night. This is an industry accepted practice.

17.46.032.01 General Environmental Program

EQAP must be submitted and followed. Paragraph B includes a requirement to make monitoring data publicly available. Is there a process as to make this publicly available? Is it sufficient to have it hosted at our office and available on request?

17.46.032.5.3 Groundwater Quality

Paragraph A: Prior to new development, operator shall submit baseline study of groundwater on site. How is the operator to do this? Water well owners nearly always refuse to allow testing to be completed and documented on their wells. Drilling a water well for the purpose of establishing a baseline is expensive and highly burdensome.

Paragraph C: Operator must deposit funds for a third party hydrological analysis. Must supply C.M. with annual testing results. The miniscule risk of groundwater contamination does not justify the added costs to conduct such studies. There have been no documented cases of ground water contamination anywhere in this area.

17.46.032.6 Noise impacts

Paragraph I: for noise levels expected to be above specified levels, upon request of city manager, operator shall deposit funds to use for an unannounced third-party inspection. Violations can result in fines and further enforcement. This should be replaced with the nuisance violations otherwise this is just another unjustified cost to the operators.

17.46.033 Standards for wells

Paragraph G: No above ground pumping units in non-industrial areas. What is the City Managers technical knowledge with pumping units to make this determination? ESPs require higher flowrates and specific types of fluids, and are more expensive than rod pump alternatives. They only fit a small percentage of all potential applications.

17.46.034.1 Pipeline Installations and Use

Paragraph A: Must transport fluids by pipeline unless operator can prove to city manager that pipeline is infeasible. Pipeline installation is very expensive. ROW and easements must be obtained to install pipelines to available tie in points. This requirement is cost prohibitive and even the need to justify to the city manager is time consuming and expensive.

Paragraph C,D,E: Outlines requirements for pipeline installations. The rest of this sections simply makes the pipeline installation more expensive. There should be no requirement to replace all vegetation unless it was specifically landscaped or take excessively long routes around areas.

17.46.034.2 Pipeline Inspection

Paragraph B: Advanced pipeline leak detection is to be implemented. Again, more burdensome costs. The type of leak detection mentioned here is cost prohibitive. New testing requirements are now in place with DOGGR and should be sufficient (AB 1420).

17.46.038 Development Standards

Paragraph A: A qualified individual must monitor abandonments of sites. Site abandonments can take a significant amount of time. To what level must it be monitored. What is the estimated hourly, daily, weekly cost? Again, abandonments should be left to DOGGR as they already have a sufficient process in place.

Paragraph F: All abandoned wells must be leak tested by a licensed professional. All abandoned wells or all wells abandoned as part of the project. Are operators required to dig up previously abandoned wells to leak test?

Paragraph F: multiple sections refer to City of LA.

In conclusion, we would like to reiterate our appreciation for all the collective efforts on the proposed Ordinance. We recognize the existing ordinance needs to be updated but we do not feel the proposed draft is the answer. We understand the City did not want to model their Ordinance after the Kern County EIR and Zoning Ordinance. Modeling it after the City of Carson is not appropriate, either. Kern County wanted to find a way to produce Oil and Gas responsibly. In contrast the City of Arvin appears to be trying to find ways to prohibit all oil and gas production. I ask of you to step back from the social media input and outlandish accusations of the environmental activists. Oil and gas are still a vital part of our society and energy portfolio. It is more effective than any other solution at delivering consistent and reliable energy wherever it is needed. There is nowhere in the world that produces oil and gas as clean and responsibly as we do in California. Stopping the production of oil in California does not prohibit the use of hydrocarbons. It just means we need to ship it in from further away from less responsible producers, all of which add to the environmental footprint and make the USA and California dependent on other countries. Please realize the regulatory agencies in California do an outstanding job of making our state clean and safe. Their policies and procedures should be leaned on wherever possible.

Sincerely,


Wyatt Shipley
Operations Manager
Vaquero Energy, Inc.

cc: Jose Gurrola, Mayor
Shannon L. Chaffin, City Attorney

City of Arvin Oil and Gas Code Update

Workshop

May 16, 2018

City of Arvin Oil and Gas Code Update

Background – Public Meetings and Hearings

- January 10, 2017, as part of its efforts to address public health and safety concerns, the City Council formally provided direction to City Staff to commence a complete and comprehensive review to update the Municipal Code regarding oil and gas operations.
- September 19, 2017, after considering staff recommendations, the City Council adopted initiated Code Amendments to Title 17 - Zoning which included amendment to Chapter 17.46 Oil and Gas Production.
- October 30, 2017, Planning Commission considered and recommended approval of the proposed ordinance.

City of Arvin Oil and Gas Code Update

Topics and Issues

- Background
- Overview
- Questions and comments

City of Arvin Oil and Gas Code Update

Background – Public Meetings and Hearings

- November 07, 2017, the City Council held the first reading and voted to introduce the proposed ordinance.
- November 21, 2017, the City Council then considered the proposed ordinance for final adoption. In response to public comments, the City Council then continued the item to a future meetings, additional time to review the draft ordinance, etc.
- May 1, 2018, the City Council directed staff to Staff set the proposed ordinance for public hearing and consideration for introduction (first reading), or return to Planning Commission as appropriate.

City of Arvin Oil and Gas Code Update

Background

- The City's original petroleum facilities and operations code was adopted in 1965 and consisted of only a few pages of regulations.
- The character of the community has changed significantly, growing to over 20,000 residents and adding many high quality residential neighborhoods, as well as new commercial and business developments located in or adjacent to active oil wells.
- Oil and gas production technologies have also changed significantly.
- March 2014 – 8 homes required to be evacuated at Nelson Court because a pipeline leak filled the area with flammable gas, etc.
- The City Council promptly moved forward with a multi-prong approach to address public health and safety concerns.

City of Arvin Oil and Gas Code Update

Background – Operator Meetings, etc.

- Additional review period of 150 days to review draft ordinance from November Council meeting.
- May 1, 2017: "Small group" meeting.
- May 16, 2018: Workshop.
- Multiple comments received and are being evaluated.

Overview – Proposed Ordinance

- Generally
- Administrative Procedures
- Development Standards
- Development Standards For Site Abandonment, Site Restoration and Redevelopment
- Existing Operations under Proposed Code Update

Overview – Administrative Procedures

- This section of the proposed Oil and Gas Code includes:
 - Procedural and permitting requirements for any new oil and gas facilities within the City
 - Financial obligations for oil and gas facility operators to ensure that such sites are operated safely and restored or remediated in a timely manner after operations have ceased
 - Fines and fees for violators of the proposed new oil and gas Code to ensure long-term compliance
 - Requirements to ensure that if any new development is proposed at existing oil and gas facilities within the City that those facilities will be required to conform to the proposed oil and gas Code

Overview – Generally

- The proposed ordinance is a draft and has not been adopted.
 - Comments are still being received from interested parties.
 - While comments can be generally be submitted as late as the final City Council meeting, comments are encouraged to be provided to the City ASAP.
 - City staff anticipate assessing comments and potentially circulating an updated draft recommendation as appropriate.
 - Planning Commission review of changes may be sought as appropriate.
 - Before the ordinance can be approved, the City Council will hold two public meetings on the matter.

Overview - Administrative Procedures

- Highlights from this section of the proposed Code:
 - Oil and Gas Facility Operation Restrictions and Permit requirements for City Zones
 - Drilling Permits
 - Conditional Use Permits
 - Development Agreements
 - Change of Ownership
 - Site or Well Abandonment, Well re-abandonment, Restoration and Redevelopment of the Site Procedures
 - High-risk Operations
 - Operational Noticing
 - Compliance with City Codes and Ordinances
 - Monetary compensation/relief for Code violations
 - Nuisance Procedures
 - Code Compliance Monitoring
 - Periodic Review
 - Financial Assurances and Operator Responsibilities

Overview – Generally

- The proposed ordinance is not a ban on all oil and gas operations
 - An outright ban on all operations cannot be approved as part of the current update process. City staff have complied with the process, noticing, and environmental analysis for the update of the oil and gas Code, as direct by Council in January of 2017. At a minimum, an outright ban on all petroleum operations would be required to go through a separate initiation process, environmental review, notice, and other procedures before it could be considered by the Planning Commission and City Council. Adoption, or denial, of the oil and gas Code will not have any impact on the City's ability to explore other options in the future.

Overview - Administrative Procedures

- Ordinance applies to:
 - Drilling and abandonment operations of any new or existing well.
 - Sites and facilities necessary to processing oil and gas.
 - Pipelines within oil fields and outside oil fields.
 - Storage tanks.
 - Oil spill containment and recovery equipment.

Overview - Administrative Procedures -Zones

- Oil and Gas facilities prohibited in residentially zoned districts, and all commercial zones (except general commercial zone), open space, automobile parking zone, architectural design zone, precise development zone, and pedestrian-oriented mixed-use overlay.
- Permitted with CUP or Development Agreement in general commercial zone, all manufacturing zones, and all agricultural zones.

Overview – Development Standards - Highlights

- Setback requirements at 300 feet (schools, clinics, residential zones, etc.)
- Legally existing operations that do not meet the setbacks can continue to operate.
- Vested rights are protected.
- Consolidation and relocation incentives
 - Exchange wells at 1:2 ratio from within the setback to outside the setback
 - Exchanges outside the setback at 1:1 ratio

Overview – Development Standards - Highlights

➤ Highlights from this section of the proposed Code:

- Setback Requirements from Residential, Commercial and Sensitive Use areas within the Community
- Noise Impact Restrictions and Construction Time Limits
- Aesthetics (landscaping, signage, walls, lighting, sanitation, architecture)
- Utilities (including requirements for the use of reclaimed vs. potable water on site)
- General Environmental Program
- Water Quality, Groundwater Quality
- Greenhouse Gas Emissions and Energy Efficiency Measures
- Air Quality Monitoring and Testing
- Standards for Wells and Pipelines

Overview – Development Standards For Well(s) or Site Abandonment, Re-abandonment, Site Restoration and Redevelopment

- **This section of the proposed Oil and Gas Code includes:**
 - Regulations to ensure that oil and gas facilities (including all wells) are abandoned, re-abandoned, restored, and redeveloped or remediated pursuant to development standards which ensure public health and safety and environmental compliance
 - Appropriate and effective chemical monitoring and leak testing requirements to ensure that any contaminants on site are identified
 - Assurances that the permittee, operator/owner shall be responsible for any cost to remediate any contamination on an oil or gas facility site

Overview – Development Standards - Highlights

➤ Highlights from this section of the proposed Code:

- Safety Assurances, Measures and Emergency/Hazard Management
- Blowout Standards and Testing
- Transportation of Chemicals and Waste On and Off-site and Transportation Risk Management and Prevention Program (TRMPP)
- Leak Detection and Testing Requirements

Overview – Existing Operations

- Existing facilities located outside of setbacks can continue to operate indefinitely without a CUP and would not be legal-nonconforming
- "New Development" (more than 2 new wells) would trigger the requirements for a CUP
- Existing facilities WITHIN the setbacks:
 - No "new" wells allowed beyond those already vested for the property
 - Re-drills and workovers allowed
 - Equipment replacement and maintenance allowed
- Must abide by "Good Neighbor" Provisions

Overview – Existing Operations

- "Good Neighbor" Provisions:
 - Well Drilling Permit: Provide a copy of the DOGGR permit to the City Manager.
 - Modifications and Extensions: If there is "new development," must get a CUP or a DA.
 - Facility Closure, Site Abandonment, and Site Restoration: Need to abandon wells, make safe and go through a process.
 - Setbacks: Grandfathered in, not a non-conforming use, vested rights for existing or entitled wells.

Overview – Existing Operations

- "Good Neighbor" Provisions (Cont.)
 - Standards for wells:
 - Comply with DOGGR standards
 - Meet American Petroleum specifications
 - Remove drilling/workover equipment within 90 days when finished
 - Belt guards per CCR 6622

Overview – Existing Operations

- "Good Neighbor" Provisions (Cont.)
 - Site Access and Operations:
 - Except for emergencies, between 9 pm – 6 am no deliveries or construction (exception for drill/redrill)
 - Provide parking for employees
 - Site secured and gate closed
 - Lighting: Screened within 600 feet of sensitive uses
 - Signage: DOGGR signage, identification signage, and call information
 - Steaming: Surface equipment approval; steaming plan approval

Overview – Existing Operations

- "Good Neighbor" Provisions (Cont.)
 - Standards for wells:
 - Comply with DOGGR standards
 - Meet American Petroleum specifications
 - Remove drilling/workover equipment within 90 days when finished
 - Belt guards per CCR 6622

Overview – Existing Operations

- "Good Neighbor" Provisions (Cont.)
 - Safety Assurances and Emergency/Hazard Management:
 - Comply with applicable fire codes.
 - Keep site clean.
 - Remove debris within 25 feet of facility
 - Comply with DOGGR blowout standards.
 - Earthquake shutdown, inspection and repairs before operating facilities
 - Emergency response plans
 - Community alert system
 - Transportation and storage of hazardous chemicals

Transfer Program

- Existing Uses in Setback
 - an operator can exchange wells, either existing or vested, at a 1:2 ratio to another (existing) receiving site(s) without counting toward "new development".
- Existing Uses Outside Setback
 - an operator can exchange only wells actually existing at the time of the ordinance (not vested or hypothetical wells) at a 1:1 ratio to another existing receiving site(s) without counting toward "new development".
 - Must abandon contributing site.
- Receiving site must be outside setbacks.
- 10 well limit without "new development".

Questions

Arvin Zoning Map

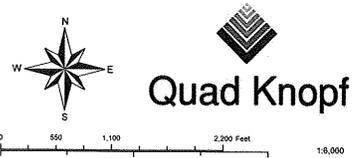
CITY OF ARVIN

Zoning Description

-  (E-3) Estate zone
-  (R-S) Suburban Residential zone
-  (R-1) Single Family Dwelling zone
-  (R-2) Two Family Dwelling zone
-  (R-3) Limited Multiple Family Dwelling zone
-  (R-4) Multiple Family Dwelling zone
-  (C-O) Professional Office zone
-  (C-1) Limited Commercial zone
-  (C-2) Commercial zone
-  (NC) Neighborhood Commercial
-  (M-1) Limited Manufacturing zone
-  (M-2) Light Manufacturing zone
-  (M-3) General Manufacturing zone
-  (A-1) Light Agricultural zone
-  (A-2) General Agricultural zone
-  (O-S) Open Space
-  (SCH-CUP) School Conditional Use Permit zone
-  (MUO) Mixed Use Overlay
-  PUD Planned Urban Development
-  P Automobile Parking zone
-  D Architectural Design Zone
-  B Buffer Zone



The Zoning Map is subject to amendments; persons reviewing the map should check with the City of Arvin as to whether any modifications have been made.



North arrow pointing up, with cardinal directions N, S, E, W. Scale bar showing 0, 550, 1,100, and 2,200 Feet. Total scale length is 18,000 feet.

