



SB 1137 (Gonzalez and Limón) Health Protection Zones for Frontline Communities

SUMMARY

Senate Bill (SB) 1137 protects the public health of California’s frontline communities by creating a minimum health and safety distance of 3,200-feet between sensitive receptors, such as a residence, school, childcare facility, playground, hospital, or nursing home and an oil and gas production well.

Specifically, the bill prohibits the California Geological Energy Management Division (CalGEM) from approving the drilling, re-drilling, or significant alteration of any oil and gas well within this “health protection zone”.

SB 1137 will also require oil and gas facility operators in these protection zones to implement strict pollution controls, and to develop response plans to protect the health of over 2 million Californians currently living within 3,200 feet of an existing oil well.

EXISTING LAW

Existing law establishes CalGEM in the Department of Conservation. CalGEM regulates oil and gas production in the state, and is managed by the State Oil and Gas Supervisor (supervisor).

Existing law gives the supervisor broad authority to oversee the drilling, operation, maintenance, and

abandonment of the state’s oil and gas wells, among other things, so as to prevent damage to life, health, property, and natural resources, and certain other detrimental impacts. (Public Resources Code (PRC) §3106)

Existing law requires the operator of a well to file a written notice of intention (NOI) to commence drilling or re-working (re-drilling/altering) of a well, and prohibits any drilling until approval is given by, the supervisor or district deputy. (PRC §3203).

BACKGROUND/PROBLEM

California is a major oil and gas producing state. According to the US Energy Information Administration, the state was 7th and 14th for oil and natural gas production, respectively, among the 50 states in 2020. According to CalGEM data, as of 2021 there are approximately 125,000 active and idle oil and gas wells in the state and related production facilities located in over 180 oil and gas fields.

More than 2.7 million Californians live within 3,200ft of an operational oil or gas well. When we expand that distance to one mile, the number is nearly 7.5 million Californians. More than one third of these people live in areas considered to be the most burdened by environmental pollution based upon the results of the state’s screening tool,

CalEnviroscreen. Of those at risk, over 90% are people of color.

Additionally, more than 28,367 operational oil and gas wells are located within 3,200' of a home, hospital, school, or other sensitive receptor. The number of existing wells, and of potential new wells, near these sensitive receptors is a serious public health concern, as numerous studies have demonstrated that this proximity is toxic and linked to increased risk of asthma and other respiratory illnesses, pre-term births and high-risk pregnancies, and cancer. Not only is this a public health crisis, but a matter of longstanding environmental racism, as people of color are at highest risk.

In 2015, the California Council on Science and Technology reviewed existing scientific studies and determined that, from a public health perspective, the most significant exposures to toxic air contaminants occur within one-half mile of a well, and recommended that the State of California develop science-backed setback requirements for wells to limit these exposures.

Recognizing the need to establish health protection zones, in November 2019, the Newsom Administration issued a press release announcing that he had ordered the start of a regulatory process within CalGEM to update public health and safety protections for communities near oil and gas production operations. The initial goal was to have new regulations in place by the end of 2020. Unfortunately, the rulemaking has been delayed, and discussions on the rulemaking are ongoing. It is unclear when the regulations will be finalized and promulgated.

SOLUTION

In order protect residents and workers in homes, schools, childcare centers, and medical facilities from environmental health hazards, SB 1137 prohibits CalGEM from approving any NOI to drill, re-drill, deepen or permanently alter the casing of the well, within a “a health protection zone,” except under limited circumstances.

These circumstances include:

- to prevent or respond to public health, safety, or the environment;
- to bring the well into compliance with federal requirements;
- to comply with a final court order declaring that denying the approval would amount to a taking of property;and
- to plug and abandon, or reabandon, a well.

SB 1137 defines “sensitive receptors, among other specifics, as: a private residence, an education resource; such as a school, daycare and park playground, a community resource center, a health care facility; such as hospitals and nursing homes, live-in housing such as a prison or hospice, and a business that is open to the public.

If a NOI is approved by CalGEM, SB 1137 increases accountability by requiring operators of wells/facilities to provide an individual indemnity bond sufficient to pay the full cost of properly plugging and abandoning the well, and decommissioning the facility. This will prevent the commonly used strategy of operators walking away from wells and leaving taxpayers on the hook to clean them up.

Beginning in 2025, this bill also requires all existing oil or gas production facilities, or wells with wellheads, within “a health protection zone” to among other things:

- require compliance with all applicable permit requirements, clearly post contact info for complaints, minimize noise and light nuisance at night, prevent dust and particles beyond property boundaries, suspend the use of the facility if it emits specified vapors, and provide chemical analysis for produced water transported away from the oilfield where it was produced.

SB 1137 requires by 2027 all operators to implement a leak detection and response plan for their wells and facilities within a “health protection zone” that is approved by CalGEM and the Air Resources Board, and updated every 5 years that:

- includes a design for emission detection of targeted chemicals to identify before emissions impact the surrounding community,

and provides an emergency alert system for operators to promptly fix the leak;

- requires operators to suspend operations if a toxic leak is detected; and
- requires, if a leak is not stopped within 48 hours, to provide a notice to local emergency responders, health authorities, and community members.

SB 1137 also requires operators to provide notice and water sampling for property owners and tenants within a 3,200-foot radius of the wellhead, and requires robust water testing.

Finally, SB 1137 requires every operator to submit a sensitive receptor inventory and map to CalGEM by July 1, 2023, and provide updates to the inventory and map annually thereafter. This information will be made available to the public, and data regarding the operator's progress on compliance with the requirements of this bill will be reported to CalGEM and the legislature to increase transparency, accountability, and ensure the public is informed about the oil operations that are present in their community.

SUPPORT

350 Bay Area Action
350 Conejo/San Fernando Valley
350 Humboldt
350 Sacramento
350 Silicon Valley
350 Southland Legislative Alliance
350 Ventura County Climate Hub
Alliance of Nurses for Healthy Environments
Azul
Better World Group
Black Women for Wellness
California Climate Voters
California Environmental Voters
California Federation of Teachers
California School Employees Association
California Teachers Association
Californians Against Waste
CALPIRG
Carbon Cycle Institute
CEJA Action
Center for Biological Diversity

Center on Race, Poverty, and the Environment
Environmental Working Group
Central California Environmental Justice Network
Central Valley Air Quality Coalition
Clean Water Action
Climate First: Replacing Oil & Gas
Climate Health Now
Climate Reality Bay Area Chapter
Climate Reality Project, SF Valley
Coalition for Clean Air
Communities for a Better Environment
Community Water Center
Conejo Climate Coalition
Courage California
Dayenu Circle of Congregation Shir Ami
Dayenu Circle of Jewish Silicon Valley
Earthjustice
Ecology Center
Elders Climate Action, NorCal chapter
Elders Climate Action, SoCal chapter
Environment California
Environmental Defense Fund
Esperanza Community Housing
Fierce Courage
Food & Water Watch
Fossil Free California
FracTracker Alliance
Friends Committee on Legislation of California
Glendale Environmental Coalition
Greenpeace USA
Growing Communities, Inc.
Heal the Bay
Holman United Methodist Church
Indivisible CA
Indivisible Sacramento
Indivisible Ventura
IKAR
Leadership Counsel for Justice and Accountability
Let's Green CA!
Liberty Hill Foundation
Long Beach Alliance for Clean Energy
Napa Climate Now!
Natural Resources Defense Council
NextGen California
Northern California Recycling Association
Oil and Gas Action Network
Pacific Environment
Peninsula Interfaith Climate Action
Physicians for Social Responsibility - L.A.

Physicians for Social Responsibility -
Sacramento
Planning and Conservation League
Plastic Oceans International
Plastic Pollution Coalition
Protect Playa Now
Redeemer Community Partnership
Sacramento Area Congregations Together
San Diego 350
San Fernando Valley Young Democrats
SF Bay Physicians for Social Responsibility
Save Our Shores
Save the Albatross Coalition
SEIU California
SCOPE
Seventh Generation Advisors
Sierra Club CA
SoCal 350 Climate Action
Stand.earth
STAND LA Coalition
Strategic Concepts in Organizing and Policy
Surfrider Foundation
Education
Sunflower Alliance
Temple Beth El
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and
Education
The Climate Center
The Greenlining Institute
The Nature Conservancy
The Orchard
Upstream
Voices for Progress
Voices in Solidarity Against Oil in Neighborhoods
Wishtoyo Chumash Foundation
Zero Waste USA

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