

From: [Alicia Roessler](#)
To: [sbcob](#)
Cc: [Linda Krop](#); [Brian Trautwein](#)
Subject: EDC Comment letter re Idle Wells
Date: Friday, May 20, 2022 11:29:12 AM
Attachments: [EDC Letter to BOS IdleWells_FINAL_2022_05_20.pdf](#)

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Dear Clerk of the Board,
Please accept this comment letter from the Environmental Defense Center regarding Agenda Item #2 for the Grand Jury Report on Idle Oil and Gas Wells for the May 24th Board of Supervisors hearing.

Sincerely,

Alicia Roessler

ALICIA ROESSLER (she/her/hers)

SENIOR ATTORNEY

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environmental
DEFENSE CENTER



May 20, 2022

Joan Hartmann, Chair
Santa Barbara County
Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101
By Email: sbcob@co.santa-barbara.ca.us

Re: Santa Barbara County Grand Jury Report Regarding Idle Oil Wells in Santa Barbara County

Dear Chair Hartmann and Supervisors:

The Environmental Defense Center (“EDC”) urges the Board of Supervisors (“Board”) to take two important actions at the May 24th hearing to protect our community’s health and environment from hazardous idle oil and gas wells: 1) vote to support the 2021 Santa Barbara County Grand Jury findings regarding idle onshore oil and gas wells; and 2) direct staff to prepare an annual public report to the Board on the status of idle and orphaned oil and gas wells in our County, as detailed below. EDC is a nonprofit public interest law firm that protects and enhances the local environment through education, advocacy, and legal action.

I. Idle Oil and Gas Wells in Our County Pose Immediate and Long-Term Threats to Public Health and the Environment.

The Board must act now to protect our community and address the insidious threat posed by the County’s 1,370 idle oil wells, of which 926 have been designated as dangerous “long-term idle wells” because they have sat idle for over eight years.¹ Oil and gas development in our beautiful Santa Barbara County has proven to be a dirty and dangerous industry that has a long

¹ Santa Barbara County also has an additional 4,220 plugged and abandoned oil wells identified in the Grand Jury Report that could also pose problems if not plugged properly. Of the 5,590 idle oil wells, 1,374 had not been plugged and abandoned as of December 31, 2019. Santa Barbara County Grand Jury, *Idle Wells in Santa Barbara County* at 4 (December 2021) (“Grand Jury (2021)”). In 2019, there were six hundred and sixty-one (661) idle wells in Cat Canyon. Kyle Ferrar, MPH, FracTracker Alliance, *Idle Wells are a Major Risk* Available at <https://www.fractracker.org/2019/04/idle-wells-are-a-major-risk/> (April 3, 2019) (“Ferrar (2019)”).

history of impacting our health, our air, our drinking water, our wildlife, and our rivers and creeks.

For example, the Erburu Lease on land zoned Agriculture in Gaviota was recently investigated. “[E]ight areas (Well Pads 3, 8, 11, 15, 16, 18, and 24; Bermed Area 5) had petroleum impacts in soil with concentrations above applicable [Environmental Screening levels].”² The Conoco Phillips Soil Remediation Project proposes to excavate and remove 1,700 cubic yards of material in northern Santa Barbara County.³ California Resource Corporation’s (“CRC”) California Lease Remedial Action Plan for oilfield soil contamination located within wooded and riparian areas in Cat Canyon “proposes excavation and offsite disposal of 2,195 cubic yards of impacted soil within A5-01, 2,108 cubic yards of impacted soil within B5-02/B5-03, and approximately 3 cubic yards of impacted soil within B6-03.”⁴ The Shell Western Exploration and Production Company’s East Cat Canyon Remedial Action Plan involved an incredible volume of hydrocarbons deposited in twelve canyons, including Cat Canyon Creek: “Due to the limited delineation of impacts by Shell, only 53,078 cubic yards were mapped to inform the original RAP. The discrepancy amounts to an almost eighty percent omission in the SIR. By way of comparison, the 53,078 cubic yards figure in the SIR would fill a football field to a height of over 30 feet of toxic tar, whereas the figure in the Aera EIR of 255,763 cubic yards of contaminated soil would fill a football field to a height of over 153 feet.”⁵

Idle oil and gas wells pose even greater health impacts and environmental hazards. The 2020-21 Toro Canyon Creek oil spill was caused by the long idle and orphaned Toro Canyon oil well constructed as a tunnel next to the Creek. In 2017, the Thomas Fire damaged the oil-water separator resulting in a significant spill into Toro Creek which oiled dozens of frogs. Almost three years later, County staff reported the spill to the California Department of Fish and Wildlife.⁶ There is a long history of spills from this orphaned well into Toro Creek, including a 1,200-gallon spill in 1992.⁷ Toro Creek supports numerous wildlife species including the threatened California red-legged frog.⁸

² Langan Engineering and Environmental Services, Inc., *Site Investigation Report Erburu Lease Santa Barbara County, CA* available at

[https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4877179801/2020%2007%2010%20-%20Investigation%20Rpt%20\(opt\).pdf](https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4877179801/2020%2007%2010%20-%20Investigation%20Rpt%20(opt).pdf) (July 10, 2020).

³ Santa Barbara County Planning and Development Department, Notice of Land Use Permit (22LUP-00000-00091).

⁴ Letter from Marissa Censullo, Hazardous Materials Specialist, SMU/LUFT Programs to Mr. Zachary Dransoff, California Resources Corporation (September 21, 2021).

⁵ Tetra-Tech, *Environmental Assessment Report for Canyons 1, 2, 3, 4, and 11 East Cat Canyon Area, Santa Barbara County, California* at 28 – 42 (2001); *See also* letter from EDC to Christopher Schmuckal, Planning and Development Department, County of Santa Barbara (July 10, 2020); *See also* Langan Engineering, *Site Investigation Report*, available at

https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/9535895228/T10000010109.PDF (May 7, 2018).

⁶ California Department of Fish and Wildlife, *Spill Response Memo* (October 5, 2020).

⁷ California Regional Water Quality Control Board *Staff Report for Regular Meeting* (October 23, 2009) (“RWQCB (2009)”).

⁸ *Id.*

Idle oil and gas wells also leak methane, a powerful greenhouse gas contributing to climate change and highly toxic to humans.⁹ For example, inspectors just found that idle wells located near homes and a school in Bakersfield are leaking dangerous volumes of methane, including leaks of 20,000 ppm to 50,000 ppm.¹⁰

Santa Barbara County is not immune to this problem. Just recently, a number of HVI Cat Canyon, Inc's idle wells in Santa Barbara County were found by the Air Pollution Control District ("APCD") to also be leaking dangerous amounts of methane. According to APCD records EDC just obtained in a Public Records Act request, at least eight wells identified as idle by APCD were issued Notices of Violation, five of which have reported very large leaks of over 50,000 ppm methane.¹¹ With over 1,300 idle wells in our County, the risk of methane leaks in our future increases each day we allow them to just sit without being properly plugged and abandoned.

Idle oil wells can also contaminate groundwater supplies and significantly impact our farmland.¹² Idle oil wells often result in soil contamination,¹³ which can spread pollutants in the environment through soil erosion, runoff, rainwater infiltration, and bioaccumulation. Oil companies use idle oil wells to defer and avoid the cost of well "plugging and abandonment"¹⁴

⁹ Eric D. Lebel, Harmony S. Lu, Lisa Vielstädte, Mary Kang, Peter Banner, Marc L. Fischer, and Robert B. Jackson *Methane Emissions from Abandoned Oil and Gas Wells in California* <https://pubs.acs.org/doi/10.1021/acs.est.0c05279> (2020); See also University of Cincinnati, *Idle wells could be big source of methane releases* Available at <https://www.uc.edu/news/articles/2021/04/inactive-oil-wells-could-be-major-source-of-methane-releases.html#:~:text=Uncapped%2C%20idle%20oil%20wells%20could,by%20the%20University%20of%20Cincinnati.&text=She%20found%20that%20seven%20had,was%206.2%20grams%20per%20hour> (2021).

¹⁰ Sierra Club, *Oil Wells Leaking Dangerous Amounts of Methane Found In Northeast Bakersfield Near Homes and Elementary School* Available at <https://www.sierraclub.org/press-releases/2022/05/oil-wells-leaking-dangerous-amounts-methane-found-northeast-bakersfield-near> (May 19, 2022).

¹¹ APCD NOV 12125 to HVI Cat Canyon, Inc. for Bell Canyon Lease Idle Wells #99 (>50,000 ppm), and #76 (10,600 ppm) (November 18, 2019); See also APCD NOV 11569 to HVI Cat Canyon, Inc for Bell Canyon Lease Idle Well #116 (>50,000 ppm) (May 2, 2019); See also APCD NOV 12467 for David B Lease Idle Well #28 (>50,000 ppm) (July 27, 2020); See also APCD NOV 12791 for Bradley lands/Bradley Consolidated Leases Idle Well #4 (>50,000 ppm) and Idle Well #5-61 (22,600 ppm) (June 17, 2021); See also APCD NOV 12793 for Golco Lease Idle Well #1-9 (11,400 ppm) (June 24, 2021); See also APCD NOV 12794 for McFadden Lease Idle Well #4 (>50,000 ppm) (June 24, 2021) (Herein collectively referenced as "APCD (2019-2021)"). (Attachment A) Note the NOVs do not specify how much the three wells leak(ed) in excess of 50,000 ppm. EDC is still reviewing the NOVs provided in response to its PRA Request and expects to identify additional NOVs for idle wells.

¹² Ferrar (2019).

¹³ Tony Robert Walker and Vanessa Alboiu, Dalhousie University, *Pollution, management and mitigation of idle and orphaned oil and gas wells in Alberta, Canada* [Environmental Monitoring and Assessment](https://doi.org/10.1007/s10661-019-7780-x) 191(10):611 DOI: [10.1007/s10661-019-7780-x](https://doi.org/10.1007/s10661-019-7780-x) (September 2019).

¹⁴ CalGEM *Idle Well Program Webpage* stating, "Plugging and abandonment involves permanently sealing the well with a cement plug to isolate the hydrocarbon-bearing formation from water sources and prevent leakage to the surface." https://www.conservation.ca.gov/calgem/idle_well (May 19, 2022).

and soil remediation, perpetuating these problems.¹⁵ When companies go bankrupt, they can leave behind leaking idle wells and associated environmental hazards, such as the Toro Canyon oil well, causing local communities like Santa Barbara County to foot the bill.¹⁶ The Toro Canyon oil spills were easy to spot because the orphaned and idle well leaked onto the ground surface next to Toro Creek, but when idle wells leak underground, the leaks are not easy to detect. Santa Barbara County only inspects the surface of the ground surrounding wells and does not test the soil for contamination. Therefore, idle wells may be contaminating the soil and groundwater, but the County's current inspection methodology would never detect the problem.¹⁷

In other instances, local communities are proactively moving to abandon oil and gas wells and paying for environmental cleanup before wells become orphaned. For instance, "Long Beach has set aside \$59 million to fund the capping endeavor" and abandon existing wells once they become orphaned.¹⁸

II. Current County Inspections Are Woefully Insufficient to Protect Public Health and the Environment from Idle Well Hazards.

Current inspections do not ensure protection of public health and the environment because the inspections do not distinguish between idle and active wells nor disclose the length of time wells have been idle. The County Petroleum Unit does not appear to be aware of which wells are idle in its jurisdiction, and the inspectors do not appear to be aware if the well they are inspecting is idle, long term idle abandoned, or orphaned. The longer oil and gas wells sit idle, the more likely they are to pose environmental and public health problems and thus require more rigorous inspection and monitoring by the County. "Even though these wells are inactive, or marginal, producing very little oil, they pose similar health risks as active wells. Local groundwater continues to be poisoned by dangerous chemicals and gases until the oil wells are closed down for good. Additionally, there are chemicals and flammable gases which leak up through the surface to pollute the air. The longer a well sits idle, the greater the risk becomes."¹⁹

¹⁵ Western Organization of Resource Councils, *Reclaiming Oil and Gas Wells and Addressing Climate Change: State Policy Recommendations*, stating "California Resource Corporation (CRC) filed for bankruptcy in July 2020. At the time CRC owned over 7,800 idle wells and it was estimated that it could cost more than \$1 billion to properly plug these wells.¹³ CRC was created, in part, to rid the wells' previous owner, Occidental Petroleum, of its cleanup liabilities. CRC pays \$3.5 million in idle wells fees to defer more than 385 times that amount in future costs to plug and reclaim these wells." Available at <https://www.worc.org/media/2021.3-WORC-Reclaiming-Wells-Addressing-Climate-Impacts-v2.pdf> (March 2021) (Western Organization of Resource Councils (2021)").

¹⁶ RWQCB (2009).

¹⁷ John Zorovich, Deputy Director, Santa Barbara County Planning and Development Department, personal communication with Alicia Roessler, Senior Attorney, EDC and Brian Trautwein, Senior Analyst/Watershed Program Director, EDC (February 24, 2022) ("Santa Barbara County (2022)").

¹⁸ Toni Richards, Investigative Reporter, *Hundreds of oil wells to close in Long Beach under city efforts to go green* Washington Examiner available at <https://www.washingtonexaminer.com/policy/energy-environment/hundreds-of-oil-wells-to-close-in-long-beach-under-city-efforts-to-go-green> (May 3, 2022) ("Richards (2022)").

¹⁹ Clean Break (2022).

Unfortunately, County inspections do not currently distinguish between idle, long-term idle, and active wells.²⁰ Thus, high risk idle wells are treated like active wells. Moreover, this information is not even available to the public through the County. In order to get information about how our County regulates and monitors idle oil wells, the public is forced to have to wade through all County oil well inspection results and then cross reference those oil wells inspections with CalGEM's records to determine which wells are active, idle, and long-term idle and for how long wells have been idle.

Furthermore, the County has only two inspectors,²¹ inspects wells only once a year, does not inspect for oil leaks below the ground surface, and does not have a well inspection form, rendering the adequacy of such inspections questionable at best.²² APCD only inspects wells on average once every year.²³ County Fire does not inspect oil and gas wells.²⁴ CalGEM only inspects idle, deserted, and orphaned wells every two years.²⁵

While County staff proposes to disclose well inspection reports on the County's website,²⁶ this information is already available through Accela.²⁷ The disclosure of the County's information is not the real problem. It is the adequacy of its well inspections, the significant and growing public health and environmental threats posed by idle oil and gas wells, and the lack of funding to address these problems. Significant improvements are necessary in the County's inspections, monitoring, regulation, and disclosure of information about the status of oil and gas wells and the threats they pose in order to protect public health and the environment.

III. There Is Insufficient Funding to Ensure that Current Orphaned Wells and Wells Likely to Be Orphaned Will Be Capped and Well Sites Will Be Remediated to Protect Public Health and the Environment.

The State collects idle well fees from operators lacking Idle Well Management Plans and these fees are placed into the Hazardous and Idle-Deserted Well Abatement Fund to finance the permanent sealing and closure of deserted wells. However, CalGEM only collected \$4.2 million in fees in 2019,²⁸ which is insufficient. AB 896 and SB 47 were approved by the State legislature in 2021 to strengthen cost recovery by the State,²⁹ but there remains insufficient State funding to

²⁰ Santa Barbara County (2022).

²¹ Staff Presentation at Slide 14.

²² Email from Errin Briggs, Supervising Planner, Santa Barbara County Planning and Development Department to Alicia Roessler, Senior Attorney, EDC (April 27, 2022).

²³ Eric Kett, Division Supervisor, APCD personal conversation with Brian Trautwein, Senior Analyst/Watershed Program Director, EDC (March 7, 2022) ("APCD (2022)").

²⁴ Staff Presentation Slide 5.

²⁵ *Id.* at Slide 7.

²⁶ *Id.* at 16.

²⁷ Email from Errin Briggs, Supervising Planner, Santa Barbara County Planning and Development Department to Alicia Roessler, Senior Attorney, EDC (April 27, 2022).

²⁸ Grand Jury (2021) at 3.

²⁹ *Id.*

address the large number of idle oil wells.³⁰ CalGEM also manages the Oil, Gas, and Geothermal Administrative Fund to plug and abandoned wells in the State, but this fund is also insufficient to address the growing threats of idle wells.

The federal Infrastructure Bill will funnel \$61 million to California,³¹ however, while the staff's proposed response to the Grand Jury states that this money will be utilized in Santa Barbara County,³² in actuality this money is currently being prioritized for counties where disadvantaged communities are disproportionately impacted, including Los Angeles and Kern Counties, and little of these funds are expected to come to Santa Barbara County.³³ The Governor's budget includes \$200M for plugging and abandoning orphaned oil wells, but this is far less than the \$500M estimated to be necessary to plug and abandon the thousands of existing orphaned wells in the California.³⁴ (see Figure 1 below) "Companies have given the state only \$110 million to clean up the state's onshore oil and gas wells, the [California Council on Science and Technology] found. In actuality, it could cost roughly \$6 billion for that cleanup, according to a Times/Public Integrity analysis of state data provided to the science and technology council."³⁵

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³⁰ Mark Olalde and Ryan Menzies, *The Toxic Legacy of old oil well: California's multibillion dollar problem*, Los Angeles Times co-published with Center for Public Integrity Available at <https://www.latimes.com/projects/california-oil-well-drilling-idle-cleanup/> (February 6, 2020) ("Olalde and Menzies (2020)").

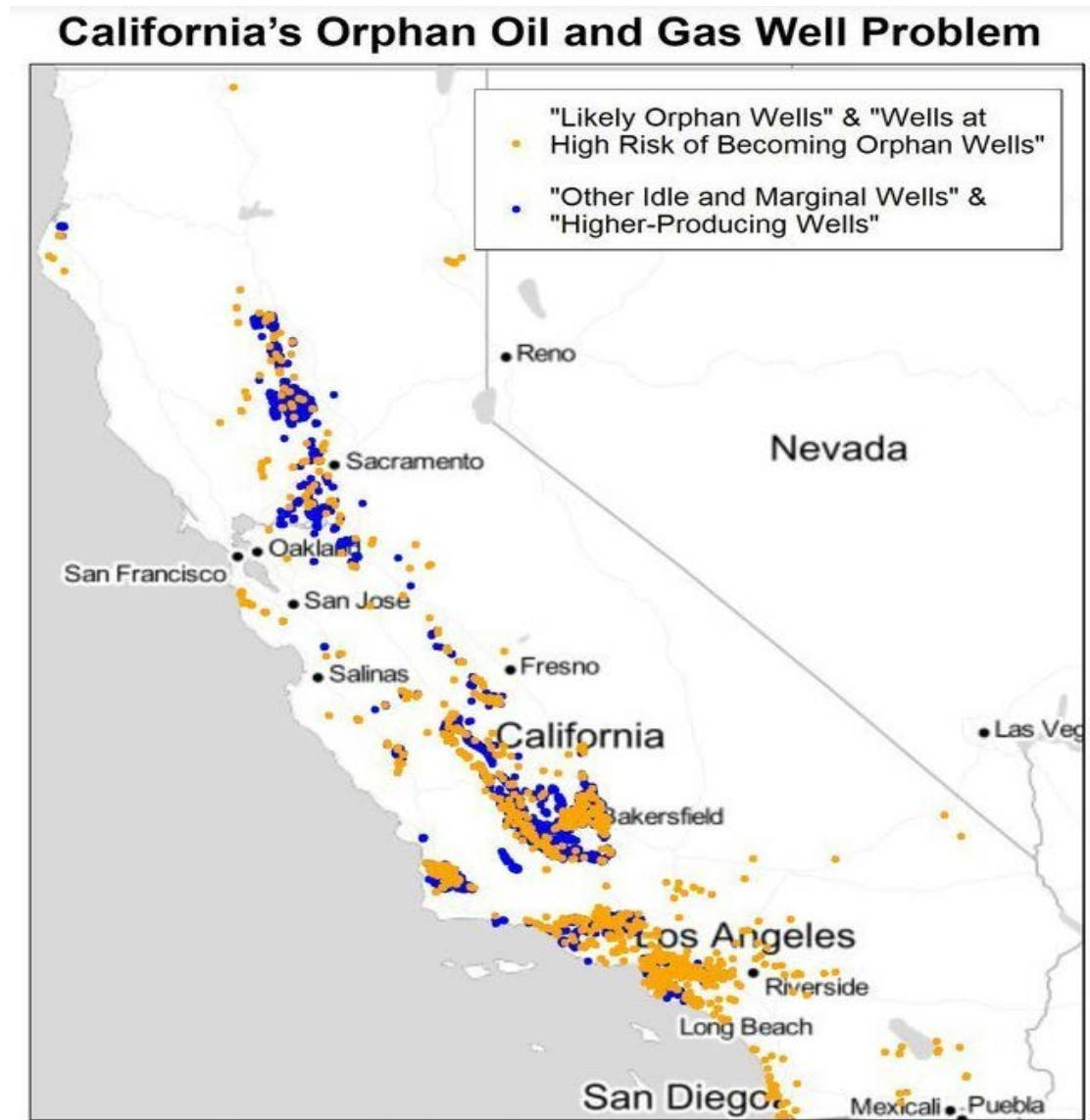
³¹ Rebecca Kasper, Advisor, Congressional & Legislative Affairs, Department of Interior, *Biden Administration Announces \$1.15 Billion for States to Create Jobs Cleaning Up Orphaned Oil and Gas Wells* (January 31, 2022).

³² Staff Report Attachment A at 9 – 10.

³³ Kyle Ferrar, MPH, FracTracker Alliance personal communication the Brian Trautwein, Senior Analyst/Watershed Program Director, EDC (May 13, 2022).

³⁴ California Council on Science and Technology, *An Initial Assessment of the State's Potential Liabilities to Plug and Decommission Orphan Oil and Gas Wells* available at <https://ccst.us/reports/orphan-wells-in-california-an-initial-assessment-of-the-states-potential-liabilities/> (January 23, 2020); See also Dan Bacher, Daily Kos, *Gov. Newsom's May budget revision allocates \$200 million to plug abandoned and orphaned oil wells* <https://www.dailykos.com/stories/2021/5/16/2030691/-Gov-Newsom-s-May-budget-revision-allocates-200-million-to-plug-abandoned-and-orphaned-oil-wells> (May 16, 2021).

³⁵ Olalde and Menzies (2020).



Map from California Council on Science & Technology report.

Figure 1. Map of likely orphan wells and wells at high risk of becoming orphaned (yellow).

While many operators could go bankrupt in Santa Barbara County leaving behind a costly toxic mess threatening air, soil, and water, one local example illustrates this point. “California Resource Corporation (CRC) filed for bankruptcy in July 2020. At the time CRC owned over 7,800 idle wells and it was estimated that it could cost more than \$1 billion to properly plug these wells. CRC was created, in part, to rid the wells’ previous owner, Occidental Petroleum, of its cleanup liabilities. CRC pays \$3.5 million in idle wells fees to defer more than 385 times that amount in future costs to plug and reclaim these wells.”³⁶ CRC lists \$511M in future cleanup costs. Its oil and gas production are down 50-70% since 1980.³⁷ Highlighting the

³⁶ Western Organization of Resource Councils (2021)).

³⁷ *Id.*

threat of orphaned wells, CRC's shares were down by 80% in January 2020.³⁸ This is the same company against which the Santa Barbara County District Attorney, joined by Kern, Los Angeles, and Ventura Counties "obtained a \$464,000 stipulated judgement" in 2019. Prior to 2014, "CRC's California E&P Operations generated hazardous wastes and caused them to be unlawfully transported and disposed of at the Anterra Energy facility in Oxnard, California, which is not authorized to receive hazardous waste."³⁹ District Attorney Dudley said, "The allegations of unlawful conduct against CRC were serious and potentially endangered the public and the environment."⁴⁰ Santa Barbara County cannot trust companies like CRC to protect our County's clean air, groundwater, farmland, and our climate, and must step up efforts to protect the public.

Ultimately, when companies go bankrupt, public health is at risk. The public and County will end up paying for the contamination and environmental damage left behind by these idle wells. For example, when Greka/HVI went bankrupt, some of the wells it left as a legacy in Santa Barbara County leaked methane.⁴¹ The 2021 Toro Canyon Creek oil spill originated from Occidental Mining and Petroleum Company's idle, orphaned "well," necessitating ongoing County resources to ensure the oil-water separator is maintained.⁴² The state has funded the oil-water separator on the condition that the County pays for "long-term operations and maintenance."⁴³ In the wake of the 2021 Huntington Beach Oil Spill, the "City of Long Beach has set aside \$59 million to fund the capping endeavor" to "seal up operational oil wells" before they become idle and orphaned.⁴⁴ In an ideal world, the polluters would pay, however, we cannot rely on bankrupt and dissolved oil and gas operators to protect public health and the environment. We cannot rely on the State or federal governments. The County retains responsibility to protect the public health and environment from idle oil and gas wells and may have fiscal liability for these effects. Idle oil and gas wells pose a significant financial risk to the County that can occur with short notice during any fiscal year. Taking care of this problem now is the only fiscally and environmentally responsible action our County can take.

IV. Other Nearby Jurisdictions Are Taking Action to Investigate and Monitor Idle Wells.

In 2020 Ventura County listened to its citizens concerns about hazardous idle wells in its county and decided to take action. The Ventura County Planning Commission directed its staff to

³⁸ *Id.*

³⁹ Santa Barbara County District Attorney, *California Resources Corporation Settles Environmental Enforcement Action* available at <https://www.edhat.com/news/california-resources-corporation-settles-environmental-enforcement-action> (October 11, 2019).

⁴⁰ *Id.*

⁴¹ APCD (2019-2021); *See also* APCD (2022).

⁴² RWQCB (1992); *See also* Julie Nguyen, *Santa Barbara County, CA Fish and Wildlife complete oil spill cleanup in Toro Canyon*, News Channel 12 3 11 (September 3, 2021) stating, "The County says they have monitored and maintained that facility since 2009."

⁴³ Jason Musante, USEPA personal conversation with Brian Trautwein, Senior Analyst/Watershed Program Director (March 12, 2021).

⁴⁴ Richards (2022).

investigate and take inventory of the status and regulation of idle and orphaned wells in its jurisdiction.⁴⁵ The directed action includes:

“Inventory the number and status of oil wells in Ventura County, including active, idle, abandoned, and those that are capped and restored. Include a summary of how long wells have been sitting idle.”

“Summarize any readily available local and State information regarding problems with abandoned oil and gas wells in California and in the County. Include information of liquid and gas leaks and other problems.”

“Research available current industry costs to cap wells and restore drilling sites and compare those costs to the capping and reclamation bonding currently required by CalGEM and County zoning ordinances.”

“Present to the Board of Supervisors a summary of findings. If appropriate, the Board may seek staff to provide preliminary recommendations for modifications to County regulations and enforcement programs.”⁴⁶

By ordering this report, Ventura has initiated an investigation to coordinate with leading agencies in charge of regulating and monitoring idle oil wells in its jurisdiction, and taken affirmative steps to identify problematic idle wells and protect its citizens and the environment. We ask that Santa Barbara County do the same.

V. Santa Barbara County Must Take Action Now to Regulate and Monitor Idle Wells.

The Santa Barbara County Board of Supervisors must direct staff to: **(1) support the Grand Jury’s findings; and (2) prepare an annual report on the status of idle oil and gas wells to be presented during a public Board of Supervisors hearing by September 1, 2022, and each year thereafter.** Staff previously provided helpful annual oil reports on spills and violations. These reports were tremendously valuable and informative to the public. Annual reports would inform the public about the threats posed by idle oil and gas wells, about the adequacy of the County’s oversight, about the adequacy of State and federal regulations and funding, and about the need for additional actions by the Board to make ordinance amendments necessary to protect public health and the environment.

Recently we understand that the County has taken the position that it is not required to regulate and monitor idle wells (other than doing annual inspections on all oil wells), because it is not understood to be their responsibility to regulate “downhole operations,” that petroleum

⁴⁵ Ventura County Planning Commission Minutes (November 5, 2020) (“Ventura County Planning Commission Minutes (2020)”) (Attachment B); *See also* Letter from Ventura County Planning Commission re: Recommendation of Chair White to Adopt by Minute Order of the Planning Commission Recommending that the Board of Supervisors Consider Directing the Resource Management Agency to Investigate the Status of Abandoned and Idle Oil and Gas Wells and Their Regulation in Ventura County and Report Back (October 15, 2020) (Attachment C).

⁴⁶ Ventura County Planning Commission Minutes (2020) at 3 - 7.

inspectors are not required to investigate or ask operators whether an oil well is sitting idle per their understanding of the Petroleum Code, and that it is the burden of other agencies to take care of our County's idle oil well problems. We disagree. In fact, the County is not only legally required to investigate, monitor and regulate idle wells per Santa Barbara County Petroleum Code, Section 25-2, but could be putting itself at great risk for not complying with its own Code:

“It is the purpose of this chapter, among other things, to protect the health, safety, public welfare, physical environment and natural resources of the county by the reasonable regulation of onshore petroleum facilities and operations.”

Since idle oil wells are part of “onshore petroleum facilities and operations,” the County must investigate, regulate and monitor idle oil and gas wells in order to protect the “health, safety, public welfare, physical environment and natural resources of the county.” Nowhere in the Code does it state that the County can shirk its responsibility and delegate it to another agency. Nowhere in the Code does it state that the County is prohibited from requesting that oil and gas operators identify whether their well is idle or in production and how long it's been sitting idle. These are basic questions that should be a part of each idle oil well inspection and required for the County to know in order to achieve even a basic prima facie showing of “regulation.” However – these are basic questions that the County is not asking now.

Staff has asserted that oil wells are “downhole operations” that are only regulated by the State. However, as discussed above, there is ample evidence that leaking idle wells affect soil, waterways, wildlife, and public health. For example, leaking idle oil wells in Santa Barbara County emit high levels of dangerous gas, such as methane, exceeding 50,000 ppm. Soil contamination associated with idle wells, e.g., old sumps, are a threat to human health and wildlife. Leaks from idle wells also adversely impact the public's waterways, including Toro Canyon Creek. Therefore, the County cannot shift its responsibility to protect public health and the environment pursuant to the Petroleum Code to other agencies and must act now.

Because the Grand Jury Report took the first step and brought to light several glaring lapses in the County's “regulation” of idle wells, we ask the Board to direct Staff to prepare an annual public report to the Board on the status and regulation of idle oil and gas wells, that would include the following:

- An inventory of the number and status of oil and gas wells in the County, including active, idle, orphaned, and abandoned wells, and the length of time wells have been sitting idle.
- All fluid and methane leaks, seeps, noncompliance, violations, and other problems from idle and orphaned oil and gas wells.
- All interagency coordination and actions taken by County Planning and Development, APCD, County Fire, CalGEM, and State Water Board.
- All County, APCD, state, and federal ordinances, regulations, inspections, and enforcement programs that regulate idle oil and gas wells.
- All readily available local and State information regarding problems with idle, orphaned, and abandoned oil and gas wells in the County.

- An investigation as to whether bonding and State and federal funding is adequate to cover the costs of well plugging and abandonment and drill site restoration.

In summary, the serious public health and environmental effects of oil and gas development and idle and orphaned oil and gas wells is of great concern to the citizens of Santa Barbara County – particularly disadvantaged communities who have historically suffered the most from environmental pollution in our County. Bonding and State and federal funding is insufficient to properly address these concerns. Ultimately, the responsibility for protecting public health and the environment falls to the Board of Supervisors. Therefore, the County must do more to investigate, inspect, report, minimize, and mitigate these significant threats to our health, climate, groundwater, air quality, and farmland. As a start, the Board must require public annual reports disclosing the status and number of oil and gas wells, the public health and environmental impacts, current regulation, leaks and violations, regulatory gaps, funding to plug and abandon current and future orphaned wells, and opportunities to better protect the public, the environment, and the climate from the dangerous and dirty practice of oil and gas drilling in Santa Barbara County.

Thank you for your attention to this important issue.

Sincerely,



Alicia Roessler
Senior Attorney



Brian Trautwein
Senior Analyst/
Watershed Program Director

Attachments:

Attachment A: APCD NOVs for Idle Wells

Attachment B: Ventura County Planning Commission Minutes of November 5, 2020

Attachment C: October 15, 2020 Letter from Ventura County Planning Commission re: Recommendation of Chair White to Adopt by Minute Order of the Planning Commission Recommending that the Board of Supervisors Consider Directing the Resource Management Agency to Investigate the Status of Abandoned and Idle Oil and Gas Wells and Their Regulation in Ventura County and Report Back

Attachment A



VIA ELECTRONIC MAIL: agd@greka.com
RETURN RECEIPT REQUESTED

May 2, 2019

Mr. Alex Dimitrijevic
CEO
HVI Cat Canyon Inc.
PO Box 5489
Santa Maria, CA 93456

RE: Enclosed Notice of Violation (NOV) #11569

Dear Mr. Dimitrijevic:

Enclosed you will find NOV #11569 documenting a violation of District Rule 325 E.1. for failing to control the emissions of produced gas at all times. Specifically, a hole in a bull plug at Bell idle well 116 was emitting hydrocarbons at +50,000ppm. This violation was discovered during a District inspection of the Bell lease that was conducted on 05/01/2019.

Within ten (10) days of the receipt of this enforcement action, please return a copy of these documents, along with a description of the corrective actions taken to prevent a recurrence of this violation to my attention at: 301 East Cook St. Suite L, Santa Maria, CA 93455 or via e-mail (preferred) to swains@sbcapcd.org.

You will receive a separate letter from Mutual Settlement detailing the NOV resolution. Please refer to the District's Policy and Procedure regarding Mutual Settlement available at: <http://www.ourair.org/wp-content/uploads/VII.D.pdf>.

If you have any questions regarding this matter, please contact me at (805) 614-6791

Sincerely,

A handwritten signature in blue ink, appearing to read "SS".

Sage Swain
Air Quality Specialist, Compliance Division
Enclosed: NOV #11569

Aeron Arlin Genet, Air Pollution Control Officer



NOTICE OF VIOLATION

11569

VIOLATION NUMBER

05/01/2019

DATE OF DISCOVERY

05/01/2019

DATE OF VIOLATION

NAME HVI Cat Canyon Inc. PHONE (805) 357-2954

ADDRESS PO Box 5489 Santa Maria, CA 93456

LOCATION OF VIOLATION Bell Lease

FID # 03211 PERMIT / REG / NOTIF # PT 70 PTO 08869-R10

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 40702
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE(s): 325 E.1.

BY: failing to control the emissions of produced gas at all times.

ATTENTION: Immediate action must be taken if necessary to prevent the violation from continuing. Return a copy of this document within 10 days of receipt with a written description of the corrective action taken. Direct this information to the attention of the individual who issued the notice of violation.

Served to: Alex Dimitrijevic

By: Sage Swain

Title CEO

Title AQ Specialist, Compliance Div

Sent Via Email agd@greka.com

Date May 02, 2019



Email Read Receipt Requested

November 18, 2019

Alex Dimitrijevic
HVI Cat Canyon Inc.
agd@greka.com

FID: 03211
Permit: PT-70
PTO 08869-R11
SSID: 02658

Re: Notice of Violation 12125

Dear Mr. Dimitrijevic,

Enclosed you will find Notice of Violation (NOV) 12125 documenting a violation of District Rule 331 D.1. This violation resulted from a District inspection of HVI Cat Canyon Inc.'s Bell Lease conducted on 11/12/2019.

District Rule 331 D.1 was violated for exceeding the amount of major leaks in the "other" component category during a District inspection. Rule 331 allows only one major leak and two were found. Specifically, a reducer on idle well 99 was found leaking at +50,000ppm and a reducer on idle well 76 was leaking at 10,600ppm.

Please feel free to submit any documentation of corrective actions taken to prevent continued or recurring violations to swains@sbcapcd.org within ten (10) days of receipt of the NOV. Alternatively, a NOV response may be mailed to my attention at: 301 E. Cook Street, Ste. L Santa Maria, CA 93454.

You will receive a separate letter from Mutual Settlement detailing the NOV resolution. Please refer to the District's Policy and Procedure regarding Mutual Settlement available at: <http://www.ourair.org/wp-content/uploads/VII.D.pdf>.

If you have any questions regarding this matter, please contact me at 805-614-6791, or swains@sbcapcd.org.

Sincerely,

Sage Swain
Air Quality Specialist, Compliance Division
Enclosed: NOV 12125

Aeron Arlin Genet, Air Pollution Control Officer



NOTICE OF VIOLATION

12125

VIOLATION NUMBER

11/12/2019

DATE OF DISCOVERY

11/12/2019

DATE OF VIOLATION

NAME HVI Cat Canyon Inc. PHONE (805) 357-2954

ADDRESS P.O. Box 6030, Santa Maria, CA 93456

LOCATION OF VIOLATION Bell Lease

FID # 03211 PERMIT / REG / NOTIF # PT-70 PTO 08869-R11

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 40702
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE(s): 331 D.1

BY: exceeding the amount of major leaks in the "other" component category. Only one major leak
is allowed and two were found.

Served to: Alex Dimitrijevic By: Sage Swain

Title COO Title: AQ Specialist, Compliance Division

Sent Via Electronic Mail # agd@greka.com Date: November 18, 2019

ENF-75 (09/21/2011)

Aeron Arlin Genet, Air Pollution Control Officer



air pollution control district
SANTA BARBARA COUNTY

Email Read Receipt Requested

July 27, 2020

Aaron Bush
HVI Cat Canyon Inc.
axb@hvicci.com

FID: 03851
Permit: PTO 08046-R9
SSID: 08702

Re: Notice of Violation (NOV) 12467

Dear Mr. Bush,

Enclosed you will find Notice of Violation (NOV) 12467 documenting a violation of District Rule 325 E.1. This violation was found during a District inspection of the Davis B Lease conducted on 07/23/2020.

District Rule 325 E.1 was violated by failing to control the emissions of produced gas at all times. Specifically, hydrocarbons were being emitted out of the soil in the well cellar of idle well 28 at +50,000ppm.

Please feel free to submit any documentation of corrective actions taken to prevent continued or recurring violations to swains@sbcapcd.org within ten (10) days of receipt of the NOV. Alternatively, a NOV response may be mailed to my attention at: 301 E. Cook Street, Ste. L Santa Maria, CA 93454.

You will receive a separate letter from Mutual Settlement detailing the NOV resolution. Please refer to the District's Policy and Procedure regarding Mutual Settlement available at: <http://www.ourair.org/wp-content/uploads/VII.D.pdf>.

If you have any questions regarding this matter, please contact me at (805) 614-6791, or swains@sbcapcd.org.

Sincerely,

Sage Swain
Air Quality Specialist, Compliance Division
Enclosed: NOV 12467
Cc: Michael McConnell via email: michael.mcconnell@kellyhart.com

Aeron Arlin Genet, Air Pollution Control Officer



air pollution control district
SANTA BARBARA COUNTY

NOTICE OF VIOLATION

12467

VIOLATION NUMBER

07/23/2020

DATE OF DISCOVERY

07/23/2020

DATE OF VIOLATION

NAME HVI Cat Canyon, Inc. PHONE (805) 357-2933

ADDRESS PO Box 5489, Santa Maria, CA 93456

LOCATION OF VIOLATION Davis B Lease

FID # 03851 PERMIT / REG / NOTIF # PTO 08046-R9

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 40702
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE(s): 325 E.1

BY:

failing to control the emissions of produced gas at all times.

Served to: Aaron Bush

By: Sage Swain

Title: Safety Coordinator

Title: AQ Specialist, Compliance Division

Sent Via Electronic Mail # axb@hvicci.com

Date: July 27, 2020

ENF-75 (09/21/2011)

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org

@OurAirSBC



air pollution control district
SANTA BARBARA COUNTY

Email Read Receipt Requested

June 17, 2021

Aaron Bush
Team Operating LLC
aaron.bush@teamoperating.com

FID: 04103
Permit: PTO 07053-R11
SSID: 11515

Re: Notice of Violation (NOV) 12791

Dear Mr. Bush,

Enclosed you will find Notice of Violation 12791 documenting a violation of District Rules 331 D.1. This violation was found during a District inspection of the Bradley Lands/Bradley Consolidated Leases conducted on 06/15/2021.

District Rule 331 D.1 was violated by exceeding the amount of major leaks allowed in the “other” component category during a District inspection. Two major leaks were found and only one is allowed. Specifically, a plug on the casing gas line of idle well 5-61 was leaking at 22,600ppm and a nipple on idle well 4-5 was leaking at +50,000ppm.

Please feel free to submit any documentation of corrective actions taken to prevent continued or recurring violations to swains@sbcapcd.org within ten (10) days of receipt of the NOV. Alternatively, a NOV response may be mailed to my attention at: 301 E. Cook Street, Ste. L Santa Maria, CA 93454. You will receive a separate letter from Mutual Settlement detailing the NOV resolution. Please refer to the District’s Policy and Procedure regarding Mutual Settlement available at: <http://www.ourair.org/wp-content/uploads/VII.D.pdf>.

If you have any questions regarding this matter, please contact me at (805) 614-6791, or swains@sbcapcd.org.

Sincerely,

Sage Swain
Air Quality Specialist, Compliance Division
Enclosed: NOV 12791
Cc: jorge.vargas@teamoperating.com



air pollution control district
SANTA BARBARA COUNTY

NOTICE OF VIOLATION

12791

VIOLATION NUMBER

06/15/2021

DATE OF DISCOVERY

06/15/2021

DATE OF VIOLATION

NAME Team Operating LLC PHONE (661) 372-2171

ADDRESS PO Box 6030, Santa Maria, CA 93455

LOCATION OF VIOLATION Bradley Lands/Bradley Consolidated Leases

FID # 04103 PERMIT / REG / NOTIF # PTO 07053-R11

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 40702
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE(s): 331 D.1

BY:

exceeding the amount of major leaks allowed in the "other" component category during a District inspection.

Served to: Aaron Bush

By: Sage Swain

Title: Safety Coordinator

Title: AQ Specialist, Compliance Division

Sent Via Electronic Mail # aaron.bush@teamoperating.com

Date: June 17, 2021

ENF-75 (09/21/2011)

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org

@OurAirSBC



air pollution control district
SANTA BARBARA COUNTY

Via Certified Mail: 9171 9690 0935 0253 6265 80
Return Receipt Requested

June 24, 2021

Mr. Randeep S. Grewal
rsg@greka.com
HVI Cat Canyon Inc.
PO Box 5489, Santa Maria, CA 93456

FID: 04102
Permit: PTO 09310-R8
SSID: 02200

Re: Notice of Violation (NOV) 12793

Dear Mr. Grewal,

Enclosed you will find Notice of Violation 12793 documenting violations of District Rule 331 E.1.c and 331 E.1.d. These violations were a result from a District inspection of the Golco Lease conducted on 12/02/2020.

District Rule 331 E.1.c was violated for failing to repair a major gas leak within five calendar days of initial leak detection. A gas leak was measured at 11,400 ppm emanating from the wellhead bull plug of Nodlew idle well 1-9 and the leak has not been repaired to date.

District Rule 331 E.1.d was violated for failing to repair a minor gas leak within 14 calendar days of initial leak detection. A gas leak measured at 3,078 ppm was found emanating from a cap on the wellhead of Golco idle well 143-9 and the leak has not been repaired to date.

Please provide a response to this NOV to swains@sbcapcd.org within ten (10) days of receipt of the NOV. Alternatively, a NOV response may be mailed to my attention at: 301 E. Cook Street, Ste. L Santa Maria, CA 93454. You will receive a separate letter from Mutual Settlement detailing the NOV resolution. Please refer to the District's Policy and Procedure regarding Mutual Settlement available at: <http://www.ourair.org/wp-content/uploads/VII.D.pdf>.

In bankruptcy, "abandoned" property of the estate goes back to the owner (HVI Cat Canyon, Inc.) pursuant to 11 U.S.C. Section 554. The "estate" of HVI Cat Canyon, Inc. is being liquidated as part of the Chapter 7 case, but the abandoned property is no longer part of that estate and HVI Cat Canyon, Inc remains responsible for compliance with the existing permits and District rules and regulations.

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org

[@OurAirSBC](https://twitter.com/OurAirSBC)



air pollution control district
SANTA BARBARA COUNTY

If you have any questions regarding this matter, please contact me at (805) 614-6791, or swains@sbcapcd.org.

Sincerely,

Sage Swain
Air Quality Specialist, Compliance Division
Enclosed: NOV 12793

Cc: Alex G. Dimitrevic (CEO): agd@greka.com and certified mail PO Box 5489, Santa Maria, CA 93456,
Certified Mail # 9171 9690 0935 0253 6265 97

Cc: M. Ernesto Olivares (Secretary and CFO): mfo@greka.com and certified mail PO Box 5489, Santa Maria, CA 93456,
Certified Mail # 9171 9690 09350253 6266 03

Cc: Susan Whalen (Attorney): susan@whalenattorney.com and certified mail 2806 Alta St. PO Box 938, Los Olivos, CA 93441, Certified Mail # 9171 9690 0935 0253 6266 10

Cc: HVICC, Inc. c/o Capitol Corporate Services, Inc. (Agent for Service of Process): 455 Capitol Mall Complex, Ste. 217, Sacramento CA 95814, Certified Mail # 9171 9690 0935 0253 6266 27

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org

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air pollution control district
SANTA BARBARA COUNTY

NOTICE OF VIOLATION

12793

VIOLATION NUMBER

12/08/2020

DATE OF DISCOVERY

12/08/2020 & 12/17/2020

DATE OF VIOLATION

NAME HVI Cat Canyon Inc. PHONE (805) 357-2954

ADDRESS PO Box, Santa Maria, CA 93455

LOCATION OF VIOLATION Golco Lease

FID # 04102 PERMIT / REG / NOTIF # PTO 10078-R8

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 40702
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE(s): 1. 331 E.1.c and 2. 331 E.1.d

BY:

1. failing to repair a major gas leak within 5 calendar days of initial leak detection.
2. failing to repair a minor gas leak within 14 calendar days of initial leak detection.

Served to: Randeep S. Grewal

By: Sage Swain

Title: Director

Title: AQ Specialist, Compliance Division

Sent Via Certified Mail # _____

Date: June 24, 2021

ENF-75 (09/21/2011)

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org

@OurAirSBC

Via Certified Mail: 9171 9690 0935 0253 6265 80
Return Receipt Requested

June 24, 2021

Mr. Randeep S. Grewal
rsg@greka.com
HVI Cat Canyon Inc.
PO Box 5489, Santa Maria, CA 93456

FID: 03234
Permit: PTO 08990-R9
SSID: 08675

Re: Notice of Violation (NOV) 12794

Dear Mr. Grewal,

Enclosed you will find Notice of Violation 12794 documenting violations of District Rule 331 E.1.f and 331 E.1.d. These violations were a result from a District inspection of the McFadden Lease conducted on 02/04/2021.

District Rule 331 E.1.f was violated for failing to repair a leak where the gaseous hydrocarbon concentration exceeds 50,000ppm within one calendar day. A gas leak was measured at +50,000 ppm was found emanating from a valve stem located on the casing gas line of idle well 4 and the leak has not been repaired to date.

District Rule 331 E.1.d was violated for failing to repair a minor gas leak within 14 calendar days of initial leak detection. A gas leak measured at 2,835 ppm was found emanating from the bull plug located on the well tree of idle well 5 and the leak has not been repaired to date.

Please provide a response to this NOV to swains@sbcapcd.org within ten (10) days of receipt of the NOV. Alternatively, a NOV response may be mailed to my attention at: 301 E. Cook Street, Ste. L Santa Maria, CA 93454. You will receive a separate letter from Mutual Settlement detailing the NOV resolution. Please refer to the District's Policy and Procedure regarding Mutual Settlement available at: <http://www.ourair.org/wp-content/uploads/VII.D.pdf>.

In bankruptcy, "abandoned" property of the estate goes back to the owner (HVI Cat Canyon, Inc.) pursuant to 11 U.S.C. Section 554. The "estate" of HVI Cat Canyon, Inc. is being liquidated as part of the Chapter 7 case, but the abandoned property is no longer part of that estate and HVI Cat Canyon, Inc remains responsible for compliance with the existing permits and District rules and regulations.



air pollution control district
SANTA BARBARA COUNTY

If you have any questions regarding this matter, please contact me at (805) 614-6791, or swains@sbcapcd.org.

Sincerely,

Sage Swain

Air Quality Specialist, Compliance Division

Enclosed: NOV 12794

Cc: Alex G. Dimitrevic (CEO): agd@greka.com and certified mail PO Box 5489, Santa Maria, CA 93456,

Certified Mail # 9171 9690 0935 0253 6265 97

Cc: M. Ernesto Olivares (Secretary and CFO): mfo@greka.com and certified mail PO Box 5489, Santa Maria, CA 93456,

Certified Mail # 9171 9690 09350253 6266 03

Cc: Susan Whalen (Attorney): susan@whalenattorney.com and certified mail 2806 Alta St. PO Box 938, Los Olivos, CA 93441, Certified Mail # 9171 9690 0935 0253 6266 10

Cc: HVICC, Inc. c/o Capitol Corporate Services, Inc. (Agent for Service of Process): 455 Capitol Mall Complex, Ste. 217, Sacramento CA 95814, Certified Mail # 9171 9690 0935 0253 6266 27

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

ourair.org

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air pollution control district
SANTA BARBARA COUNTY

NOTICE OF VIOLATION

12794

VIOLATION NUMBER

02/06/2021

DATE OF DISCOVERY

02/06/2021 & 02/19/2021

DATE OF VIOLATION

NAME HVI Cat Canyon Inc. PHONE (805) 357-2954

ADDRESS PO Box, Santa Maria, CA 93455

LOCATION OF VIOLATION McFadden Lease

FID # 03234 PERMIT / REG / NOTIF # PTO 08990-R9

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 40702
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE(s): 1. 331 E.1.f and 2. 331 E.1.d

BY:

1. failing to repair a gas leak where the total gaseous hydrocarbon concentration exceeds 50,000ppm within one calendar day of initial leak detection.
2. failing to repair a minor gas leak within 14 calendar days of initial leak detection.

Served to: Randeep S. Grewal By: Sage Swain

Title: Director Title: AQ Specialist, Compliance Division

Sent Via Certified Mail # _____ Date: June 23, 2021

ENF-75 (09/21/2011)

Aeron Arlin Genet, Air Pollution Control Officer

Attachment B



Planning Commission Minutes

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

November 5, 2020

1. **8:32 A.M. MEETING CALLED TO ORDER BY CHAIR WHITE**

2. **ROLL CALL**

Commission:	Phil White, Chair	District 1
	Nora Aidukas	District 2
	Earl McPhail	District 3
	Jim King, Vice-Chair	District 4
	Richard Rodriguez	District 5

County Staff: Dave Ward, Planning Director
Jeffrey Barnes, County Counsel
Jennifer Welch, Residential Permits Manager
John Oquendo, Senior Planner
Ed Williams, Agricultural Commissioner
Meighan Batinica, Recording Secretary

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**

4. **PUBLIC COMMENTS**

No public comments received.

5. **CASE NUMBER PL19-0057**– Applicant, Archdiocese of Los Angeles

The applicant requests approval of a Conditional Use Permit (CUP) to permit the continued operation of a legal non-conforming cemetery for a term of 40 years and to permit the construction of a 48-niche columbarium (“St. Thomas Aquinas Cemetery”) with funeral services for no more than 40 guests restricted to the hours between 9:00 am and 3:00 pm (Monday-Friday). This permit will authorize the placement of cremated remains or hydrolyzed remains into the columbarium, no new burials will occur.

RMA-Planning Division Senior Planner, John Oquendo, presented the Staff Report. The following recommended actions were presented to the Planning Commission:

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;

2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines;
3. **MAKE** the required findings to grant the requested CUP Case No. PL 19-0057 pursuant to Section 8111-1.2.1.1a of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP Case No. PL19-0057, subject to the conditions of approval (Exhibit 5); and
5. **SPECIFY** that the Clerk of the Planning Commission is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

Commission's Disclosures

Commission Aidukas drove to the site, walked around, then drove up and down the street and observed the volume and speed of traffic on it. She also read an LA Times article when she tried to google directions. The article was from 20 years ago, and it said that the cemetery had been abandoned previously for years. Also made note that the current conditions of the land were dry and brown, which was different than the pictures depicted in the staff report exhibits.

No disclosures from Commissioners White, McPhail, King or Rodriguez

Presentation of Public Speakers:

Dai Luu - Applicant

Planning Commission Deliberation and Vote

Motion: Approve staff recommendations with a modification to the continued operation period from 40 to 20 years.

Moved by Commissioner Aidukas seconded by Commissioner King

Vote: Motion Approved 5-0

Yes: Commissioners White, Aidukas, McPhail, King, Rodriguez

6. RECOMMENDATION OF CHAIR WHITE FOR THE PLANNING COMMISSION TO RECOMMEND ACTION BY THE BOARD OF SUPERVISORS

Adopt by Minute Order of the Planning Commission Recommending that the Board of Supervisors Consider Directing the Resource Management Agency to Investigate the Status of Abandoned and Idle Oil and Gas Wells and Their Regulation in Ventura County and Report Back.

Presentation of Public Speakers:

Zoom Speakers:

Jennifer Rivera
Ben Oakly
Christine Coulson
Amy Fonzo

Letters Read into the record:

Ruth Cooper
Lee Harrison
Bill Brothers
Jessica McCurdy
Katherine Pond
Kristin Kessler
Bruce Schoppe
Margot Davis
John Brooks
Mary Hanrahan
Elizabeth Rice
Valerie Levett
Kevin Tohill
Evan Cooper
James Cooper
Patricia Butler
Kris Olenkamp
Jonathan Reinbold
Carol Lindberg

Planning Commission Deliberation and Vote

Motion: Approve Staff recommendations with amendments to The Recommended Actions, Item 1 and Item 4, as amended by the Planning Director.

- The Recommended Action would read:

Adopt by Planning Commission Minute Order recommending that the Board of Supervisors consider directing the Resource Management Agency to investigate the status of abandoned and idle oil and gas wells and their regulation in Ventura County and report back with a summary and findings for Board consideration. The proposed investigation should include, ~~but not be limited to, the following:~~ information to inform the Board, Planning Commission and the public.

1. Inventory the number and status of oil wells in Ventura County, including active, idle, abandoned, and those that are capped and restored. Include a summary of

how long wells have been sitting idle. **Additional Information and investigation that the Board may consider as part of this investigation includes the following:**

2. Summarize the existing County ordinances and enforcement programs that regulate oil and gas wells.
3. Seek the Ventura County Air Pollution Control District (APCD) staff to provide summary of the existing APCD rules and procedures that regulate oil and gas wells.
4. Summarize the existing local **State** (CalGEM and Air Resources Board) and Federal regulations for oil and gas wells.
5. Summarize any readily available local and State information regarding problems with abandoned oil and gas wells in California and in the County. Include information of liquid and gas leaks and other problems.
6. Research available current industry costs to cap wells and restore drilling sites and compare those costs to the capping and reclamation bonding currently required by CalGEM and County zoning ordinances.
7. Present to the Board of Supervisors a summary of findings. If appropriate, the Board may seek staff to provide preliminary recommendations for modifications to County regulations and enforcement programs.

Moved by Commissioner White seconded by Commissioner Aidukas

Vote: Motion Approved 3-2

Yes: Commissioners White, Aidukas, King

Nos: Commissioners McPhail, Rodriguez

7. **CASE NUMBER PL20-0102** County of Ventura, Agricultural Commissioner's Office and RMA Planning Division

The project consists of an ordinance adding chapter 6, section 9600 et seq., to division 9 of the Ventura County Ordinance Code to regulate the cultivation of industrial hemp in the unincorporated areas of Ventura County (hereafter, the "Hemp Regulations"), and amending section 8174-5 of the Ventura County Coastal Zoning Ordinance and sections 8105-4 and 8105-5 of the Non-Coastal Zoning Ordinance to reference the Hemp Regulations. In order to mitigate objectionable odors, the Hemp Regulations would establish buffer zones between hemp crops and sensitive sites such as residentially zoned areas and schools and would require expeditious harvesting and cleanup of outdoor hemp cultivation sites. The Hemp Regulations also include provisions addressing pollen control, signage, transportation, security, ancillary activities, fees, and enforcement.

RMA-Planning Division Senior Planner, Franca Rosengren, presented the Staff Report. The following recommended actions were presented to the Planning Commission:

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment process;
2. **RECOMMEND** that the Board of Supervisors take the following actions regarding the Planning Commission-recommended version (Alternative 1 or Alternative 2) of the proposed ordinance regulating the cultivation of industrial hemp:
 - a. **CERTIFY** that the Board has reviewed and considered the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing processes for the project;
 - b. **FIND** on the basis of the entire record that the proposed ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines section 15308 (actions by regulatory agencies to protect the environment), and that no unusual circumstances or other exceptions set forth in CEQA Guidelines section 15300.2 preclude use of this categorical exemption; and **FIND** the proposed ordinance amending the Ventura County Coastal Zoning Ordinance is statutorily exempt pursuant to Public Resources Code section 21080.9 as an amendment to the County's Local Coastal Program.
 - c. **FIND** based on the substantial evidence set forth in Sections A, B, and C of the Planning Commission staff report and the entire record that the proposed ordinance is in the interest of public health, safety or general welfare and is consistent with the Ventura County General Plan, the Ventura County Coastal Area Plan and other applicable area plans, and the Coastal Act;
 - d. **ADOPT** the proposed ordinance;
 - e. **SPECIFY** that the Clerk of the Board of Supervisors is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

Presentation of Public Speakers:

Zoom Speakers:

Douglas Spondello
Chris Guillen
Tony Trembley
Helen Conly

Emails Read into Record:

Paul McClaren
Mark Van Dam
James Vega, City of Ojai
April Shurtleff Terry
Douglas Mardi
Robert Roy
William Terry

Planning Commission Deliberation and Vote

Motion: After the close of the public hearing and Commission deliberations, Commissioner King moved to approve the Agricultural Commissioner's recommended actions as set forth on pages 13 and 14 of the November 5, 2020 Planning Commission staff report, including the recommendation to adopt Alternative 1 of the proposed ordinance as opposed to Alternative 2, with the following additional recommendations and direction to staff:

1. Revise the definition of "sensitive site" in the ordinance to include all areas located within the boundaries of a city that has prohibited cultivation of hemp within its city limits;
2. The Commission does not recommend adding an optional exemption to section 9610, subdivision b, of the ordinance described on page 8 of the November 5, 2020 Planning Commission staff report that would authorize cultivation within a greenhouse located within 1200 feet from a sensitive site under specified conditions; and,
3. The Commission directs staff to consider including in the ordinance additional protections for playgrounds and parks from nuisance odor impacts. In particular, the Commission directs staff to research the number of parks and playgrounds in the unincorporated area that are not located within a "sensitive site" as currently defined in the ordinance to be considered for inclusion in the definition of "sensitive site".

Moved by Commissioner King seconded by Commissioner Aidukas

Vote: Motion Approved 3-1-1
Yes: Commissioners White, Aidukas, King
Abstain: Commissioner McPhail
Absent: Commissioner Rodriguez

11. DISCUSSION

- a) **Report by the Planning Director on Board Actions and Other Matters**
Reviewed upcoming Planning Commission Hearings.
- b) **Items the Planning Commission may wish to introduce.**

12. MEETING ADJOURNMENT

Chair White adjourned the meeting at 1:40 p.m.



Meighan Batinica, Recording Secretary
Ventura County Planning Commission

Attachment C

**PLANNING COMMISSION
COUNTY OF VENTURA
800 South Victoria Ave
Ventura, CA 93009**

October 15, 2020

Planning Commission
County of Ventura
800 South Victoria Ave
Ventura, CA 93009

SUBJECT: Recommendation of Chair White to Adopt by Minute Order of the Planning Commission Recommending that the Board of Supervisors Consider Directing the Resource Management Agency to Investigate the Status of Abandoned and Idle Oil and Gas Wells and Their Regulation in Ventura County and Report Back

RECOMMENDED ACTION:

Adopt by Planning Commission Minute Order recommending that the Board of Supervisors consider directing the Resource Management Agency to investigate the status of abandoned and idle oil and gas wells and their regulation in Ventura County and report back with a summary and findings for Board consideration. The proposed investigation would include, but not be limited to, the following:

1. Inventory the number and status of oil wells in Ventura County, including active, idle, abandoned, and those that are capped and restored. Include a summary of how long wells have been sitting idle.
2. Summarize the existing County ordinances and enforcement programs that regulate oil and gas wells.
3. Seek the Ventura County Air Pollution Control District (APCD) staff to provide summary of the existing APCD rules and procedures that regulate oil and gas wells.
4. Summarize the existing State (CalGEM and Air Resources Board) and Federal regulations for oil and gas wells.
5. Summarize any readily available local and State information regarding problems with abandoned oil and gas wells in California and in the County. Include information of liquid and gas leaks and other problems.

6. Research available current industry costs to cap wells and restore drilling sites and compare those costs to the capping and reclamation bonding currently required by CalGEM and County zoning ordinances.
7. Present to the Board of Supervisors a summary of findings. If appropriate, the Board may seek staff to provide preliminary recommendations for modifications to County regulations and enforcement programs.

DISCUSSION:

The Los Angeles Times on February 6, 2020 wrote an extensive article (attached as Exhibit A) about the problem of abandoned and idle oil and gas wells in California, citing that there are more than 35,000 wells sitting idle, with production suspended, half for more than a decade. The Times estimates that the cost to clean up the State's wells could cost roughly 6 billion dollars, well in excess of the amount of bonds that have been posted.

A preliminary review of CalGEM data shows that there may be more than 2,000 idle wells in Ventura County. It is important to understand the risks to Ventura County of this issue and make adjustments to regulations and enforcement programs if necessary.

Pursuant to the By Laws of the Ventura County Planning Commission Article VIII, Scope of Activity, Section 2.f, the Planning Commission can make recommendations to the Board of Supervisors on matter related to the general plan, zoning, subdivisions and other matters related to planning. Therefore, this item is brought by the Chair to the Commission. If supported by majority vote of the Commission, the Planning Director shall forward this Memorandum and Minute Order to the Clerk of the Board for distribution to the Board of Supervisors.

Cordially,



Phil White
Planning Commissioner, First District

Exhibit A – Los Angeles Times Newspaper Article, dated February 6, 2020