



Legislation Details (With Board Report)

File #: 15-0228 **Name:** Status Report on Oil Well Stimulation Treatment Regulations

Type: General Agenda Item **Status:** Passed

File created: 3/6/2015 **In control:** Board of Supervisors

On agenda: 3/17/2015 **Final action:** 3/17/2015

Title: a. Receive status update on the State of California’s oil well stimulation treatment regulations and staff’s development of amendments to Title 21 (inland zoning) of the Monterey County Code relating to exploration and removal of oil and gas;
b. Provide direction to staff related to the Planning Commission’s recommendation for an interim urgency ordinance temporarily prohibiting certain oil well stimulation techniques.
(Status Report - REF130051/Oil well stimulation treatment regulations, County-wide)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Discussion, 3. Attachment B - DOC Narrative Description, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
3/17/2015	1	Board of Supervisors	approved	Pass

a. Receive status update on the State of California’s oil well stimulation treatment regulations and staff’s development of amendments to Title 21 (inland zoning) of the Monterey County Code relating to exploration and removal of oil and gas;

b. Provide direction to staff related to the Planning Commission’s recommendation for an interim urgency ordinance temporarily prohibiting certain oil well stimulation techniques.
(Status Report - REF130051/Oil well stimulation treatment regulations, County-wide)

RECOMMENDATION:

Staff recommends the Board of Supervisors receive a status update regarding amendments to the Monterey County Code (MCC) for exploration and removal of oil and gas, and provide staff with direction on the recommendation by the Planning Commission for an interim ordinance pertaining to certain oil well stimulation techniques.

SUMMARY:

On April 30, 2014, the Planning Commission conducted a public hearing on a previous draft ordinance proposing amendments to Title 21 regulations pertaining to exploration for and removal of oil and gas, and the Planning Commission voted unanimously to recommend approval to the Board of Supervisors. The Planning Commission also recommended that the Board consider adoption of an interim urgency ordinance temporarily prohibiting certain well stimulation techniques. On September 23, 2014, the State Department of Conservation (DOC) gave an informational presentation before the Board of Supervisors on oil well extraction techniques, including hydraulic fracturing and other methods defined by the state as “well stimulation.” During this workshop, RMA-Planning staff stated that staff would return to the Board with recommendations for future amendments to current County inland zoning regulations relating to exploration and removal of oil and gas.

Staff has conducted two stakeholder outreach meetings, held in King City and Salinas, to gather input from the

public regarding the following potential amendments to the County Code:

- disallowance of the exploration and removal of oil and gas as an allowed use with a use permit in residential districts,
- a change in hearing body for oil and gas applications from the Zoning Administrator to the Planning Commission, and
- the establishment of potential development standards for new oil and gas applications.

Both meetings were well attended by the oil industry, interested residents, and various representatives. Though the meetings did not bring consensus among many of the stakeholders, valuable insight was gained on each of the proposed components. A draft ordinance amending Title 21 (inland zoning) will be prepared and taken to the South County Land Use Advisory Committee venue for feedback. Staff will make any necessary revisions and conduct environmental review. Staff intends to bring the draft ordinance to the Planning Commission for recommendation and to the Board of Supervisors for final consideration.

Staff requests the Board receive this status report on recent stakeholder outreach conducted in preparation of a new draft ordinance relating to the exploration and removal of oil or gas. Staff also requests the Board of Supervisors provide direction concerning a recommendation by the Planning Commission for an interim urgency ordinance on well stimulation techniques. The Planning Commission's recommendation for an interim urgency ordinance was intended to put a moratorium on any oil and gas applications that propose well stimulation treatments prior to the certification and adoption of state regulations. The state has since adopted their regulations regarding well stimulation treatments that go into effect July 1st of this year, and a related Draft Environmental Impact Report has just closed the public comment period. The groundwater monitoring regulations are scheduled to be developed by July 1, 2015, and related groundwater monitoring program is to be implemented by January 1, 2016. Given the progress that has been made over the past year by the DOC, staff seeks direction from the Board on the recommendation from the Planning Commission to consider an interim urgency ordinance to temporarily prohibit the exploration for and removal of oil and gas utilizing certain well stimulation treatment.

DISCUSSION:

See Attachment A.

OTHER AGENCY INVOLVEMENT:

The following agencies have attended meetings and provided comment on the draft ordinance that was recommended to the Planning Commission:

County Counsel
RMA-Public Works
Environmental Health Bureau

FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA-Planning.

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Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Carl Holm, Acting Director, Resource Management Agency

This report was prepared with assistance by Jacqueline Onciano, Services Manager

The following attachments are on file with the Clerk of the Board:

Attachment A Discussion

Attachment B DOC Narrative Description of Well Stimulation Regulations

cc: Fire Protection Districts; RMA-Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Agricultural Commissioner, Attn: Christina McGinnis; Monterey County Sheriff; Ed Mitchell, Tom Shields, Protect Salinas Valley; Neon Energy Corporation; Carla Musser, Chevron; Ron Chambers, Aera; Bruce Carter, Venoco; Gregory Meisinger, Aera; Daniel Padilla, Vintage Production California LLC; Steve Craig, Citizen Planning Alliance South Monterey County; Sustainable Pacific Grove; Maureen Wruck Consultants; Hollin Kretzmann, Center for Biological Diversity; Tupper Hull, Western States Petroleum Association; Sean Welch, Nielsen Merksamer; Vaughan Williams, Salinas Energy Corporation; Kevin Collins, Sierra Club Ventana Chapter; Steve Rowlee, Trio Petroleum; Ken Hunter, California Independent Petroleum Association; Miriam Rotkin-Ellman, Natural Resources Defense Council; Tia Lebherz, Food and Water Watch; Nancy Isakson, Salinas Valley Water Coalition; Beverly Bean, League of Women Voters; Paula Getzelman, Southern Monterey County Rural Coalition; Luana Conley, Monterey County Against Fracking; Jason Retterer, L+G LLP; Tom Zehnder, Wallace Group; Wendy Strimling, Senior Deputy County Counsel; Jose Martinez-Saldana, Salinas United Business Association; Mike & Mary Orradre; Vicki Rosenberg; Diana Rudolph; Dennis Donohue, Royal Rose LLC; Paul Farmer, Salinas Valley Chamber of Commerce; William Lipe, NH3 Service Co; Norm Groot, Monterey County Farm Bureau; Molly Erickson, The Open Monterey Project; Jacqueline R. Onciano, Planning Services Manager; Grace Bogdan, Project Planner; Amy White, LandWatch; Planning File REF130051.