

## **Attachment 6**

### **County Petroleum Ordinance Chapter 25 Excerpts**

#### (Section 25-4 - Definitions)

**"High risk operation"** means an oil or gas production, processing or storage facility which:

- (a) Has been in violation of section(s) 25-22, 25-23, 25-25, 25-26, 25-27, 25-28, 25-29, 25-30, 25-32, 25-35, 25-36, 25-37, 25-38, 25-39, or 25-40 of this chapter for more than 30 consecutive days and resulted in the issuance of a notice of determination of fines pursuant to chapter 24A of the Santa Barbara County Code during the preceding twelve months; or
- (b) Notwithstanding section (a) above, has had two 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.

**"High risk operator"** means the owner or operator of two or more petroleum production, processing or storage facilities fitting the definition of high risk operation, as designated by section 25-43(e).

#### (Section 25-43 - Remediation of high risk operations)

- (a) Upon determination that any petroleum production, processing or storage operation meets the definition of high risk operation from section 25-4, the petroleum administrator shall give the owner and operator written notice of his or her intent to declare the operation a high risk operation under this code section. The goal of this section shall be to remediate the high risk operation and bring the facility and the operator within normal, safe operating standards and protect the public safety, health and environment. The written notice of the intent to declare the operation a high risk operation shall include:
  - (1) Facts substantiating the declaration; and
  - (2) An advisory regarding the right to appeal the declaration pursuant to section 25-43(c).
- (b) Along with the determination of the facility being a high risk operation, the petroleum administrator:
  - (1) May undertake an investigation of the causes leading up to the high risk designation; and/or
  - (2) Shall approve a mandatory remediation plan prepared by the operator. Such plan shall include, but is not limited to:
    - a. A mandatory remediation schedule for bringing the facility and operator within normal, safe operating standards. Such schedule does not supersede any timeline for abatement otherwise established for individual outstanding violations.
    - b. An audit of overall facility operation(s).

- i. The audit shall be conducted by an independent third party approved by the petroleum administrator. Costs associated with the audit shall be borne by the operator;
    - ii. The audit shall identify and analyze the root causes leading to the high risk designation;
    - iii. The audit shall further identify and analyze other potential areas in overall facility operation that could impact the facility's ability to operate within safe and normal standards (e.g. personnel training, operational policies, internal procedures, etc.);
    - iv. Provide a plan for remediating all issues identified in the audit, including a mandatory schedule for remediating those issues. Such schedule shall be approved by the petroleum administrator.
    - v. The audit may be ordered in lieu of, or in addition to the investigation undertaken by the petroleum administrator.
  - c. Any other requirements the petroleum administrator deems necessary to bring the facility and operation within normal, safe operating standards for the purposes of protecting the public safety, health and environment.
- (c) The owner or operator of any such facility may appeal the applicability of the definition of "high risk operation" to the facility, the factual determination regarding the cause of the problems causing the high risk, or the efficacy and reasonableness of the proposed remediation to the petroleum administrator and shall have the opportunity to present evidence to the petroleum administrator at a noticed hearing. The appeal must be submitted in writing within fifteen days of receipt of the notice of intent to declare the facility a high risk operation issued pursuant to section 25-43(a) above. The owner or operator of any such facility may appeal any decision of the petroleum administrator to the director of planning and development, and the appeal shall be solely on the issue of facts and existing administrative record previously before the petroleum administrator as to the applicability of the definition to the operation, the factual determination regarding the cause of the problems causing the high risk and the efficacy and reasonableness of the proposed remediation. Any decision of the director of planning and development after appeal may be further appealed to the board of appeals pursuant to sections 25-16, 25-17 and 25-18 and that appeal shall be solely on the facts and existing administrative record previously before the petroleum administrator as to the applicability of the definition to the operation, the factual determination regarding the cause of the problems causing the high risk and the efficacy and reasonableness of the proposed remediation.
- (d) The owner or operator of the high risk operation shall carry out the approved remediation plan and shall be responsible for paying all reasonable costs associated with the implementation of the plan, including:
- (1) County staff time in enforcing these provisions at an hourly rate that provides for full cost recovery of the direct and indirect costs including A-87 cost plan charges. Staff time shall include, but is not limited to, the ongoing monitoring and verification of compliance with the approved remediation plan;