



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-3233 Oil and gas: operations: restrictions: local authority. (2023-2024)

SHARE THIS:  

Date Published: 09/26/2024 10:00 AM

Assembly Bill No. 3233

CHAPTER 550

An act to add Section 3106.1 to the Public Resources Code, relating to oil and gas.

[Approved by Governor September 25, 2024. Filed with Secretary of State September 25, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3233, Addis. Oil and gas: operations: restrictions: local authority.

Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production, so as to prevent damage to life, health, property, and natural resources, as provided; to permit owners and operators of wells to utilize all known methods and practices to increase the ultimate recovery of hydrocarbons; and to perform the supervisor's duties in a manner that encourages the wise development of oil and gas resources to best meet oil and gas needs in this state. Existing California Supreme Court case law holds that these provisions preempt certain local ordinances that ban certain oil production methods, as provided. Existing law provides that the laws relating to oil and gas regulation apply to any land or well situated within the boundaries of an incorporated city in which the drilling of oil wells is now or may hereafter be prohibited, as provided.

Existing law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Existing law authorizes the supervisor to require other pertinent information to supplement the notice. Existing law requires an operator proposing to perform a well stimulation treatment to apply to the supervisor or district deputy for a permit to perform the well stimulation treatment and imposes other requirements and conditions on the use of well stimulation treatments.

This bill would authorize a local entity, as defined, by ordinance, to limit or prohibit oil and gas operations or development in its jurisdiction, as provided, notwithstanding any other law or any notice of intention, supplemental notice, well stimulation treatment permit, or similar authorization issued by the supervisor or district deputy. The bill would authorize these limitations or prohibitions to include, but not be limited to, limitations or prohibitions related to the methods and locations of oil and gas operations or development. If a local entity limits or prohibits oil and gas operations or development of an owner or operator, the bill would require that owner or operator to comply with existing rules related to plugging and abandoning wells, decommissioning attendant production facilities, and related measures, as provided.

This bill would state that its provisions are severable.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares both of the following:

(a) Protecting public health, safety, and the environment is of the utmost importance to all Californians. In order to protect public health and safety, cities and counties must have the authority to regulate oil and gas operations within their jurisdictions, including operations that may otherwise be approved by the State Oil and Gas Supervisor.

(b) Empowering cities and counties to regulate, limit, or prohibit oil and gas operations in their jurisdictions will therefore enable communities to make decisions that align with their needs.

SEC. 2. Section 3106.1 is added to the Public Resources Code, to read:

3106.1. (a) Notwithstanding any other law, and notwithstanding any notice of intention, supplemental notice, well stimulation treatment permit, or similar authorization issued by the supervisor or district deputy, a local entity may, by ordinance, prohibit oil and gas operations or development in its jurisdiction or impose regulations, limits, or prohibitions on oil and gas operations or development that are more protective of public health, the climate, or the environment than those prescribed by a state law, regulation, or order. These limitations or prohibitions may include, but are not limited to, limitations or prohibitions related to the methods of oil and gas operations or development and the locations of oil and gas operations or development.

(b) If a local entity limits or prohibits oil and gas operations or development of an owner or operator pursuant to subdivision (a), the owner or operator shall be responsible for plugging and abandoning its wells, decommissioning attendant production facilities, and related measures, pursuant to the rules of this division.

(c) For purposes of this section, "local entity" means a city, county, or city and county, including a charter city, county, and city and county.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.