

# ***City of Carson Oil and Gas Code Update***

## **City Council Workshop**

***March 21, 2016***

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***Prepared For:  
City of Carson***

### Background

- City's codes and regulations on oil and gas facilities have not been updated in several years.
- On May 20, 2014, the City Council directed Staff to conduct a comprehensive review of the oil and gas regulations and include a ban on fracking consistent with SB 4 definitions.
- Council also directed staff to engage in substantial public outreach and prepare draft regulations.

## Summary of the proposed Oil and Gas Code

- General Approach to the Code Update
- Administrative Procedures
- Development Standards
- Development Standards For Site Abandonment, Site Restoration and Redevelopment
- Good Neighbor Provisions
- The 'Fracking Ban'

### **General Approach to the Oil and Gas Code Update:**

Comparing and Contrasting existing oil and gas regulations with the proposed oil and gas Code

#### ➤ The Existing Code:

- Allows for the construction and operation of oil and gas facilities in Residential, Commercial and Industrial zoned areas. Minimal, if any, oversight by the City.
- Only a few pages of text briefly addressing:
  - Fencing
  - Parking, loading and driveways
  - Signs
  - Utilities
  - Landscaping
  - Well maintenance
  - Performance bond (\$5,000)
  - Minimal Safety and Noise provisions

## The New Code Contains:

- One of the most comprehensive, protective, and environmentally sensitive codes in the state, with regulations including:
  - Part 1. Administrative Procedures
  - 9500 Purpose
  - 9501 Ordinance Applicability
  - 9502 Allowable Uses
  - 9503 Definitions
  - 9504 Consistency with Other Laws, Rules and Regulations
  - 9505 Appeals
  - 9506 Well Drilling Permit

## New Oil Code cont.

- 9507 Required Procedures for CUPs
- 9507.1 CUP Filing Requirements
- 9507.2 Processing and Review
- 9507.3 Findings and Permitting Conditions
- 9507.4 Modifications and Extensions
- 9507.5 Change of Ownership/Operators Criteria
- 9508 Procedures for Development Agreements
- 9508.1 Filing Requirements
- 9508.2 Processing and Review
- 9508.3 Findings and Development Agreement Conditions
- 9508.4 Modifications and Extensions

### **New Oil Code cont.**

- 9509            Periodic Review
- 9510            Facility Closure, Site Abandonment, and Site Restoration Procedures
  - 9510.1        Purpose and Intent
  - 9510.2        Applicability
  - 9510.3        Application Process
    - 9510.3.1     Requirement to File an Application
    - 9510.3.2     Content of Application
    - 9510.3.3     Permitting Specifications
    - 9510.3.4     Findings Required for Approval
- 9511            Operational Noticing
- 9512            Complaints
- 9513            Injunctive Relief

## New Oil Code cont.

- 9514 Notice of Violation and Administrative Fines
- 9515 Nuisance Procedures
- 9515.1 High-Risk Operations
- 9516 Compliance Monitoring
- 9517 Financial Assurances Applicability
- 9518 Operator's Financial Responsibilities
- 9519 Securities and Bond Requirements
- 9520 Operator Liability Insurance



## New Oil Code Cont.

- Part 2. Development Standards for Petroleum Operations
- 9521 Setback Requirements
- 9522 Site Access and Operation
  - 9522.1 Deliveries
  - 9522.2 Construction Time Limits
  - 9522.3 Oil and Gas Site Parking
- 9523 Lighting
- 9524 Aesthetics
  - 9524.1 Landscaping/Visual Resources
  - 9524.2 Walls
  - 9524.3 Sanitation

**New Oil Code cont.**

- 9524.4      Architecture
- 9525        Roads
- 9525.1      Construction of Site Access Roads
- 9526        Signage
- 9527        Steaming
- 9528        Utilities
- 9529        On-Site Storage and Placement of  
Equipment
- 9530        Safety Assurances and Emergency/Hazard  
Management
- 9530.1      Fire Prevention Safeguards
- 9530.2      Blowout Standards and Testing
- 9530.3      Earthquake Shutdown

## New Oil Code cont.

- 9530.4 Storage Tank Monitoring
- 9530.5 Safety Measures and Emergency Response Plan
- 9530.6 Transportation of Chemicals and Waste On and Off-site
  - 9530.6.1 Natural Gas Liquids (NGLs)
  - 9530.6.2 Transportation Risk Management and Prevention Program (TRMPP)
  - 9530.6.3 Pipeline Leak Detection
- 9531 Environmental Resource Management
  - 9531.1 General Environmental Program
  - 9531.2 Air Quality

**New Oil Code cont.**

- 9531.3 Greenhouse Gas Emissions and Energy Efficiency Measures
- 9531.4 Air Quality Monitoring and Testing Plan
- 9531.5 Water Quality
  - 9531.5.1 Water Management Plan
  - 9531.5.2 Stormwater Runoff
  - 9531.5.3 Groundwater Quality
- 9531.6 Noise Impacts
- 9532 Standards for Wells
- 9533 Standards for Pipelines
  - 9533.1 Pipeline Installations and Use
  - 9533.2 Pipeline Inspection, Monitoring, Testing and Maintenance

## New Oil Code cont.

- 9534 Temporary Buildings
- 9535 Operational Prohibitions
- 9536 Prohibited Uses
- 9536.1 Violations of Prohibited Uses
- Part 3. Development Standards for Site Abandonment and Redevelopment
- 9537 Development Standards

## Administrative Procedures

- This section of the proposed Oil and Gas Code (9500-9520) 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 their 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

## City of Carson Oil and Gas Code Update

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### 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

## Ordinance Applicability (9501)

➤ Ordinance applies to:

- Drilling and abandonment operations of any new or existing well.
- Sites and facilities necessary to processing oil and gas.
- Injection wells
- Equipment for enhanced oil recovery
- Pipelines within oil fields and outside oil fields
- Storage tanks
- Oil spill containment and recovery equipment.



## Allowable Uses 9502

- Oil and Gas facilities prohibited in residentially zoned districts, commercial neighborhood center, mixed use and open space.
- Permitted with CUP in Commercial General, Commercial Regional Center, manufacturing heavy and manufacturing light districts.

## Appeals 9505

- Unless otherwise specified in this ordinance, any interested person may appeal a discretionary decision of the City Manager consistent with procedure set forth in Section 9173.4, except that references to “Director” shall be replaced with “City Manager,” and the Planning Commission’s decision is final with no right of appeal to the City Council. Section 9173.5 shall govern the statute of limitations. Mandatory requirements of this ordinance are not subject to appeal.

## Well Drilling Permit 9506

- 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 the Division of Oil and Gas and Geothermal Resources (DOGGR).
- Well permits from DOGGR shall be provided to the City Manager prior to commencement of drilling or re-working activities.

## Conditional Use Permit Filing Requirements 9507

- Project Description
- Emergency Response Plan
- Phasing Plan
- Site Plan
- Site Operations Plan Process Flow Diagrams
- Nuisance Prevention Plans
- Cut and Fill estimates
- Community Alert System
- Hydrologic Analysis
- Quiet Mode Operations Plan
- Photometric Analysis
- An EQAP

## Findings and Permit Conditions

- Requires conformance with local, regional or state entities
- Requires that the project not be detrimental to health and safety and general welfare.
- Requires compliance with the Development Standards
- Requires that the project not result in an increased level of water pollution or groundwater contamination
- The City may impose conditions as appropriate

## Change of Ownership/Operators 9507.5

- Listing in the Permit
- Acceptance of permit by Operator
- Transferability of Permits
- Ongoing Notification
- Change of Operator application
- Liability for compliance with permit conditions
- Liability for abandonment

## Procedures for Development Agreements 9508

- A qualified applicant
- The City Manager shall prescribe the form for each application
- The applicant shall deposit any additional amounts for all costs and fees to process the development agreement, including all legal fees
- The City Manager shall require an applicant to submit such information and supporting data
- A community benefit assessment to evaluate the benefits the DA will provide to the community

## Processing and Review

- Application needs to include a deposit for estimated costs of processing
- 30 day completeness review
- Review by the Planning Commission
- Consideration by City Council



## Findings and Development Agreement Conditions

- Consistent with the goals, objectives, and policies of the general plan
- Compatible with the uses authorized in, and the regulations prescribed for the zoned district
- Will not be detrimental to the health, safety, environmental quality, and general welfare of the community
- Will not adversely affect the orderly development of property or the preservation of property values
- Provides for a penalty for any violation of the development agreement consistent with the provisions of Section 9514

## Periodic Review

- The City may choose to conduct a comprehensive review of any oil or gas drilling permit.
- Periodic review will be funded by the operator at most once every 5 year period following approval
- 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

## **Facility Closure, Site Abandonment, and Site Restoration Procedures 9510**

- Establishes procedures and provisions to achieve the timely abandonment of oil and gas related activities and land uses.
- Establishes procedures for reclamation and remediation of host sites, and final disposition of pipelines
- The procedures ensure appropriate due process in differentiating idled from abandoned facilities and protecting the vested rights of permittees .

## Applicability

- 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, or produced water, or waste water that originated from a reservoir.

## Application Requirements

- Application for Complete Abandonment of oil and gas operations
- The application for abandonment and site restoration proceedings shall be submitted 180 calendar days prior to the planned shutdown of all the facilities.
- Allows for partial abandonment
- Application for abandonment, re-abandonment, and site restoration proceedings.

### Contents of Application

- Gross and net acreage and boundaries of the subject property
- Location of all structures, above and underground, proposed to be removed, to remain in-place and proposed for development
- Location of all wells, including active, idled, abandoned or re-abandoned wells
- An American Land Title Association (A.L.T.A) survey of the site
- Location of all utilities and easements on the subject property
- the type and extent of all contamination
- Location of areas of flood, geologic, seismic, other hazards, areas of archeological sites, and use of all structures within 100 feet
- A proposed abandonment and restoration plan
- A proposed waste-management plan
- A proposed grading and drainage plan
- Measures proposed to be used to prevent or reduce nuisance effects
- A leak test report for each abandoned well on the site

## Conditions of the Abandonment Permit

- All equipment and surface installations used in connection with the well be removed from the site.
- The oil and gas site shall be restored to its original condition.
- All sumps, cellars, and ditches shall be cleaned
- The portions of the site not necessary for continuing oil or gas site operations shall be cleaned and graded.
- A copy of written approval of DOGGR confirming compliance with all state rules.
- Proposed restoration of the property.

## Operational Noticing

- Provide notices including all DOGGR permits
- Provide notices of intent to drill any new well
- Provide notices for enhanced recovery
- Provide notices for water disposal approval
- Provide notices for the idling of any well
- Provide notice of the resumption of operations
- Report any violations



## Complaints 9512

- All complaints related to activities regulated by this ordinance received by the operator shall be reported within one business day to the City Manager. If the complaint is received after normal business hours, it shall be reported to the City Manager the next business day. In addition, the operator shall maintain a written log of all complaints and provide that log to the City Manager on a quarterly basis.

## Violations

- Includes injunctive relief
- Fines can be up to \$10,000 per day depending on the violation
- Violations would trigger the need for deposits to the City.
- Violations of the code considered a public nuisance.
- Repeat violators to be considered high risk operations
- Includes audit requirements.
- Intent is to bring operations to normal, safe operating parameters.

## Compliance Monitoring

- The City may hire Environmental Compliance Coordinators as needed to oversee the monitoring and condition compliance requirements.
- 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.
- An applicant must establish a compliance deposit account with the City.

## Financial Assurances/Bonding Requirements

- 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 .
- The operator shall file a faithful performance bond with the City Manager based on the total number of wells and type of operation.
- Bonds only from qualified entities and rated A or better.
- Includes requirements for liability insurance

### Development Standards

➤ 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)
- Operator Responsibility for Maintenance and Restoration of Public Roads
- Use of Steaming
- 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

### Development Standards

➤ 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
- General Environmental Program
- Water Quality, Groundwater Quality
- Greenhouse Gas Emissions and Energy Efficiency Measures
- Air Quality Monitoring and Testing
- Standards for Wells and Pipelines

## Development Standards

- Setback requirements at 750 feet
- 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

## Site Access and Operations

- Deliveries limited to designated routes between 8 a.m. and 6 p.m.
- Construction limited to 7 a.m. to 7 p.m. Monday through Friday
- Parking facilities to be provided by the Operator
- Sliding/swinging doors required
- Flagmen and safety officers required



## Aesthetic Development Standards

- Lighting
- Landscaping
- Walls/enclosures
- Sanitation
- Architectural Design
- Roads/access

## Other development standards

- Steaming
- Utilities (use reclaimed water, underground utilities)
- No onsite storage
- Fire Prevention safeguards
- Blowout standards and testing
- Earthquake shutdown
- Storage tank monitoring
- Safety and Emergency Response
- Chemicals transportation
- Natural Gas Liquids transportation
- Transportation Risk Management and Prevention

## Other development standards

- Pipeline Leak detection
- Environmental Resource management
- Environmental Quality Assurance Program
- Air Quality Measures
  - Odor Minimization
  - Portable Flares for drilling
  - Odor control for drilling
  - Closed Systems
  - No open pits
  - Requirements for engine certifications
  - GHG
  - Air quality Monitoring and testing

## Other development standards

- Water Quality
- Water management plan
- Stormwater runoff
- Ground water quality
- Noise Impacts
- Quiet mode operations
- No backup alarms
- Standards for wells
- Standards for pipelines
- Pipeline inspection, monitoring, testing and maintenance.

## Development Standards For Well(s) or Site Abandonment, Re-abandonment, Site Restoration and Redevelopment

- **This section of the proposed Oil and Gas Code (9537) 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

## City of Carson Oil and Gas Code Update

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### FAQs

- Does South Coast Air Quality Management (SCAQMD) mandate a 1,500- foot setback from schools, hospitals and residences?
  - No. SCAQMD Rule 1148.2, amended in 2015, requires notification and reporting of oil drilling activities within a 1,500-foot zone, but does not require a 1,500 setback.
- Does State law mandate a 1,500 foot setback from schools?
  - No. CCR Title 5 (14010) requires “School sites shall not be located within 1,500 feet of a pipeline that can pose a safety hazard as determined by a risk analysis study”
- What setback distances are required in the LAC Fire Code?
  - Wells more than 75 feet from a public street (5706.3.1.2)
  - Wells more than 100 feet from buildings (5706.3.1.3)
  - Wells more than 300 feet from high occupancy buildings

## City of Carson Oil and Gas Code Update

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### FAQs

- Does the proposed Oil and Gas Code provide for fines or criminal penalties against rogue operators?
  - Yes. The proposed ordinance contains more enforcement mechanisms than any other provisions in the Code. Violation of the ordinance could constitute a misdemeanor subject the violator to up to half a year in jail and fines. (See CMC 1200.) In addition to providing for additional enforcement officials and compliance monitoring, the ordinances authorize abatement by a nuisance proceeding in Court (CMC 9515), allow the City to seek injunctive relief (CMC 9513), establish penalties including fines of \$10,000 to \$100,000 per day (CMC 9514, 9536.1), as well as the ability to shut down operations for violations of the Code (CMC 9515.1, 9536.1).
  - Additionally, under existing State law, a person who violates prohibitions specific to the regulation of oil or gas operations (including SB 4) is guilty of a misdemeanor.

### FAQs

- I sometimes hear a lot of noise. Has the City done a noise study to see if this is coming from existing oil and gas operations?
  - Yes. Monitoring was conducted in October, 2015 at 2 locations for a period of 1 week:
    - Near E&B sites in South Carson
    - Near Cal State Dominguez Hill in north Carson
  - Study Conclusions:
    - Periods of quiet nighttime: less than 40 dbA hourly average
    - Baseline noises: trains, planes, residential sources
    - Current oil activities (non-drilling) have minimal impacts
    - Drilling activities could cause substantial nighttime noise increases for homes within 500 feet



### FAQs

- Can the City place an outright ban on all drilling?
  - 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 directed by Council in May 2014. 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.

## City of Carson Oil and Gas Code Update

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### FAQs

- What about the ban on drilling in Hermosa Beach?
  - Hermosa Beach had a ballot measure on whether the oil project could move forward or not. The ballot measure was part of a legal settlement related to essentially a “takings” claim made by the oil company against the City. The City had to pay \$17 million to the oil company after the City voted the project down.
- The City of Beverly Hills banned all oil and gas drilling. Why can't Carson do the same thing?
  - The City of Beverly Hills School District owned the land and mineral rights for the only well site in the City. The City of Carson does not own the mineral rights or land where oil and gas operations are currently operating.

## City of Carson Oil and Gas Code Update

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### FAQs

- What rights do oil and gas companies have to drill underneath my house? What can the City do to regulate this activity?
  - Unless you own the oil and gas rights under your property, the owners of those mineral rights have the right to access their property – even if they are below your house. Additionally, there are certain limitations on a city's ability to regulate subsurface/underground areas. However, a city may regulate land uses, such as which parcels of land can be used for drilling oil and gas wells. Most people don't own their mineral rights under their houses.
- Will the code put existing oil and gas producers out of business?
  - No. Existing oil and gas facilities will be required to conduct audits, safety assurances and emergency/hazard management, environmental resource management and well standards. If outside the setbacks, they can expand and add wells or equipment.

## Main Issues Discussed with PC

- City Manager/Petroleum Administrator option
- Grandfathering of existing uses
- Setbacks
- Consolidation and relocation incentives for existing uses
- Pumpjacks and submersible pumps
- Appeals of CUP to City Council
- Self insurance
- Noise

## Petroleum Administrator

- The City Manager is designated as the City's enforcement official for the ordinance but would also allow the City Manager to appoint the PA as necessary. If there is a need for the City Manager to appoint someone, he/she can do so; that he/she also has the latitude to consult experts qualified in fields related to oil/gas operations; and that he/she may also appoint as many officers, inspectors, and/or assistants and other employees as needed.

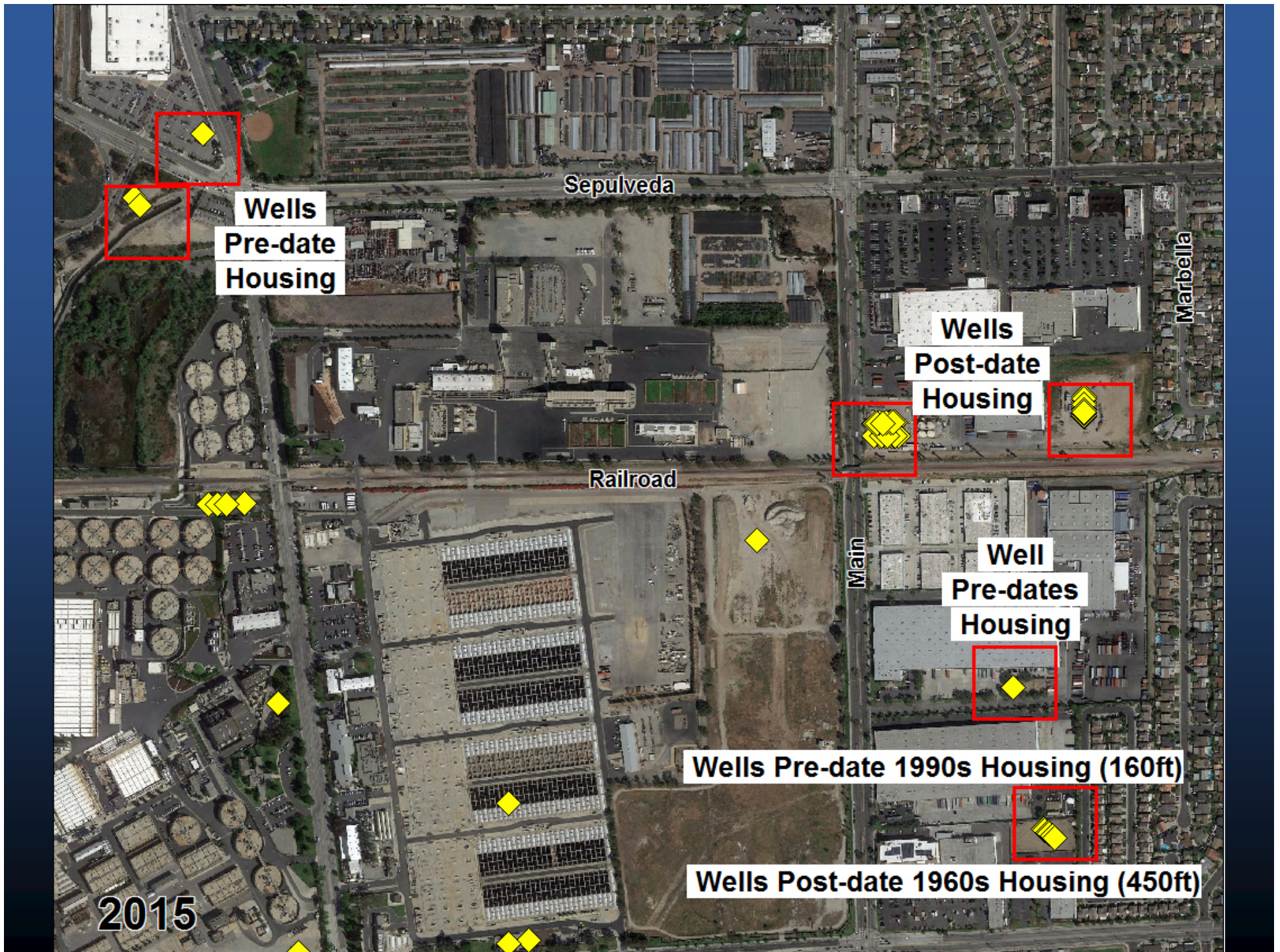
## Setbacks

- PC adopted a 750 foot setback
- See attached figure related to history of wells and nearby residences.
- Also number of wells within the various setbacks

## Oil wells in The City of Carson

- Brea Canon Oil Co. 20
- Cooper & Brain Inc. 5
- E & B Natural Resources 44
- Fletcher Oil & Refining 1
- Oxy USA Inc. 2
- Pedro First, LLC 1
- Severns Drilling Co. 1
- Total 74





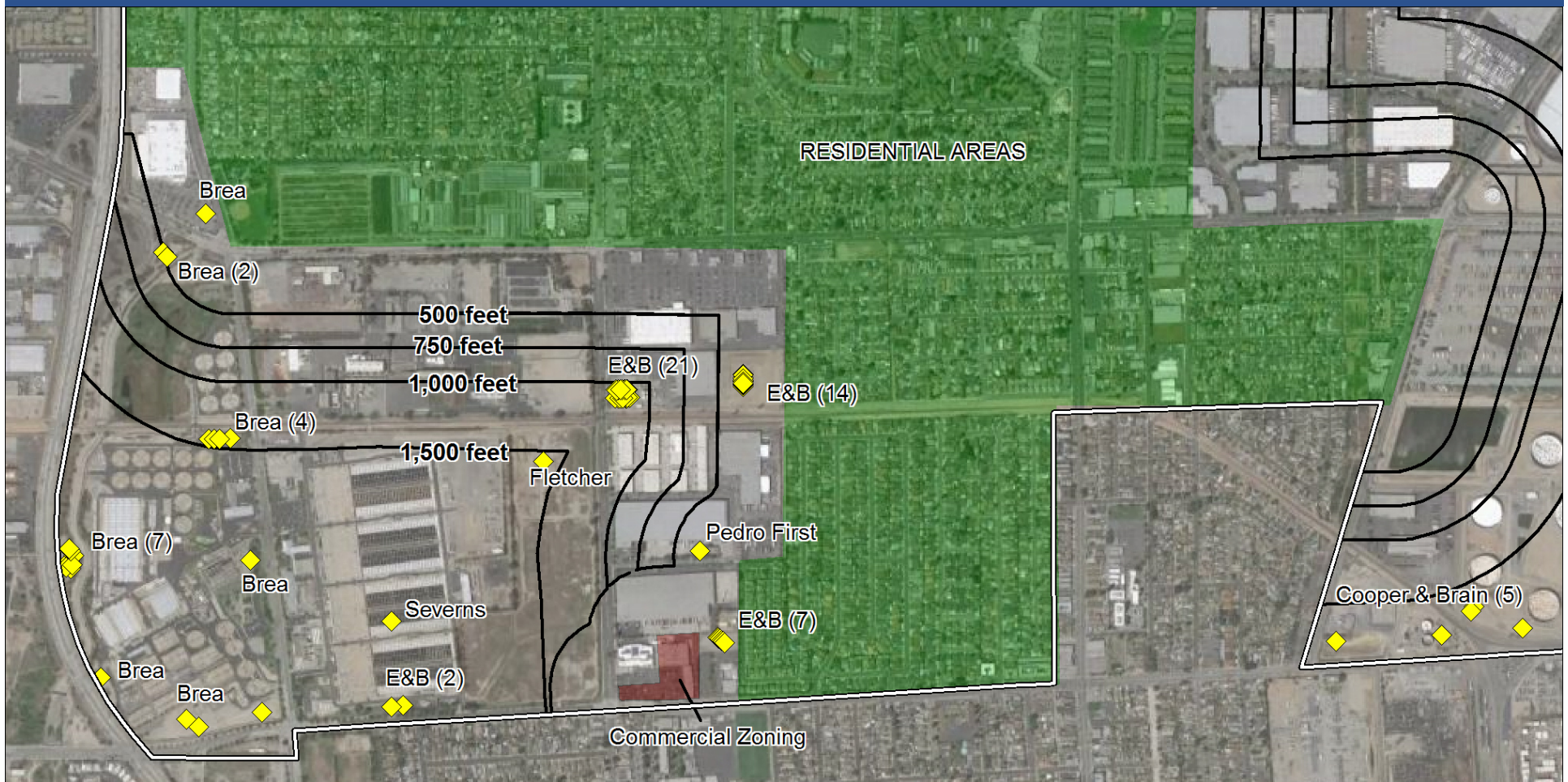


## Oil wells in The City of Carson and Setbacks

- Within 500 feet
  - Petro First – 1 well
  - Brea – 1 well
  - E&B – 21 wells
- Additional wells within 750 feet
  - Brea – 2 wells
- Additional wells within 1,000 feet
  - zero
- Additional wells within 1,500 feet
  - Brea – 4 wells
  - E&B – 21 wells

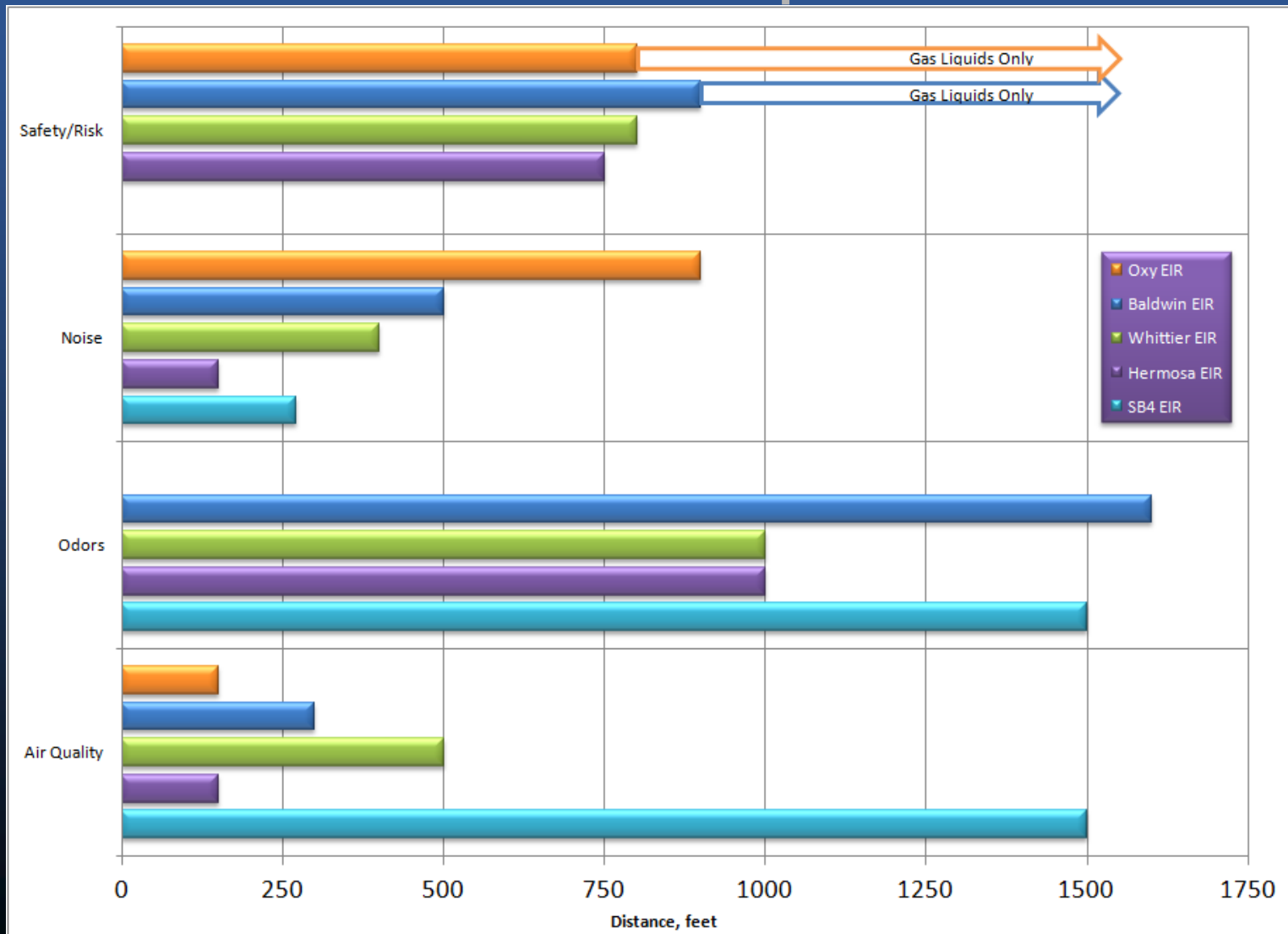
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# Existing Facilities and Setbacks



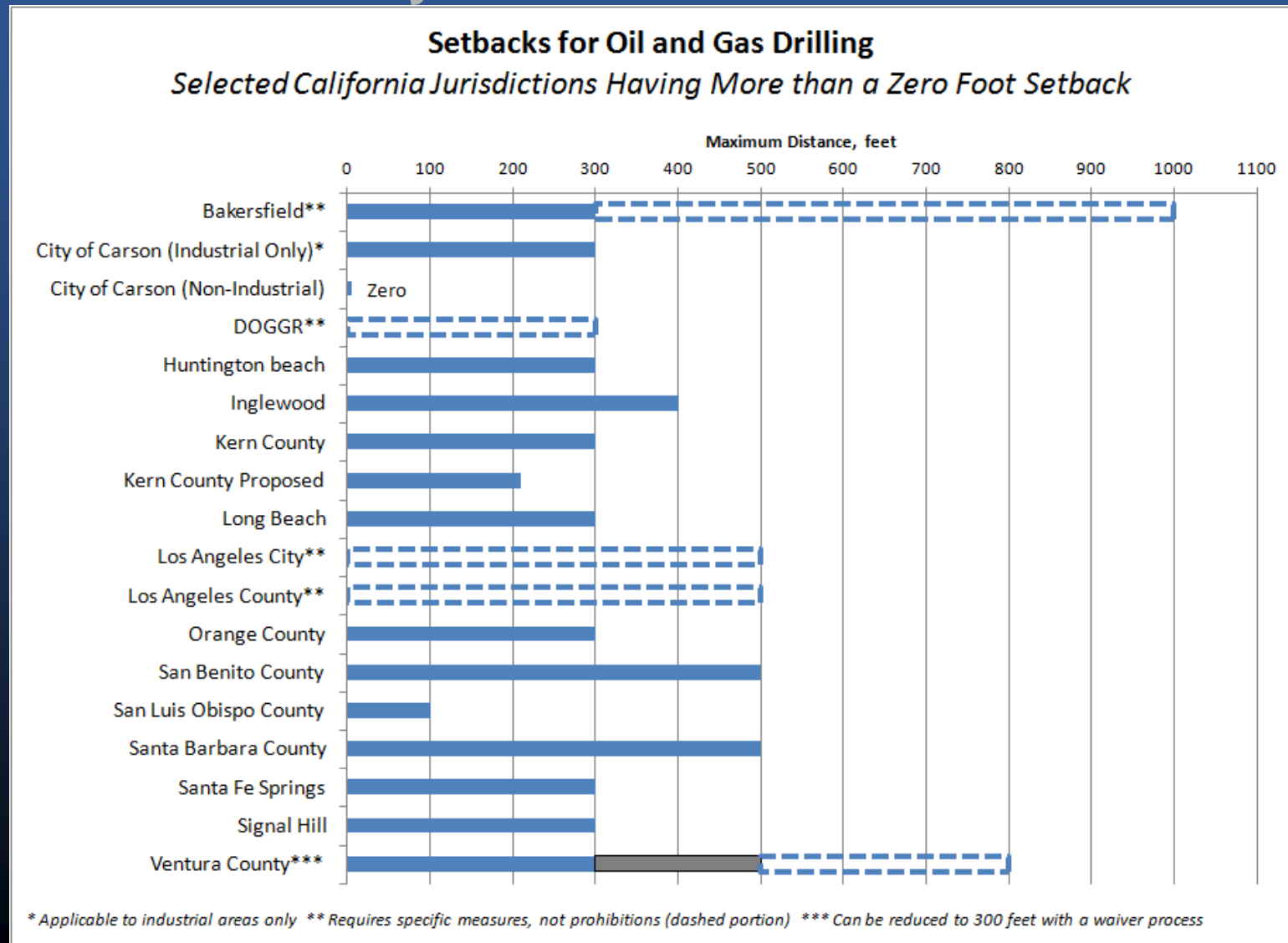
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# Setback Distances and EIR Impacts



## City of Carson Oil and Gas Code Update

# Setbacks Survey



## Appeals of CUP to City Council

- This would allow an appeal to Council for CUPs as is done for other CUPs including revocations. (Council already considers Development Agreements.)
- There would be no right of appeal to the Council from the Planning Commission's decision involving a penalty, fine, etc.

## Development Standards

- This section of the proposed Oil and Gas Code (9521-9534) includes:
  - Regulations to ensure that oil and gas facilities do not have aesthetic or environmental/public health impacts on the community. This includes air quality and odor monitoring and threshold requirements
  - Specific standards to regulate oil and gas facility pipelines, wells, and drilling operations to ensure public health and safety and environmental compliance
  - Development standards for site abandonment, re-abandonment, site restoration and redevelopment

## Good Neighbor Provisions

- Applicable to all existing and future operators
- Includes the following:
  - Well Drilling Permit (copies of DOGGR)
  - Setbacks:
    - can replace structures, but not new structures,
    - re-drill limits to 5 every 5 years

## Good Neighbor Provisions

- Site Access:
  - Deliveries non-industrial 8am-6pm only
  - Construction 7am – 7pm
  - No public parking
- Lighting, Landscaping and Signage
- Steaming
- Safety Assurances
  - Blowout standards as per DOGGR
  - Earthquake inspections
  - Audits and TRMPP
  - Chemical listing



## Good Neighbor Provisions

- Environmental Resource Management
  - Air quality: odor minimization, closed systems, clean engines, testing
  - Groundwater testing
  - Noise monitoring
- Standards for Wells
  - 2 rig limit
  - Pumping units
- Standards for Pipelines
  - Pipelines preferred, feasibility exception
  - Leak detection, automatic shutoff valves

## Part 9536 Well Stimulation Prohibition

- Directed by City Council
- Separate ordinance
- Follows SB 4 definitions
- Prohibits all well stimulation
- Allows for maintenance use of acids
- Prohibits surface activities related to well stimulation (in main code)

## City of Carson Oil and Gas Code Update

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### Proposed Modifications

#### 9535 Operational Prohibitions

It shall be unlawful to perform or cause to be performed the following activities within the City for the purpose of the production or extraction of oil, gas or other hydrocarbon substance from any subsurface location within the City as follows:

- A. No storage of acid on the oil and gas site shall occur; 1) in a volume in excess of 2,500 gallons; or 2) higher than 15% concentration; or 3) more than 14 days per year, unless based on substantial evidence presented to the City Manager demonstrating the need for additional days or concentration, the City Manager approves an exception.
- B. No oil and gas operations shall utilize more than 25,000 gallons of water within a well in a 24 hour period, or more than 100,000 gallons per week within a well, unless during an emergency and as approved by the City Manager. This restriction does not apply to produced water, or waste water that originated from a petroleum reservoir, or uses authorized by this ordinance.
- C. No more than 15 truck trips in a 24 hour period may be used for water deliveries, unless such water is used for a purpose other than extracting oil, gas, or any other hydrocarbon substance, unless for repairs or during an emergency and as approved by the City Manager.

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# Proposed Modifications

### 9536 Prohibited Uses

The operator shall not use or cause to be used any land for well stimulation treatment, including hydraulic fracturing or acidizing. Notwithstanding any other provision of this article, it shall be unlawful to use or cause to be used any land within the City for the purpose of conducting or enabling any well stimulation treatment, including hydraulic fracturing or acidizing, in conjunction with the production or extraction of oil, gas or other hydrocarbon substance from any subsurface location within the City, other than normal maintenance work that utilizes ~~acidizing techniques~~. However, to the extent that any permittee demonstrates to the ~~City Manager~~ Planning Commission, that (1) well stimulation is necessary to recover the operator's reasonable investment backed expectation established through investment made before the effective date of this ordinance; and (2) that such well stimulation will not create a nuisance due to an adverse impact on persons or property within the City, then the Planning Commission may recommend such well stimulation pursuant to a permit issued pursuant to this ordinance. ~~The decision of the City Manager may be appealed to the Planning Commission by any interested person.~~ **If such appeal is exercised, The decision of the Planning Commission is automatically forwarded to the City Council for final decision.** This Section shall remain in full force and effect unless otherwise required by any applicable State or Federal law, regulation or judicial determination.

## City of Carson Oil and Gas Code Update

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**Questions**