



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** January 7, 2014  
**To:** Honorable Mayor & City Council  
**From:** Cheryl Friedling, Deputy City Manager for Public Affairs  
**Subject:** Request by the City's Legislative Committee to Formally Oppose Hydraulic Fracturing ('Fracking')

**Attachments:**

1. Information on SB 4 (Pavley)
2. News Article – Los Angeles Times
3. City of Los Angeles Motion
4. City of Los Angeles Municipal Code Section 13.01

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### **INTRODUCTION**

The City's Legislative Committee met on October 8, 2013 and is recommending that the City Council consider a moratorium on fracking activity within the City of Beverly Hills.

### **DISCUSSION**

Hydraulic fracturing ('fracking') is a controversial process that involves high-pressure injection of water, sand and chemicals to fracture rock to release the oil captured within. While fracking has occurred for many years in California, it has been limited in scope and localized primarily in a remote area of Kern County. Now, with the revelation that the Monterey Shale in the Central Valley might contain 15 billion barrels of frackable oil, the practice is expected to dramatically increase.

Opponents of fracking are concerned about possible effects on groundwater and air quality. Even more troublesome for California is the potential danger of triggering seismic activity. Studies in other states where fracking is more established have linked earthquakes to the fracking process.

As a result of these concerns, nine legislative bills were introduced during 2013 on the topic in the State Legislature, along with several informational hearings and community meetings around the state. All of these efforts culminated in one bill being sent to the Governor, which was signed into law.

Senate Bill 4 (Senator Fran Pavley) as signed into law represents the strongest regulation and disclosure requirements of the oil industry of any state in the nation, according to Senator Pavley. The bill (which takes effect January 1, 2014) states that starting January 1, 2014, oil companies will not be allowed to frack (or acidize) in California unless they test the groundwater, notify neighbors and list each and every

chemical via the Internet. Senator Pavley characterized SB 4 as 'a first step towards greater transparency, accountability and protection of the public and the environment.' The Governor signed this bill into law on September 20, 2013. Additional information on this new law is attached.

Additionally, the Governor's administration recently released proposed regulations for fracking. These regulations, characterized as 'the toughest in the nation' would require those who conduct fracking to obtain state permits, test groundwater quality and notify neighbors prior to beginning work. A news article on these new regulations is attached.

Attached for review is a motion filed in the Los Angeles City Council calling for a moratorium on fracking activity within the City of Los Angeles, until a study is completed by the Los Angeles City Attorney's Office, the City Planning Department and other relevant City of Los Angeles agencies. This motion is pending and has not been adopted by the full Los Angeles City Council yet, pending the outcome of the study.

Additionally, the City of Los Angeles' Municipal Code authorizes the City of Los Angeles to regulate oil and gas drilling and production activities within its jurisdiction (Section 13.01.) This is not a moratorium, but this Section serves as a foundation for Los Angeles' current regulatory authority over oil and gas drilling. A copy of this section of Los Angeles' Municipal Code is attached. The prohibition, if requested by the Council would apply to wells in the city as well outside and extending into the city. Also, should the Council agree with the Legislative committee, the City Attorney's office will prepare and bring back an ordinance for adoption.

#### **FISCAL IMPACT**

Unknown at this time.

#### **RECOMMENDATION**

Staff seeks City Council direction regarding possible initiatives regarding fracking within the City of Beverly Hills.

Cheryl Friedling  
Approved By



# **Attachment 1**



OFFICE OF THE GOVERNOR

SEP 20 2013

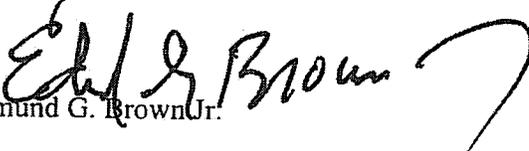
To the Members of the California State Senate:

I am signing Senate Bill 4, which establishes strong environmental protections and transparency requirements for hydraulic fracturing and other well stimulation operations.

I am also directing the Department of Conservation, when implementing the bill, to develop an efficient permitting program for well stimulation activities that groups permits together based on factors such as known geologic conditions and environmental impacts, while providing for more particularized review in other situations when necessary.

The bill needs some clarifying amendments and I will work with the author in making those changes next year.

Sincerely,

  
Edmund G. Brown Jr.



### **SB 4 (Pavley), Chapter 313, Statutes of 2013**

Senate Bill 4 (Pavley), the only bill signed into law on this issue, is the result of prolonged negotiations between the author's office, anti-fracking groups, and industry groups such as the Western States Petroleum Association. Starting January 1, 2014, oil companies will not be allowed to frack or acidize in California unless they test the groundwater, notify neighbors and list each and every chemical on the Internet. Senator Pavley characterized SB 4 as "*a first step toward greater transparency, accountability and protection of the public and the environment.*"

#### **Here is a breakdown of the major provisions in SB 4 (Pavley):**

- This bill passed both houses with a two-thirds vote and was signed by the Governor on Sept. 20<sup>th</sup>. The Governor issued a signing message for this bill, which we have included as an attachment to this memorandum.
- According to the Author's office, this bill will impose the strongest regulations and disclosure requirements on the oil industry of any state in the nation
- When SB 4 takes effect on Jan 1, 2014, it will be the first set of regulations on fracking in California and imposes immediate, specified safeguards against the practice which include:
  - Groundwater testing both before and after well stimulation
  - Neighborhood notification which applies to a 1,500 foot radius
  - Requires public disclosure of chemicals to be used, well histories and well locations to be posted online. Any information deemed a "trade secret" would be required to be submitted to DOGGR, but would prohibit those with access to trade secret information from disclosing it.
- Provides for a number of public comment opportunities on proposed regulations and comprehensive review and mitigation requirements under CEQA
- The Governor's signing message indicated that there is a need for some clarifying amendments for this bill which he will work on with the Author's office in the second half of the 2013-2014 session.

# **Attachment 2**

# Brown releases draft regulations to cover fracking

Proposed rules call for permits, testing groundwater and notifying neighbors.

BY MARC LIFSHER

SACRAMENTO — The Brown administration has released much-anticipated proposed rules for fracking, a controversial technique for drilling for oil and natural

gas reviled by environmentalists.

The process, formally known as hydraulic fracturing, involves pumping water, sand and a mixture of chemicals into geological strata to free trapped hydrocarbons.

Supporters say that it is opening up a vast new energy source and creating high-paying jobs. Opponents contend that fracking could pollute underground drinking water supplies and cause health hazards.

Hailed by state officials as the toughest in the nation, the draft regulations issued Friday would require those who conduct fracking to get state permits, test groundwater quality and notify neighbors before starting work. The regulations cover fracking and related techniques, and they provide substantial new public information about where and how fracking is taking place.

"We believe that once these proposed regulations go into effect at the start of 2015, we will have in place the

[See Fracking, B5]

## Faster fast food

To cut drive-through delays, McDonald's will offer a third window for cars. B2

## Coming Sunday

A peek into the future of hydrogen-powered fuel cell cars, including two set to debut at next week's L.A. Auto Show.

Classifieds ..... B6

# Governor releases proposed rules on fracking

**[Fracking, from B1]** strongest environmental and public health protections of any oil- and gas-producing state in the nation, while also ensuring that a key element in California's economy can maintain its productivity," said Mark Nechodom, director of the state Department of Conservation.

California is the country's third-largest oil- and gas-producing state.

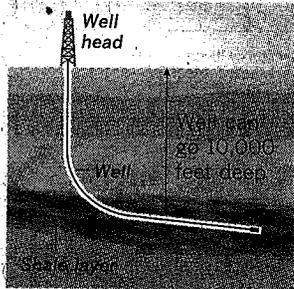
Environmentalists contend that fracking could pollute drinking water wells, endanger public health and release greenhouse gases that contribute to global warming.

What's needed now, they said, is a statewide ban on fracking and related techniques until scientists can provide firm assurances that the practice won't cause harm.

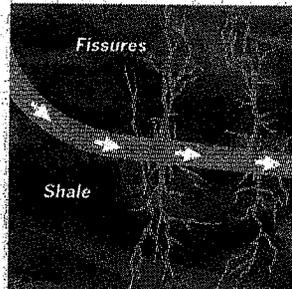
"We want a timeout," said Kathryn Phillips, state director of the Sierra Club. "At best, these regulations can be described as a mixed bag," she said. "At worst, they provide another example of an agency's continued deference to a regulated entity, even at the expense of

## Hydraulic fracturing

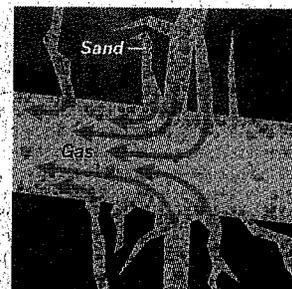
The process known as "fracking" has long been used in California to extract oil from depleted wells. It is used to tap previously unreachable oil and natural gas within deep rock formations. This practice has been highly controversial and has led state officials to draft new fracking regulations.



1. Well may be bored using directional drilling, a method that allows drilling in vertical and horizontal directions to depths of over 10,000 feet.



2. Large amounts of water, sand and chemicals are injected into the well at high pressure, causing fissures in the shale.



3. Sand flows into the fissures, keeping them open so that the oil or natural gas from the shale can flow up and out of the well.

Source: Times reporting

public health and the environment."

Nevertheless, even some opponents conceded that the proposed regulations were better than nothing.

"There are some good provisions from our very preliminary review," said Bill Allayaud of the Environmental Working Group.

Friday's proposed regulations were in response to a state law approved by the Legislature this year. In addition, the new law — by Sen. Fran Pavley (D-Agoura Hills) — mandates that the state conduct an independent scientific study of the pros and cons of fracking.

The oil industry fought

DOUG STEVENS Los Angeles Times

regulations in the Legislature, but fracking proponents say that they are comfortable with Friday's proposal.

"These regulations are extensive but strike the right balance," said Catherine Reheis-Boyd, president of the Western States Petroleum Assn., a trade group. They

"will ensure that the potential energy resources contained in the Monterey Shale formation can be responsibly developed."

Fracking, the oil industry and business groups counter, could be a bonanza.

They cite studies that estimate that fracking could spur the recovery of 14 billion barrels of oil locked deep underground in the Monterey Shale Formation, stretching from the Central Coast to the southern San Joaquin Valley. It also could create 2.8 million jobs and \$25 billion in additional state and local government revenues.

The Department of Conservation, officials said, plans to work closely with the Air Resources Board and regional water boards to track any potential environmental problems at oil fields and drilling sites.

Fracking has been going on for half a century in oil-producing regions of California, with no special oversight by state regulators. That changed earlier this year, when Gov. Jerry Brown signed Pavley's bill.

The governor's energy policy has been a mix of sup-

porting increased oil production and expansion of the state's legal goal of producing at least a third of its electric power from nonpolluting, renewable sources, such as wind and solar power, by 2020. Fracking, Brown said, should be encouraged as long as it is safe.

Friday's unveiling of the proposed regulations starts a 60-day public comment period with hearings scheduled for January in Sacramento, Long Beach, Bakersfield, Salinas and Santa Maria, the Department of Conservation said.

Work on the current draft rules must be completed by Jan. 1, 2015. Oil producers must begin complying with similarly worded interim, emergency regulations as of next January.

Pavley guardedly welcomed Friday's proposal. "I look forward to a thorough review of the proposed long-term regulations," she said, "and the forthcoming emergency regulations, which are necessary first steps to end unregulated fracking."

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# **Attachment 3**

13-1152-S1

Hydraulic fracturing (also known as “fracking”) is an oil and natural gas extraction process that involves the very highly-pressurized injection of hydraulic fracturing fluids containing a mixture of water, sand and unreported amounts of unknown chemicals into underground geologic formations in order to fracture the rock, thereby increasing flows to and furthering the production of oil or gas from a well. Other unconventional highly-pressurized extraction processes called “acidizing” and “gravel packing” involve similar techniques.

In total, fracking, acidizing, gravel packing and other associated well-stimulation practices threaten to contaminate drinking water supplies, cost taxpayers in Los Angeles hundreds of millions of dollars, release potent and dangerous greenhouse gases into the atmosphere and cause earthquakes.

#### **CONTAMINATED DRINKING WATER**

After being injected into the ground, the chemicals used in the fracking process may leach into groundwater supplies, contaminating drinking water for local residents. In fact, there have been more than 1,000 documented cases of water contamination next to fracking sites, as well as cases of sensory, respiratory, and neurological damage due to ingested contaminated water in communities throughout the United States.

Fracking, acidizing and gravel packing of oil and gas wells are unregulated and are spurring oil and gas extraction and exploration in California and other states, including within the City of Los Angeles. Additionally, fracking is used in the Colorado River and State Water Project watersheds, as well as near local Southern California groundwater aquifers, utilizing large volumes of water, which competes for and jeopardizes regional, state, and water supplies needed by the people of Los Angeles.

The Department of Water & Power (DWP) has stated that, because the well operators are not required to disclose the chemicals used in fracking, other operations and injections, it therefore does not know all the chemicals for which DWP should be testing the City’s water supplies.

Groundwater banking and storage is a critical alternative to building new surface reservoirs and plays an essential role in moving the City of Los Angeles toward greater self-reliance on local water resources. It is critical to the future of Los Angeles that groundwater supplies remain safe.

#### **A FINANCIAL LIABILITY FOR TAXPAYERS**

Protecting the City’s water supply resources from contamination is a financial necessity for Los Angeles, as treatment of contaminated groundwater resources after the fact is costly and identification of potential responsible parties to determine financial liability is not always possible, particularly in regards to unregulated activities such as fracking, acidizing, gravel packing and

related wastewater disposal. The DWP has announced plans to build the world's largest groundwater treatment center over one of the largest Superfund pollution sites in the United States: the San Fernando Basin. Two plants, costing a combined \$600 million to \$800 million, will restore groundwater pumping of drinking water from scores of San Fernando Valley wells that the DWP began closing in the 1980s and ensure that other wells remain productive while curtailing the pollution plumes steadily migrating in their direction. Additional measures to address and treat water supplies potentially contaminated by fracking chemicals pose a tremendous financial liability for taxpayers in Los Angeles.

Allowing activities like hydraulic fracturing, acidizing and gravel packing, which threaten to contaminate the City's imported and local groundwater supplies, is inherently dangerous to the long-term safety, health, security and reliability of Los Angeles' water supplies.

### **UNDERMINING WORK TO ADDRESS THE CLIMATE CRISIS**

Higher emissions generated by producing, refining and burning unconventional-produced oil and gas, and drilling and fracking for tight oil and gas can result in massive release of unregulated emissions of methane, a potent greenhouse gas often associated underground with oil.

The California Public Resources Code states that "methane gas hazards...are a clear and present threat to public health and safety" and that "due to the cost and complexity of methane hazard mitigations, property owners and local governments are often unable to mitigate these hazards." These provisions are of grave import to Los Angeles County and City, as Exploration and Production activities has caused and is causing massive releases of methane and hydrogen sulfide gases into communities and the atmosphere.

Fracking in California can also thereby seriously undermine the State's efforts to address the climate crisis by reducing greenhouse gas emissions to 1990 levels by 2020. Unregulated and unchecked fracking must not be allowed to offset the air quality benefits of natural gas used in certain applications.

### **INCREASED EARTHQUAKE RISKS**

Further, all high-pressure fracking and injection creates "seismic events," but not all are felt as earthquakes. The United States Geological Study (USGS) reports that the number of noticeable earthquakes (greater than a 3.0 Richter magnitude) has increased dramatically over the past few years within the central and eastern United States. More than 300 earthquakes above a Richter magnitude 3.0 occurred in the three years from 2010-2012, compared with an average rate of 21 events per year observed from 1967-2000. USGS scientists have also found that at some locations the increase in seismicity coincides with the injection of wastewater into deep disposal wells.

The USGS has determined that fracking wastewater disposal is responsible for triggering earthquakes in Oklahoma, Arkansas and Ohio, among other states. A magnitude 2.1 earthquake matching the description of micro earthquakes caused by fracking wastewater disposal occurred in the Baldwin Hills on August 27, 2013, at a magnitude and depth compatible to stated USGS concerns about earthquakes induced by fracking.

Much of the State of California and the City, in particular, is located on top of fault lines within one of the most active and potentially dangerous earthquake zones in the United States.

**COMPREHENSIVE STUDY NEEDED**

The Los Angeles Municipal Code, Section 13.01, allows the City to regulate through its land use process various activities related to oil and gas drilling and production.

The City's land use regulations for oil and gas exploration, extraction, and related operations and activities are in need of comprehensive review to determine whether the existing zoning and land use regulations of oil and gas exploration, extraction, and related operations and activities are sufficient to assure public health, safety, environmental quality, and welfare; or whether additional regulations are necessary to address the impacts of oil and gas exploration, extraction, and related operations and activities, including, but not limited to: hydraulic fracturing, acidizing, gravel packing, and related wastewater disposal.

If land use applications, permit applications, or any other applications requesting approval to conduct oil and gas exploration, extraction, production and related operations and activities within the City limits are granted prior to the City examining the impact of such activities and taking all steps necessary to protect public health, safety, and welfare, irreparable harm may be done to the public health, safety, and welfare.

**WE THEREFORE MOVE** that the City Attorney, with the assistance of the Planning and other relevant departments, be requested to prepare and present an ordinance to change the zoning code to prohibit all activity associated with well stimulation, including, but not limited to, hydraulic fracturing, gravel packing, and acidizing, or any combination thereof, and the use of waste disposal injection wells in the City of Los Angeles, with such a prohibition to remain effective until:

- o the City Council is assured that companies conducting fracking within the City of Los Angeles, or in areas providing drinking water to the City, can mitigate the effects on climate change, protect environmental quality and natural resources, promote community awareness, allow government access to and testing of chemicals used, anticipate and include related older and emerging extraction technologies such as hydraulic fracturing, acidizing, gravel packing and all wastewater disposal, and require full disclosure and testing of sites, with adequate time for public input;

- the City Council is assured of the long-term safety, security and reliability of current and future Los Angeles water supplies, the overall health and safety of the people of Los Angeles and the safety of their property from seismic or subsidence concerns related to the exploration and production of oil, natural gas, or other hydrocarbons, and the maintenance of environmental quality;
- state and federal legislation and regulations are put in place that include protections from the adverse effects of hydraulic fracturing, gravel packing, acidizing, wastewater disposal and related activities, consistent with the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

PRESENTED BY Paul Koretz  
PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

Mike Bonin  
MIKE BONIN  
Councilmember, 11<sup>th</sup> District

SECONDED BY Joe Ho

Ed Blum  
Ed Blum  
Demetrius C. Cook  
Demetrius C. Cook

ORIGINAL

SEP 4 2013

# **Attachment 4**

## Section 13.01 of the Los Angeles Municipal Code

### SEC. 13.01. "O" OIL DRILLING DISTRICTS.

**A. Application. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** The provisions of this section shall apply to the districts where the drilling of oil wells or the production from the wells of oil, gases or other hydrocarbon substances is permitted. The provisions of this section shall not apply to the property in the M3 Zone, except as specifically provided here to the contrary. The provisions of this section shall not apply to the location of subterranean gas holding areas which are operated as a public utility and which are regulated by the provisions of Section 14.00 of this Code.

**B. Definitions** – For the purpose of this section the following words and phrases are defined:

**“Controlled Drilling Site”** shall mean that particular location within an oil drilling district in an **“Urbanized Area”** upon which surface operations for the drilling, deepening or operation of an oil well or any incidental operation are permitted under the terms of this section, subject to the conditions prescribed by written determination by the Zoning Administrator. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

**“Drilling and Production Site in the Los Angeles City Oil Field Area”** shall mean locations within an oil drilling district in the **“Los Angeles City Oil Field Area”** upon which surface operations for the drilling, deepening or operation of an oil well or any operation incident thereto, are permitted under the terms of this section, subject to the conditions prescribed by written determination by the Zoning Administrator. **(Added by Ord. No. 156,166, Eff. 1/24/82.)**

**“Los Angeles City Oil Field Area”** shall mean all land in the City within the areas identified on the maps in Ordinance No. 156,166 located in Council File No. 80-3951 and shall include all oil producing zones beneath those areas but no deeper than the third zone beneath the surface of the earth. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

**“Nonurbanized Area”** shall mean all those portions of the City which the City Planning Commission or Council has determined will not be detrimentally affected by the drilling, maintenance, or operation of oil wells. In making its determination, the City Planning Commission, or the Council on appeal, shall give due consideration to the amount of land subdivided, the physical improvements, the density of population and the zoning of the district. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

**“Offshore Area”** shall mean all property in the City of Los Angeles which is between the mean high tide line and the outermost seaward City boundary. **(Added by Ord. No. 126,825, Eff. 4/4/64.)**

**“Oil Well”** shall mean any well or hole already drilled, being drilled or to be drilled into the surface of the earth which is used or intended to be used in connection with coring, or the drilling for prospecting for or producing petroleum, natural gas or other hydrocarbon substances, or is

used or intended to be used for the subsurface injection into the earth of oil field waste, gases, water or liquid substances, including any such existing hole, well or casing which has not been abandoned in accordance with the requirements of Article 7 of Chapter 5 of this Code except that **“Oil Well”** shall not include **“Temporary Geological Exploratory Core Hole”** as defined by Section 12.03 of this Code. (Amended by Ord. No. 123,618, Eff. 3/1/63.)

**“Oil Well Class A”** shall mean any oil well drilled, conditioned arranged, used or intended to be used for the production of petroleum.

**“Oil Well Class B”** shall mean any oil well drilled, conditioned, arranged, used or intended to be used only for the subsurface injection into the earth of oil field waste, gases, water or liquid substances.

**“Producing Zone”** shall mean a reservoir or series of reservoirs of sufficient thickness and productivity of hydrocarbons as to form an economic source of supply and which is segregated from other reservoirs or series of reservoirs by natural boundaries or barriers to such an extent as to make its separate development either economically or mechanically desirable in accordance with good oil field practice. (Added by Ord. No. 147,651, Eff. 10/11/75.)

**“Urbanized Area”** shall mean all land in the City, except land in the M3 Zone, and land which has been determined to be **“Nonurbanized Area”** by the City Planning Commission or Council or land located in the **“Los Angeles City Oil Field Area”**. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)

**C. Status of Areas.** (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) Where uncertainty exists as to whether or not a particular area shall be continued as an urbanized area, any person contemplating filing a petition for the establishment of an oil drilling district, may prior to its filing, request the City Planning Commission to determine the status of the area in which the proposed district is to be located. The Commission shall refer the request to the Director of Planning for investigation and upon receipt of his or her report shall determine whether the area is **“Urbanized”** or **“Nonurbanized”**. The determination of the City Planning Commission may be appealed to the Council, which may, by resolution, approve or disapprove the determination.

**D. Requirements for Filing:**

1. **Non-urbanized Areas** – Each application for the establishment of an oil drilling district in an non-urbanized area shall include property having a net area or not less than one acre (excluding public streets, alleys walks or ways, except that an application may be filed on property containing less than one acre which is surrounded on all sides by streets. Such property may consist of one or more parcels of land which must be contiguous, except that said parcels may be separated by a public alley or walk.

2. **Urbanized Areas** –

(a) **(Amended by Ord. No. 124,937, Eff. 8/2/63.)** Each application for the establishment of an oil drilling district in an urbanized area shall contain a statement that the applicant has the proprietary or contractual authority to drill for and produce oil, gas or other hydrocarbon substances under the surface of at least 75 per cent of the property to be included in said district.

Any municipal body or official required by law to consider and make a report or recommendation relative to or to approve or disapprove such application may request the applicant in writing to submit for inspection copies of leases and contracts held by applicant in support of such asserted proprietary or contractual authority. The limitations of time for acting upon such application shall be suspended from the time of mailing such request until the documents requested have been submitted.

(b) **(Amended by Ord. No. 112,524, Eff. 1/17/59.)** Where said authority to drill for and produce oil, gas and other hydrocarbons is pursuant to contract, said application shall be accompanied by a copy thereof, and said contract shall have attached thereto and referred to therein by reference the following information for the contracting parties:

(1) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** A summary of the provisions of the Los Angeles Municipal Code, as amended, which are applicable to the district, prepared or approved by the person authorized to be in charge of Petroleum Administration by the Director of the Office of Administrative and Research Services for the City of Los Angeles;

(2) **(Amended by Ord. No. 173,363, Eff. 7/29/00, Oper. 7/1/00.)** Any additional information which the person in charge of Petroleum Administration finds from time to time is required to give all contracting parties a reasonably complete knowledge of oil and gas leasing requirements and procedures in urbanized areas within the City of Los Angeles.

(c) The district described in said application shall be not less than 40 acres in area, including all streets, ways and alleys within the boundary thereof; shall be substantially compact in area; and the boundaries thereof shall follow public streets, ways or alleys as far as practicable.  
**(Amended by Ord. No. 112,524, Eff. 1/17/59.)**

(d) Each applicant for the establishment of an oil drilling district in an urbanized area shall be accompanied by a report from a petroleum geologist who

(1) is an active member of the American Association of Petroleum Geologists or the American Institute of Professional Geologists or

(2) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** meets the educational and experience requirements to become an active member of the American Association of Petroleum Geologists or the American Institute of Professional Geologists, that the production of oil from under the proposed district would not, in his or her opinion, result in any noticeable subsidence. If the City's authorized person in charge of Petroleum Administration disagrees in any way with the report, he or she shall submit in writing his or her own views on the report as part of the report to the City Planning Commission.

3. **Offshore Areas.** Each application for the establishment of an oil drilling district in an offshore area shall include property having a net area of not less than 1,000 acres. **(Amended by Ord. No. 126,825, Eff. 4/4/64.)**

4. **Los Angeles City Oil Field Area (Amended by Ord. No. 156,166, Eff. 1/24/82.)** Each application for the establishment of an oil drilling district in the Los Angeles City Oil Field Area shall:

(a) Include property not less than one acre in size, bounded on each side by a public street, alley, walk or way and such district shall be wholly contained within the Los Angeles City Oil Field Area.

(b) Contain a statement that the applicant has the proprietary or contractual authority to drill for and produce oil, gas or other hydrocarbon substances under the surface of at least 75% of the total land area of the property to be included in said district.

Any municipal body or official required by law to consider and make a report or recommendation relative to or to approve or disapprove such application may request the applicant in writing to submit for inspection copies of leases and contracts held by applicant in support of such asserted proprietary or contractual authority. The limitations of time for acting upon such application shall be suspended from the time of mailing such request until the documents requested have been submitted.

[**Editor's note:** Maps formerly referred to in this section were deleted by Ord. No. 177,103, Eff. 12/18/05.]

5. **General - All Areas. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** No application for the establishment of an oil drilling district shall be accepted for filing in the City Planning Department unless it has first been submitted to and reported on by the authorized person in charge of Petroleum Administration. The report shall consider the propriety of the proposed boundaries of the district, the desirability of the drill site location and whether or not the exploration for oil is geologically justified in the district. The report shall be made within 30 days of the receipt of the application. A copy of the report shall accompany the application when it is filed with the City Planning Department.

#### **E. Standard Conditions:**

1. **Non-urbanized Areas** – Each oil drilling district established in a non-urbanized area shall be subject to the following conditions:

(a) Each district shall contain a net area of one acre or more which shall be composed of contiguous parcels of land that may be separated by an alley or walk, except that a district may contain an area of less than one acre where it is surrounded on all sides by streets.

(b) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each drilling site in any district shall contain a net area of one acre or more and shall be composed of contiguous parcels

of land which may be separated only by an alley or walk. A drilling site may contain less than one acre of area where it is surrounded on all sides by public or approved private streets.

Only one oil well Class A may be established or maintained on each acre of land, except that there may be one oil well Class A on any land surrounded on all sides by public or approved private streets. Provided, however, in determining conditions for drilling pursuant to Subsection H, the Zoning Administrator may permit surface operations for more than one oil well Class A in a semi-controlled drilling site where the additional wells are to be bottomed under adjacent land in a drilling district in lieu of surface operations. There shall be no less than one net acre of land in the combined drill site and production site for each well in a semi-controlled drilling site. The Zoning Administrator shall require a site of more than one acre for each oil well where a larger area is required in the particular oil drilling district. The Zoning Administrator may require larger minimum drilling sites or production areas when reasonably necessary in the public interest for a particular oil producing section.

Where drilling sites greater than one acre are required and two or more lessees or oil drilling developers in a block or area have at least one net acre each, but all lessees or developers do not have the greater area required for drilling under these regulations, the Zoning Administrator shall equitably allocate permitted wells among the competing lessees or developers. Where necessary, the lessee or developer having control of the larger portion of the property shall be given preference. In those situations outlined above, in addition to the proration required by Paragraph (d) of this subdivision, the Zoning Administrator shall require that the lessee or developer who is authorized to drill the well shall offer an equitable consolidation agreement to the lessee or developer who has not been permitted to drill. This consolidation agreement shall contain an offer in writing, open for acceptance for 30 days, giving the other lessees or developers a choice of either:

(i) a lease on terms and conditions agreed upon, or on substantially the same terms and conditions contained in leases owned by the applicant; or,

(ii) a consolidation agreement agreed upon providing that each lessee or developer shall contribute to the cost of drilling and operation of the well and share in the production from the well in the proportion that the area of his property bears to the total area in the drilling unit.

(c) No public street, alley, walk or way shall be included in determining the net area within any district or drilling site.

(d) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Where the drilling site is so located as to isolate any parcel of land in the drilling district in such a manner that it could not be joined with any other land so as to create another drilling site of the area required in the particular district in which it is located, the Zoning Administrator shall require, as a condition to the drilling and production on the drilling site that the owner, lessee or permittee or his or her successor shall pay to the owners of the oil and gas mineral rights in each isolated parcel, a pro-rata share of the landowners' royalty in all of the oil and gas produced from the drilling site, the share to be in that proportion as the net area of the isolated parcel is to the total net area of the drilling site plus the area of all the isolated parcels; provided that the landowners' royalty shall

be determined in accordance with any existing contracts for payments to the landowners of the drilling site, but, in no event, as to the owner of the isolated parcel or parcels, shall it be less than a 1/6th part of the oil and gas produced and saved from the drilling site.

2. **Urbanized Areas** – Each oil drilling district established in an urbanized area shall be subject to the following conditions:

(a) Each district shall be not less than 40 acres in area, including all streets, ways and alleys within the boundaries thereof.

(b) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Not more than one controlled drill site shall be permitted for each 40 acres in any district and that site shall not be larger than two acres when used to develop a district approximating the minimum size; provided, however, that where the site is to be used for the development of larger oil drilling districts or where the Zoning Administrator requires that more than one oil drilling district be developed from one controlled drilling site, the site may be increased, at the discretion of the Zoning Administrator when concurred in by the Board of Fire Commissioners, by not more than two acres for each 40 acres included in the district or districts.

(c) **(Amended by Ord. No. 147,651, Eff. 10/11/75.)** The number of oil wells Class A which may be drilled and operated from any controlled drilling site may not exceed one well to each five acres in the district or districts to be explored from said site.

Notwithstanding the above, should the City Council determine that an urbanized oil drilling district contains more than one producing zone, the City Council may then authorize, by ordinance, the drilling of additional oil wells Class A, not to exceed one well per five acres for each identified producing zone, and specify the maximum number of wells to be drilled as the result of such authorization.

(d) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each applicant, requesting a determination by the Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H of this section, must have proprietary or contractual authority to drill for oil under the surface of at least 75 percent of the property in the district to be explored.

(e) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each applicant or his or her successor in interest shall, within one year from the date the written determination is made by a Zoning Administrator prescribing the conditions controlling drilling and production operations as provided in Subsection H of this section, execute an offer in writing giving to each record owner of property located in the oil drilling district who has not joined in the lease or other authorization to drill the right to share in the proceeds of production from wells bottomed in the district, upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the subsurface of the district. The offer hereby required must remain open for acceptance for a period of five years after the date the written determination is made by a Zoning Administrator. During the period the offer is in effect, the applicant, or his or her successor in interest, shall

impound all royalties to which the owners or any of them may become entitled in a bank or trust company in the State of California, with proper provisions for payment to the record owners of property in the district who had not signed the lease at the time the written provisions were made by a Zoning Administrator, but who accepts the offer in writing within the five-year period. Any such royalties remaining in any bank or trust company at the time the offer expires which are not due or payable as provided above shall be paid pro-rata to those owners who, at the time of the expiration, are otherwise entitled to share in the proceeds of the production.

(f) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** The entire controlled drilling site shall be adequately landscaped, except for those portions occupied by any required structure, appurtenance or driveway, and all landscaping shall be maintained in good condition at all times. Plans showing the type and extent of the landscaping shall be first submitted to and approved by the Zoning Administrator.

(g) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each applicant, requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H of this section, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him or her) in the sum of \$5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change or specifications or requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification of waiver affecting any of the obligations of the grantee made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety on any bond posted pursuant to this section.

(h) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** If a Zoning Administrator determines, after first receiving a report and recommendation from the Director of the Office of Administrative and Research Services, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, then after consulting with recognized experts in connection with that problem and with those producing hydrocarbons from the affected area, he or she shall have the authority to require the involved oil producer or producers to take corrective action, including re-pressurizing the oil producing structure or cessation of oil drilling and production.

(i) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he or she finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property.

3. **Offshore Areas. (Amended by Ord. No. 142,081, Eff. 7/22/71.)** Each oil drilling district established in an offshore area shall be subject to the following conditions:

(a) All activities conducted within each such district shall conform to the spirit and intent of the provisions of Subsection A of Section 12.20.1 of this Code.

(b) No surface or submarine drilling or producing operations shall be permitted between the mean high tide line and the outermost seaward City boundary. Surface drilling or producing operations may be conducted only from permitted or approved onshore drillsites. Oil and gas accumulations may be developed by directional or slant drilling beneath any portion of the submerged land within the district.

(c) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Onshore drilling and producing operations utilizing directional or slant drilling may be approved by a Zoning Administrator only when a showing is made that production of oil and gas cannot be accomplished from already approved or permissible sites.

(d) The number of oil wells Class A which may be drilled into any offshore drilling district from a single installation or facility onshore shall not exceed one well to each five acres of district and the installation and operation of all wells shall meet the requirements of Section 12.20.1.

(e) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each applicant requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished to him or her) in the sum of \$50,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions and requirements of this section, and all additional conditions, restrictions, or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator on any change of specifications on requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification or waiver affecting any of the obligations of the applicant made by any City authority or by any other power or authority whatsoever shall be deemed to exonerate either the applicant or the surety on any bond posted pursuant to this section.

(f) All derricks and other drilling facilities shall be removed within 30 days after completion or abandonment of the well; and thereafter any work done on any existing well which requires redrilling or reconditioning shall be done by temporary or portable equipment which shall be removed within 30 days after completion of such work.

(g) Pollution of water and contamination or soiling of the urban coastline or beaches are prohibited.

4. **Los Angeles City Oil Field Area. (Added by Ord. No. 156,166, Eff. 1/24/82.)** – Each oil drilling district established in the Los Angeles City Oil Field Area shall be subject to the following conditions:

- (a) The boundary of each district shall follow the center line of city streets as far as practicable;
- (b) Each district shall include the streets, ways, and alleys within the boundaries thereof and shall be substantially compact in area;
- (c) The drilling, pumping, redrilling, repairing, maintenance or other servicing of any new oil well Class A in said district shall be conducted only on a Drilling and Production Site in the Los Angeles City Oil Field Area upon which site at least one Class A oil well was (i) in existence on January 24,1982; and (ii) had not been abandoned in accordance with State Division of Oil and Gas regulations prior to January 24,1982; and (iii) has a Los Angeles Fire Department Serial Number, which number was in existence on January 24, 1982. **(Amended by Ord. No. 160,874, Eff. 4/6/86.)**
- (d) The number of new oil wells Class A permitted on such a Drilling and Production Site in the Los Angeles City Oil Field Area shall not exceed one well to each acre in the District;
- (e) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each applicant, requesting a determination by the Zoning Administrator prescribing the conditions controlling new drilling and production operations as provided in Subsection H, must have proprietary or contractual authority to drill for oil under the surface of at least 75% of the total land area of the property in the district to be explored.
- (f) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Within one year from the date the written determination is made by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, each applicant or his or her successor in interest shall offer in writing to each record owner of property located in the oil drilling district who has not joined in the lease or other authorization to drill, the right to share in proceeds of production from new wells bottomed in the district upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the sub-surface of the district. The offer hereby required must remain open for acceptance for a period of five years after the date the written determination is made by a Zoning Administrator. During the period the offer is in effect, the applicant, or his or her successor in interest, shall impound all royalties to which the owners or any of them may become entitled in a bank or trust company in the State of California, with proper provisions for payment to the record owners of property in the district who had not signed the lease at the time the written determination was made by a Zoning Administrator, but who accepts the offer in writing within the five-year period. Any royalties remaining in any bank or trust company at the time the offer expires which are not due or payable as provided above shall be paid pro-rata to those owners who, at the time of the expiration, are otherwise entitled to share in the proceeds of the production.
- (g) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** the entire site upon which new oil wells are to be drilled shall be adequately fenced and landscaped; plans showing the type and extent of the landscaping shall be first submitted to and approved by the Zoning Administrator.

(h) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Each applicant requesting a determination by a Zoning Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection H, shall post in the Office of Zoning Administration a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates to be furnished by him or her) in the sum of \$5,000 in favor of the City of Los Angeles, conditioned upon the performance by the applicant of all of the conditions, provisions, restrictions, and requirements of this section, and all additional conditions, restrictions, or requirements determined and prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator or any change of specifications or requirements that may be approved or required by him or her or by any other officer or department of the City or any other alteration, modification or waiver affecting any of the obligations of the grantee made by any city authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety of any bond posted pursuant to this section.

(i) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** If a Zoning Administrator determined after first receiving a report and recommendation from the Director of the Office of Administrative and Research Services, that oil drilling and production activities within the district have caused or may cause subsidence in the elevation of the ground within the district or in the immediate vicinity, he or she shall have the authority, after consulting with recognized experts in connection with the problem and with those persons producing hydrocarbons from the affected area, to require the involved oil producer or producers to take corrective action, including re-pressurizing the oil producing structure or cessation of oil drilling and production.

(j) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** A Zoning Administrator may impose additional conditions or require corrective measures to be taken if he or she finds, after actual observation or experience with drilling one or more of the wells in the district, that additional conditions are necessary to afford greater protection to surrounding property.

(k) **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Any operator of any site within an oil drilling district, approved by the Zoning Administrator pursuant to Section 12.23C4(c), may apply to the Department of City Planning for the establishment of fencing and landscaping requirements. Once the requirements have been satisfied, the operator shall be relieved of the restrictions specified in Section 12.23C4(b) and (c). Should an operator of such a site in a district desire to redrill or deepen a Class A oil well, if the oil well was

(i) in existence on January 24, 1982; and

(ii) had not been officially abandoned in accordance with State Division of Oil and Gas Regulations prior to January 24, 1982; and

(iii) has a Los Angeles Fire Department Serial Number and the number was in existence on January 24, 1982, that operator shall comply with the provisions of Subsection H of Section 13.01. Compliance with the Determination of Conditions issued shall relieve the operator of the restrictions specified in Section 12.23C4(b) and (c) of this Code.

**F. Additional Conditions.** In addition to the standard conditions applying to oil drilling districts, the Council, by ordinance, or the Zoning Administrator may impose other conditions in each district as deemed necessary and proper. Where these conditions are imposed by ordinance, they may be subsequently modified or deleted in the following manner:

(a) where the condition relates to the location of a drill site within a district, by amending the ordinance, only after the submission of an application, the payment of fees, notice, hearing and procedure identical to that required by this article for the establishment of an oil drilling district; and

(b) where the condition does not relate to the location of a drill site, by amending the ordinance, without the necessity of fees, notice or hearing.

In its report to the Council relative to the establishment of a district, the City Planning Commission may recommend conditions for consideration. Some of these additional conditions, which may be imposed in the ordinance establishing the districts or by the Zoning Administrator in determining the drilling site requirements, and which may be applied by reference, are as follows: **(Para. Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)**

1. That all pumping units established in said district shall be installed in pits so that no parts thereof will be above the surface of the ground.

2. That all oil produced in said district shall be carried away by pipe lines or, if stored in said district, shall be stored in underground tanks so constructed that no portion thereof will be above the surface of the ground.

3. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** That the operator of any well or wells in the district shall post in the Office of Zoning Administration a \$5,000 corporate surety bond conditioned upon the faithful performance of all provisions of this article and any conditions prescribed by a Zoning Administrator. No extension of time that may be granted by a Zoning Administrator, or change of specifications or requirements that may be approved or required by him or her or by any other officer or department of the City, or other alteration, modification or waiver affecting any of the obligations of the grantee made by any City authority shall be deemed to exonerate either the grantee or the surety on any bond posted as required in this article.

4. That the operators shall remove the derrick from each well within thirty (30) days after the drilling of said well has been completed, and thereafter, when necessary, such completed wells shall be serviced by portable derricks.

5. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** That the drilling site shall be fenced or landscaped as prescribed by the Zoning Administrator.

6. **(None)**

7. That, except in case of emergency, no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the drilling site, except between the hours of 8:00 A.M. and 8:00 P.M. of any day.

8. That adequate fire fighting apparatus and supplies, approved by the Fire Department, shall be maintained on the drilling site at all times during drilling and production operations.

9. That no refining process or any process for the extraction of products from natural gas shall be carried on at a drilling site.

10. **(None)**

11. **(None)**

12. **(None)**

13. That no more than one well shall be bottomed in each five (5) acres of the drilling district.

14. That no new oil wells shall be spudded in after the President of the United States, or other proper authority, has declared that a state of war no longer exists.

15. **(None)**

16. **(None)**

17. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** That any person requesting a determination by the Zoning Administrator prescribing the conditions under which oil drilling and production operations shall be conducted as provided in Subsection H, shall agree in writing on behalf of him or herself and his or her successors or assigns, to be bound by all of the terms and conditions of this article and any conditions prescribed by written determination by the Zoning Administrator; provided, however, that the agreement in writing shall not be construed to prevent the applicant or his or her successors or assigns from applying at any time for amendments pursuant to this Article or to the conditions prescribed by the Zoning Administrator, or from applying for the creation of a new district or an extension of time for drilling or production operations.

18. That all production equipment used shall be so constructed and operated that no noise, vibration, dust, odor or other harmful or annoying substances or effect which can be eliminated or diminished by the use of greater care shall ever be permitted to result from production operations carried on at any drilling site or from anything incident thereto to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they, from time to time, become available if capable of reducing factors of nuisance or annoyance.

19. Wells which are placed upon the pump shall be pumped by electricity with the most modern and latest type of pumping units of a height of not more than sixteen (16) feet. All permanent equipment shall be painted and kept in neat condition. All production operations shall be as free from noise as possible with modern oil operations.

20. All drilling equipment shall be removed from the premises immediately after drilling is completed, sump holes filled, and derricks removed within sixty (60) days after the completion of the well.

21. That, subject to the approval of the Board of Fire Commissioners, the operators shall properly screen from view all equipment used in connection with the flowing or pumping of wells.

22. Upon the completion of the drilling of a well the premises shall be placed in a clean condition and shall be landscaped with planting of shrubbery so as to screen from public view as far as possible, the tanks and other permanent equipment, such landscaping and shrubbery to be kept in good condition.

23. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** That not more than two wells may be drilled in each city block of the drilling district and bottomed under that block. However, at the discretion of the Zoning Administrator, surface operations for additional wells may be permitted in each of the blocks where each additional well is to be directionally drilled and bottomed under an adjacent block now or hereafter established in an oil drilling district in lieu of a well drilled on the adjacent block and under a spacing program which will result in not exceeding two wells bottomed under each block.

24. That not more than one (1) well shall be drilled in each city block of the drilling district; provided, however, that a second well may be drilled in that block bounded by "L", Gulf Avenue, Denni Street and Wilmington Boulevard, only in the event said second well be directionally drilled or whipstocked so that the bottom of the hole will be bottomed under the (Gulf Avenue School property located in the block bounded by "L" Street, Roman Avenue, Denni Street and Gulf Avenue, and in lieu of a well which might otherwise be permitted to be drilled in said last mentioned block.

25. That not more than one (1) well may be drilled in each city block of the drilling district.

26. That all power operations other than drilling in said district shall at all times be carried on only by means of electrical power, which power shall not be generated on the drilling site.

27. **(None)**

28. **(None)**

29. That not more than two (2) wells may be drilled in each city block of the drilling district; provided, however, that two (2) additional wells may be drilled in each of the following described blocks, (a) the block bounded by Q Street, Lakme Avenue, Sandison Street and Broad

Avenue and (b) the block bounded by Sandison Street, Lakme Avenue, Broad Avenue and the southerly boundary of Tract No. 1934, but only if such additional wells are directionally drilled or whipstocked so that they will be bottomed under the Hancock–Banning High school property, located in the block bounded by Delores Street, Broad Avenue, Pacific Coast Highway and Avalon Boulevard, in lieu of the four (4) wells which might otherwise be permitted to be drilled in the last mentioned block.

30. **(None)**

31. Not more than four (4) controlled drilling sites shall be permitted in this district, and such sites shall not be larger than two (2) acres.

32. The number of wells which may be drilled to any oil sand from the controlled drilling site shall not exceed one (1) well to each five (5) acres in the district, but in no event shall there be more than one (1) well to each two and one-half (2 1/2) acres.

33. **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** That drilling operations shall be commenced within 90 days from the effective date the written determination is made by the Zoning Administrator or Area Planning Commission, or within any additional period as the Zoning Administrator may, for good cause, allow and thereafter shall be prosecuted diligently to completion or else abandoned strictly as required by law and the premises restored to their original condition as nearly as practicable as can be done. If a producing well is not secured within eight months, the well shall be abandoned and the premises restored to its original condition, as nearly as practicable as can be done. The Zoning Administrator, for good cause, shall allow additional time for the completion of the well.

34. That an internal combustion engine or electrical equipment may be used in the drilling or pumping operations of the well, and if an internal combustion engine is used, that mufflers be installed on the mud pumps and engine so as to reduce noise to a minimum, all of said installations to be done in a manner satisfactory to the Fire Department.

35. **(None)**

36. That not more than two (2) production tanks shall be installed for each producing well, neither one of which shall have a rated capacity in excess of one thousand (1,000) barrels; provided, however, that if in the opinion of the Administrator it is necessary in order to provide for the maximum safety of operations or to decrease the number of individual production tank settings on any property, the Administrator may increase the number of such production tanks to not more than three (3), having a greater capacity not to exceed two thousand (2,000) barrels each. The Administrator shall permit such wash tanks or heating facilities as may appear necessary to ship or remove production from the premises. The plans for said tank or tanks, including the plot plan showing the location thereof on the property, shall be submitted to and approved in writing by the Administrator before said tank or tanks and appurtenances are located on the premises; and that said tank or tanks and appurtenances shall be kept painted and maintained in good condition.

37. All waste substances such as drilling muds, oil, brine or acids produced or used in connection with oil drilling operations or oil production shall be retained in water-tight receptors from which they may be piped or hauled for terminal disposal in a dumping area specifically approved for such disposal by the Los Angeles Regional Water Pollution Control Board No. 4.

38. Any wells drilled shall be cased tight to bedrock or effective means satisfactory to the Department of Water and Power used to prevent vertical movement of ground water.

39. The applicant shall provide the Department of Water and Power with a precise plot plan of the drilling plant and roads leading thereto, and to make such safeguards as the Department deems necessary to assure the safety of the existing 50" water main which crosses the district involved.

40. The Department of Water and Power of the City of Los Angeles shall be permitted to review and inspect methods used in the drilling and producing operations and in the disposal of waste, and shall have the right to require changes necessary for the full protection of the public water supply.

41. **(None)**

42. That the number of wells which may be drilled to any oil sand shall not exceed one (1) well to each five (5) acres in the district, but in no event shall there be more than one (1) well to each two and one-half acres.

43. That drilling, pumping and other power operations shall at all times be carried on only by electrical power and that such power shall not be generated on the controlled drilling site or in the district.

44. That an internal combustion engine or steam-driven equipment may be used in the drilling or pumping operations of the well, and, if an internal combustion engine or steam-driven equipment is used, that mufflers be installed on the mudpumps and engine; and that the exhaust from the steam-driven machinery be expelled into one of the production tanks, if such tanks are permitted, so as to reduce noise to a minimum, all of said installations to be found in a manner satisfactory to the Fire Department.

45. That drilling operations shall be carried on or conducted in connection with only one well at a time in any one such district, and such well shall be brought in or abandoned before operations for the drilling of another well are commenced; provided, however, that the Administrator may permit the drilling of more than one well at a time after the discovery well has been brought in.

46. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and production of oil, gas and other hydrocarbon substances. Proven technological improvements in drilling and production

methods shall be adopted as they may become, from time to time, available, if capable of reducing factors of nuisance and annoyance.

47. That all parts of the derrick above the derrick floor not reasonably necessary for ingress and egress including the elevated portion thereof used as a hoist, shall be enclosed with fire-resistant soundproofing material approved by the Fire Department, and the same shall be painted or stained so as to render the appearance of said derrick as unobtrusive as practicable.

48. That all tools, pipe and other equipment used in connection with any drilling or production operations shall be screened from view, and all drilling operations shall be conducted or carried on behind a solid fence, which shall be maintained in good condition at all times and be painted or stained so as to render such fence as unobtrusive as practicable.

49. That no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the controlled drilling site except between the hours of 8:00 o' clock a.m. and 6:00 o'clock p.m., on any day, except in case of emergency incident to unforeseen drilling or production operations, and then only when permission in writing has been previously obtained from the Administrator.

50. That no earthen sumps shall be used.

51. That within sixty (60) days after the drilling of each well has been completed, and said well placed on production, or abandoned, the derrick, all boilers and all other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Administrator for the drilling of another well on the same controlled drilling site.

52. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted unless all equipment necessarily incident to such production is completely enclosed within a building, the plans for said building to be approved by the Department of Building and Safety and the Fire Department. This building shall be of a permanent type, of attractive design and constructed in a manner that will eliminate as far as practicable, dust, noise, noxious odors and vibrations or other conditions which are offensive to the senses, and shall be equipped with such devices as are necessary to eliminate the objectionable features mentioned above. The architectural treatment of the exterior of such building shall also be subject to the approval of the Administrator.

53. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted where same is located within or immediately adjoining subdivided areas where ten (10) percent of the lots or subdivided parcels of ground, within one-half (1/2) mile radius thereof, are improved with residential structures, unless all equipment necessarily incidental to such production is countersunk below the natural surface of the ground and such installation and equipment shall be made in accordance with Fire Department requirements.

54. That there shall be no tanks or other facilities for the storage of oil erected or maintained on the premises and that all oil products shall be transported from the drilling site by means of an

underground pipe line connected directly with the production pump without venting products to the atmospheric pressure at the production site.

55. That not more than two production tanks shall be installed on said drilling site, neither one of which shall have a rated capacity in excess of one thousand (1000) barrels; that the plans for said tank or tanks, including the plot plans showing the location thereof on the property, shall be submitted to and approved in writing by the Administrator before said tank or tanks and appurtenances are located on the premises, and that said tank or tanks and appurtenances shall be kept painted and maintained in good condition at all times.

56. That any production tanks shall be countersunk below the natural surface of the ground and the installation thereof shall be made in accordance with safety requirements of the Fire Department.

57. That no refinery, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises at any time.

58. That no sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by law or ordinance to be displayed in connection with the drilling or maintenance of the well.

59. That suitable and adequate sanitary toilet and washing facilities shall be installed and maintained in a clean and sanitary condition at all times.

60. That any owner, lessee or permittee and their successors and assigns, must at all times be insured to the extent of one hundred thousand dollars (\$100,000) against liability in tort arising from drilling or production, or activities or operations incident thereto, conducted or carried on under or by virtue of the conditions prescribed by written determination by the Administrator as provided in Subsection H of this section. The policy of insurance issued pursuant hereto shall be subject to the approval of the City Attorney, and duplicates shall be furnished to him. Each such policy shall be conditioned or endorsed to cover such agents, lessees or representatives of the owner, lessee or permittee as may actually conduct drilling, production or incidental operations permitted by such written determination by the Administrator.

61. **(None)**

62. All onshore drilling and production installations or facilities shall be removed and the premises restored to their original conditions after all oil and gas wells have been abandoned, unless the City Planning Commission determines otherwise. **(Amended by Ord. No. 142,081, Eff. 7/22/71.)**

63. **(None)**

64. **(None)**

**G. Description of Districts (Added by Ord. No. 123,825, Eff. 4/4/64.)** – The districts within which the drilling for and production of oil, gas or other hydrocarbon substances is permitted, and the conditions applying thereto (subject to further conditions imposed by the Administrator in the drilling site requirements), are described as follows:

1. **Districts in Non-urbanized Areas.** (For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office).

2. **Districts in Urbanized Areas.** (For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office).

3. **Districts in Offshore Areas.** (For boundaries of districts and special conditions applicable thereto, refer to maps and records in City Planning Office.) **(Added by Ord. No. 130,339, Eff. 7/30/65.)**

4. **Districts in the Los Angeles City Oil Field Area.** (For boundaries of such districts and any conditions applicable thereto, refer to maps and records in the City Planning Office.) **(Added by Ord. No. 156,166, Eff. 1/24/82.)**

**H. Drilling Site Requirements.** Any person desiring to drill, deepen or maintain an oil well in an oil drilling district that has been established by ordinance, or to drill or deepen and subsequently maintain an oil well in the M3 Zone within 500 feet of a more restrictive zone shall file an application in the Department of City Planning on a form provided by the Department, requesting a determination of the conditions under which the operations may be conducted. **(Para. Amended by Ord. No. 173,492, Eff. 10/10/00.)**

Where the district is in an urbanized or off-shore area, a Zoning Administrator, after investigation, may deny the application if he finds that there is available and reasonably obtainable in the same district or in an adjacent or nearby district within a reasonable distance one or more locations where drilling could be done with greater safety and security with appreciably less harm to other property, or with greater conformity to the comprehensive zoning map. A Zoning Administrator shall deny an application for a drill site in an urbanized or off-shore area unless the applicant first files with the Zoning Administrator in a form and executed in a manner approved by a Zoning Administrator

(1) either of the following continuing written offers

(a) to make the drill site available to competing operators upon reasonable terms, or

(b) to enter into or conduct joint operations for a unit or cooperative plan of development of hydrocarbon reserves upon reasonable terms, if whichever course offered is determined to be feasible by a Zoning Administrator, and is subsequently required by him or her in order to effectuate the above set forth purposes, and

(2) an agreement to abide by the determination of the Director of Administrative and Research Services if any dispute arises as to the reasonableness of those terms after first having

an opportunity to be heard. Where the district is in a nonurbanized area, in the Los Angeles City Oil Field Area, or in those cases where a Zoning Administrator approves an application in an urbanized or off-shore area, a Zoning Administrator shall determine and prescribe additional conditions or limitations, not in conflict with those specified in the ordinance establishing the district, which he or she deems appropriate in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning. Where the proposed operation is in the M3 Zone and is within 500 feet of a more restrictive zone, a Zoning Administrator shall prescribe conditions and limitations, if any, as he or she deems appropriate to regulate activity which may be materially detrimental to property in the more restrictive zone. All conditions previously imposed by a Zoning Administrator in accordance with the provisions of this chapter are continued in full force and effect.

A Zoning Administrator shall make his or her written determination within 60 days from the date of the filing of an application and shall forthwith transmit a copy to the applicant.

The determination shall become final after an elapsed period of 15 days from the mailing of the notification to the applicant, unless an appeal is filed within that period, in which case the provisions of Section 12.24B through I concerning the filing and consideration of appeals shall apply.

**I. Permits. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** No person shall drill, deepen or maintain an oil well or convert an oil well from one class to the other and no permits shall be issued for that use, until a determination has been made by the Zoning Administrator or Area Planning Commission pursuant to the procedure prescribed in Subsection H of this section.

**J. Termination of District.** Any ordinance establishing the districts described in this section shall become null and void one year after the effective date thereof unless oil drilling operations are commenced and diligently prosecuted within such one-year period, provided, however, a Zoning Administrator, upon recommendation of the Director of the Office of Administrative and Research Services, may extend the termination date for four consecutive additional periods not to exceed one year each, prior to the termination date of each period, if written request is filed therefor with the office of the Zoning Administration setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefor. **(Amended by Ord. No. 173,363, Eff. 7/29/00, Oper. 7/1/00.)**

Similarly, a Zoning Administrator, upon recommendation of the City Administrative Officer, may extend the termination date for three consecutive additional periods not to exceed one year each, prior to the termination date of each period, for those districts which are part of a group undergoing development from one or more common controlled drilling sites, provided that written request is filed, which sets forth the reasons for the request therefor and the Zoning Administrator determines that good and reasonable cause exists therefor, and providing further that drilling operations have been diligently prosecuted from the common controlled drilling site during the previous extension period. Additional one-year extensions may be made by a Zoning Administrator subject to the approval of the City Planning Commission. **(Amended by Ord. No. 134,135, Eff. 4/28/67.)**

Any ordinance establishing an urbanized oil district shall become null and void one year after all wells drilled in the district after the effective date of said ordinance have been abandoned in accordance with legal requirements, unless a Zoning Administrator determines that the district is part of a group undergoing development from one or more common, controlled drilling sites, or on the basis of sufficient proof determines that production is allocated thereto from an adjacent, adjoining or near by drilling district or districts under a unit or pooling agreement. In such cases a Zoning Administrator may if he finds that good and reasonable cause exists therefor, extend the termination date of the expiring district to coincide with the termination date of the other district or districts in which the one or more common controlled drilling sites are located or from which production is allocated under a unit or pooling agreement. A Zoning Administrator may terminate any such district when the reasons for such extension no longer apply. **(Amended by Ord. No. 134,135, Eff. 4/28/67.)**

Any ordinance establishing a non-urbanized district or district in the Los Angeles City Oil Field Area shall become null and void one year after all wells in the district have been abandoned in accordance with legal requirements, unless the Zoning Administrator, on the basis of sufficient proof, determines that the district is part of a group in which secondary hydrocarbon recovery operations are taking place, and that production from an adjoining or adjacent district is allocated thereto under a unit or pooling agreement. In such cases, a Zoning Administrator may, if he finds that good and reasonable cause exists therefor, extend the termination date to coincide with the termination date of the adjoining or adjacent district in which secondary recovery operations are being conducted. A Zoning Administrator may terminate any such district when the reasons for said extension no longer apply. **(Amended by Ord. No. 156,166, Eff. 1/24/82.)**

Zoning ordinance, prohibiting drilling of wells on tracts recently included in residential zone not an unreasonable exercise of police power and does not deprive lessee which acquired lease prior to zoning of property without due process.

*Marblehead Land Co. v. City of Los Angeles*, 47 Fed. 2d 528.

*Cromwell-Franklin Oil Co. v. Oklahoma City*, 14 F.S. 370.

*Beverly Oil Co. v. City of Los Angeles*, 40 Cal. 2d 552.

*Pacific Palisades Assn. v. City of Huntington Beach*, 196 Cal. 211.

**K. Maintenance of Drilling and Production Sites (Added by Ord. No. 119,399, Eff. 8/3/61.)** Effective August 1,1962, the following regulations shall apply to existing and future oil wells within the City of Los Angeles, including oil wells operating pursuant to any zone variance, whether by ordinance or approval of a Zoning Administrator, and all oil wells in an M3 Zone which are within 500 feet of a more restrictive zone:

1. All stationary derricks, including their floors and foundations, shall be removed within 30 days after completion or abandonment of the well (notwithstanding any other provisions of this Code to the contrary) or by September 1, 1962, whichever occurs later; and thereafter any work done on any existing well which requires the use of a derrick shall be done by a temporary or portable derrick. Such temporary or portable derricks shall be removed within 30 days after the completion of such work.

2. The motors, engines, pumps and tanks of all such oil wells shall be sealed so that no offensive or obnoxious odor or fumes can be readily detected from any point on adjacent property.

3. The well pumping equipment for such wells shall be muffled or soundproofed so that the noise emanating therefrom, measured from any point on adjacent property, is no more audible than surrounding street traffic, commercial or industrial noises measured at the same point.

4. The maximum height of the pumping units for such wells shall not exceed 15 feet above existing grade level.

5. The site of such wells shall be so landscaped, fenced or concealed that the well and all of its appurtenant apparatus is reasonably protected against public entry, observation or attraction.

In addition to any other authority vested in the Zoning Administrator by Charter and the Los Angeles Municipal Code, a Zoning Administrator may waive or modify these regulations if the drilling site is physically inaccessible to a portable derrick, or is located in a mountainous and substantially uninhabited place, or is located in an M Zone and is surrounded by vacant land or is adjacent to land used as permitted in the M Zones and if the enforcement of such regulations would be discriminatory, unreasonable or would impose a undue hardship upon oil drilling in such locations. A Zoning Administrator may also waive or modify the 16-foot height limitation where, because of the amount of liquid to be raised or the depths at which such fluids are encountered, pumping unit in excess of 16 feet in height is shown by conclusive engineering evidence to be required. **(Amended by Ord. No. 125,877, Eff. 11/29/63.)**

All ordinances and parts of ordinances of the City of Los Angeles in conflict herewith are hereby repealed to the extent of such conflict.

#### SEC. 13.02. "S" ANIMAL SLAUGHTERING DISTRICTS.

**A. Application.** The provisions of this section shall apply to the districts wherein animal slaughtering is permitted.

**B. Conditions.** **(Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** In the ordinance establishing an animal slaughtering district, the Council may impose conditions as it deems necessary and proper. In its report to the Council relative to the establishment of a district, the City Planning Commission may suggest conditions for consideration.

**C. (Initiative Ordinance No. 10,999, as amended by Ordinance No. 36,675, (N.S.) repealed by voters April 5, 1977).**

**D. Other Districts.** In addition to the districts established by Subsection C. of this section, other districts within which animal slaughtering is permitted and the conditions applying thereto shall be subject to the approval of development plans by the Administrator. **(Amended by Ord. No. 177,103, Eff. 12/18/05.)**

1. **(Deleted by Ord. No. 177,103, Eff. 12/18/05.)**

**E. Development Plans. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.)** Prior to the erection or enlargement of any building in any animal slaughtering district and prior to the development of an animal slaughtering plant in a new district established in accordance with the provisions in this section, plans for the use shall first be submitted to and approved by the Zoning Administrator. In approving the plans, the Zoning Administrator may require changes and additional improvements in connection with the proposed development as he or she deems necessary in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning, and which are not in conflict with the conditions specified in the ordinance establishing the district. Any determination by the Zoning Administrator may be appealed to the Area Planning Commission as provided for in Section 12.24B through I.

**F. Permits** – No permit shall be issued for the development of an animal slaughtering plant, or for the erection, enlargement or maintenance of buildings for animal slaughtering purposes, and no person shall perform any such development or construction work, except in full compliance with plans approved by the Administrator as herein provided.

☐ **SEC. 13.03. “G” SURFACE MINING OPERATIONS DISTRICTS.**  
**(Title and Sec. Amended by Ord. No. 173,106, Eff. 3/5/00.)**

**A. Purpose and Objectives.** The City recognizes that the extraction of Minerals is essential to the continued economic well-being of the City and to the needs of society.

It is the purpose of this section to:

Establish reasonable and uniform limitations, safeguards, and controls in the City for the future production of Minerals to safeguard the public interest;

Permit production in all Districts irrespective of the regulations of the Comprehensive Zoning Plan;

Provide for the Reclamation of Mined Lands in order to prevent or minimize adverse effects on the environment and to protect the public health and safety;

Recognize that Surface Mining Operations take place in diverse areas where the geologic, topographic, climatic, biological, and social considerations are significantly different;

Recognize that Reclamation to return Mined Lands to a usable condition which is readily adaptable for alternative land uses are significantly different and that their specifications may vary accordingly;

Ensure the continued availability of important Mineral resources, while regulating Surface Mining Operations as required by the Act;

Effect practices which will provide for more economic conservation and production of Minerals; and

Take into consideration the surface use of land, as such uses are indicated by:

The value and character of the existing improvements within 500 feet of Districts where production is permitted;

The desirability of the area for residential, recreation, watershed, wildlife, aesthetic enjoyment, or other uses; or

Other factors directly relating to the public health, comfort, safety, and welfare in Districts.

When the provisions of this section are more restrictive than the correlative state provisions, the provisions of this section shall control.

**B. Definitions.** The following definitions shall apply to this section:

**Abandonment of Operation.** Failure to conduct Surface Mining Operations, either under Permit or as a Vested right, for a period of nine consecutive months.

**Act.** The Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resources Code Section 2710 *et seq.*), as amended; Public Resources Code Section 2207 relating to annual reporting requirements; and State Board regulations for Surface Mining Operations and Reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 *et seq.*)

**Borrow Pit.** An excavation created by Surface Mining Operations of rock, unconsolidated geologic deposits, or soil to provide material (Borrow) for fill elsewhere.

**Commission.** (Added by Ord. No. 173,492, Eff. 10/10/00.) Commission shall mean the City Planning Commission.

**Completed Operations (Completion of Operations).** When all rock and gravel in commercial quantities is entirely extracted, produced, and removed from a property within a District, or the operations allowed by Permit are Completed, whichever occurs first.

**District.** Any Surface Mining Operations District established pursuant to the provisions of this section.

**Exploration.** The search for Minerals by geological, geophysical, geochemical or other techniques, including but not limited to sampling, assaying, drilling, or other surface or underground works needed to determine the type, extent, or quality of Minerals present.

**Idle.** Mineral production, with the intent to resume those Surface Mining Operations at a future date.

**Mined Lands.** The surface, subsurface, and ground water of an area in which Surface Mining Operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area; land excavations; workings; Mining Waste; and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, Surface Mining Operations are located.

**Mineral.** Any naturally occurring chemical element or compound or groups of elements and compounds formed from inorganic processes and organic substances, including but not limited to coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum. Minerals shall specifically include rock, sand, gravel, aggregate, and clay.

**Mining Waste.** The residual of soil, rock, Mineral, liquid, vegetation, equipment, machines, tools, or other matters or property directly resulting from or displaced by Surface Mining Operations.

**Operator.** Any Person who is engaged in Surface Mining Operations or who contracts with others to conduct Surface Mining Operations on his or her behalf, except a Person who is engaged in Surface Mining Operations as an employee with wages as his or her sole compensation.

**Overburden.** Soil, rock, or other Minerals that lie above a natural Mineral deposit or in between Mineral deposits before or after their removal by Surface Mining Operations.

**Owner.** The holder of fee title to property in a District, and lessees, Permittees, assignees, or successors in interest to the holder of fee title.

**Permit.** Any formal authorization from, or approval by, a lead agency, the absence of which would preclude Surface Mining Operations.

**Permittees.** Holder of a permit.

**Person.** In addition to the definition contained in Section 11.01 of this Code, Person shall include any city, county, district, or the state of California, or any department or agency of and of them.

**Prospecting.** Exploration.

**Reclamation.** The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from Surface Mining Operations, including adverse surface effects incidental to underground mines, so that Mined Lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The processes may extend to affected lands surrounding Mined Lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, and/or other measures.

**SMARA.** The Surface Mining and Reclamation Act of 1975, as amended. The Act.

**State Board.** The state Mining and Geology Board in the Department of Conservation, State of California.

**State Geologist.** The individual designated pursuant to Section 677 of the California Public Resources Code or any amendment to that Code.

**Stream Bed Skimming.** Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

**Surface Mining (Operations).** All or any part of the process involved in the mining, quarrying, and/or excavating of Minerals on Mined Lands by removing Overburden and mining directly from the Mineral deposits; open pit mining of materials naturally exposed; mining by auger method, dredging, and quarrying; or surface work incidental to an underground mine. Surface Mining Operations shall also include, but are not limited to: processing of Minerals; in place distillation, retorting, or leaching; the production and disposal of Mining Wastes; Prospecting and exploratory activities; Borrow Pitting; Streambed Skimming; and segregation and stockpiling of mined Minerals and the recovery of same.

**Vested.** A project that diligently commenced Surface Mining Operations and incurred substantial liabilities for work and materials, prior to January 1, 1976, in good faith and reliance upon an authorization, if one was required. Expenses incurred in obtaining the enactment of an ordinance or issuance of an authorization relating to a particular Surface Mining Operation shall not be deemed liabilities for work or materials.

### **C. Establishment of Districts.**

1. The provisions of this section shall apply to Districts where Surface Mining Operations are Permitted. The Council may establish new Surface Mining Districts and alter the boundaries of Districts now or hereafter established, provided they are consistent with any existing Surface Mining Operations Permits.

2. For the boundaries of Districts, see the maps on file in the Planning Department.

### **D. Permits.**

1. A Permit for Surface Mining Operations shall be issued only for property located in a Surface Mining District.

2. No Permit shall be required for those Persons who have obtained a Vested right to continue Surface Mining Operations prior to January 1, 1976. However, no substantial change may be made in the Surface Mining Operation without securing a new Permit. These Surface Mining Operations shall be subject to those limitations set forth in Subdivision 4 of this subsection, and any conditions imposed by the City Planning Commission ("**Commission**") or Council on any pre-existing Permit.

3. No Person shall engage in Surface Mining Operations without having obtained a Permit issued by the Commission or Council to engage in Surface Mining Operations, approval of a Reclamation plan, and approved financial assurances for Reclamation.

4. All Surface Mining Operations, whether under Permit or Vested, shall be conducted subject to the following conditions:

(a) All equipment used in Surface Mining Operations shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, odor, smoke, dust, and the like, which are injurious or annoying to Persons living or working in the vicinity.

(b) No Surface Mining Operations shall be Permitted closer than 50 feet to the boundary of a District; closer than 500 feet to any residentially zoned property unless a landscaped berm is constructed and maintained along the property line, in which case the setback may be 50 feet; closer than 50 feet to the boundary of an adjoining property, unless Surface Mining Operations are Permitted on the adjoining property, in which case the property may be excavated to the property line with the written consent of the adjacent Owner; or closer than 50 feet to a Street (including an alley or walk), Highway, or freeway. If the Commission or Council finds that these criteria would be impracticable due to the small extent of the District, economically infeasible, or not required by the Surface Mining Operation, the Commission or Council may waive these requirements in whole or in part.

(c) No Surface Mining Operations from an open pit shall be Permitted which creates a final perimeter slope steeper than one foot horizontal to one foot vertical.

(d) Surface Mining Operations shall be conducted in accordance with applicable standards of the Regional Water Quality Control Board and/or any other agency with jurisdiction over water quality

(e) Mined Lands shall be enclosed along their exterior by a fence, wall, landscaping, berm, or combination of these features, which shall screen the Surface Mining Operations from adjoining property. Enclosures shall be designed, constructed, and maintained to be consistent with the Flood Hazard Management Specific Plan. If the Commission determines that the enclosure would be impracticable because of the location of the Mined Lands in the bed or flood channel of a wash or water course, or because one or more boundaries are located immediately adjacent to M2 or less restrictively zoned property, this requirement may be waived by the Commission.

(f) Whenever production on any Property is Abandoned or Surface Mining Operations Completed, all plants, buildings, structures (except fences), and equipment shall be entirely removed from the property, and all stockpiles shall be removed or backfilled into the pit within one year of Abandonment of Operations or completion of Surface Mining Operations. This provision shall not apply to any plants, buildings, structures, or equipment whenever any rock and gravel or other Minerals are available in the same District from other properties owned by the Operator which is processing by or through any of these plants, buildings, structures, or equipment.

(g) No Surface Mining Operations shall be conducted on any property except between the hours of 6 a.m. and 8 p.m., except in case of an emergency or whenever any reasonable or necessary repairs to equipment are required to be made. Surface Mining Operations in an M-3 zone and more than 1,200 feet from any residential use may be conducted between the hours of 5 a.m. and 10 p.m.

(h) Every Operator, before commencing Surface Mining Operations within any District, shall be insured to the extent of \$500,000 against liability arising from Surface Mining Operations or activities incidental to them. The insurance shall be kept in full force and effect during the period of Surface Mining Operations, including Reclamation.

(i) In granting Surface Mining Operations Permits, the Commission or Council:

(1) Shall impose other and further conditions and limitations regarding Surface Mining Operations as are set forth in the General Plan and any applicable specific plans. Special emphasis shall be given to applicable community plans.

(2) Shall impose other and further conditions as are authorized by the Act, are authorized by policies adopted by the State Board, or which are necessary for the public health, safety, and welfare.

(3) May impose other conditions to address the circumstances of any individual District or its surroundings. In the case of conflicts between the conditions of this section and those of Subparagraphs (1) and (2) above, the more restrictive shall control.

**E. Application.** An application for a Permit to conduct Surface Mining Operations shall contain at a minimum the following information:

1. **Site Analysis:**

(a) A comprehensive soils engineering and engineering geologic investigation report prepared by a registered civil engineer and a certified engineering geologist, who shall not be employees of the applicant. The report shall indicate the type and features of Overburden and Minerals expected to be extracted and Mining Waste generated by the proposed Surface Mining Operations, and recommendations relative to setbacks, slopes, and excavations.

(b) A geographic report which shall include a recent aerial photograph of the site of the proposed Surface Mining Operations, and a map or maps and notes which illustrate the following:

(1) Property lines and lease lines, including a legal description of the site.

(2) The existing topography of the site and land within 500 feet of the site, and any structures, watercourses, levees, drainage facilities, utility easements and facilities, roads, and driveways existing within this area.

- (3) The location and condition of any Abandoned pits and previously mined areas on the site.
- (4) Any other information that may be required to adequately characterize the site.

## 2. **Operations Analysis:**

(a) **A description of the proposed Surface Mining Operations in all of its phases.** The document shall include the following:

- (1) A phasing plan and schedule showing the approximate starting date, the proposed increments of extraction, and the sequence in which these increments will be accomplished.
- (2) A map of the areas to be excavated and typical cross sections of slopes to be formed or modified.
- (3) The depth of all proposed excavations.
- (4) The location of all proposed structures, including processing plants and appurtenant equipment and fences, and their various relocation sites, where these facilities are proposed to be relocated during the Permit period.
- (5) Existing vegetation.
- (6) Landscaping to be provided, if any, in addition to that indicated on the Reclamation plan.
- (7) Details of plans for storage of Overburden and Mining Waste, including maps showing areas anticipated to be used for storage.
- (8) Proposed points for ingress and egress, haul roads, driveways, and parking areas on the site.

(b) **A drainage and erosion control plan.** This document shall illustrate the following:

- (1) The location and approximate depth of proposed settling basins, desilting ponds, recycling ponds, and other bodies of water. Where these facilities are proposed to be relocated over the course of the life of the Permit, their various proposed locations shall be shown.
- (2) The historic groundwater level and anticipated annual fluctuation of water levels in all areas to be excavated.
- (3) Methods to be taken for the disposition of drainage and for the control of erosion and sedimentation.
- (4) Provisions to be taken for the conservation and protection of groundwater.

(5) Approvals obtained or required from the appropriate Regional Water Quality Control Board.

(6) Any other information that may be required to adequately characterize drainage and erosion.

(c) **A vehicular access plan.** This document shall illustrate the following:

(1) The points of ingress and egress to the site; the Streets and Highways to be used by vehicles going to and coming from the site; and the type, size, and number of vehicles anticipated on a daily basis.

(2) Minimizing or precluding additional vehicular traffic over local residential Streets.

(d) Any other information that may be required to adequately characterize vehicular access.

### 3. **Reclamation Plan:**

(a) If portions of the information and documentation is included in the site analysis and/or operations analysis, the Reclamation plan may refer to the site analysis and/or operations analysis. The Reclamation plan shall include:

(1) The names and addresses of the Operator.

(2) The names and addresses of each Owner of any interest in the site on which Surface Mining Operations are or will be operated, the names and addresses of any Persons designated by the Operator as his agents for the service of process, and the name and address of the managing employee.

(3) The anticipated quantity and type of Minerals to be extracted.

(4) The estimated time schedules for initiation and termination of Surface Mining Operations. An Operation under a Vested right shall also include a description of Surface Mining Operations occurring subsequent to January 1, 1976, including the type and quantity of Minerals extracted and location and depth of the surface drilling operations.

(5) The maximum anticipated depth of Surface Mining Operations.

(6) The size and legal description of lands that will be affected by the anticipated Surface Mining Operation (affected lands shall include as a minimum all land within 500 feet of the Surface Mining Operation); a map that includes the boundaries and topographic details of these lands; a description of the general geography of the area; a detailed report of the geology and hydrology of the area in which Surface Mining Operations are to be conducted; the location of all streams, roads, railroads, and utility easements and facilities within and adjacent to these lands; the location of all proposed access roads to be constructed in conducting these Surface

Mining Operations; and the names and addresses of the Owners of all surface interests and Mineral interests in the lands.

(7) A description of the anticipated Surface Mining Operations and an estimated time schedule showing anticipated completion of each segment of these Surface Mining Operations, so that Reclamation can be initiated at the earliest possible time on those portions of the Mined Lands that will not be subject to further disturbance by the Surface Mining Operations.

(8) A description of the proposed use or potential uses of the Mined Lands after Reclamation; the consent of the Owner to the Reclamation and proposed use; and evidence that all Owners of a possessory interest in the land have been notified of the proposed use or potential uses.

(9) A description of the manner in which Reclamation of the land, adequate for the proposed use or potential uses, will be accomplished, including:

(i) The manner in which contaminants will be controlled and Mining Waste will be disposed of.

(ii) The manner in which rehabilitation of affected stream channels and stream banks to a condition minimizing erosion and sedimentation will occur.

(iii) A topographic map showing final contours of the property after Reclamation.

(iv) A diagram showing how Reclamation will be coordinated with the Surface Mining Operations.

(v) A plan showing the types and location of revegetation to be used as part of the Reclamation.

(vi) A ground water hydrology plan and a surface water drainage plan.

(vii) An estimate of the cost of Reclamation.

(viii) An assessment of the effect the proposed Reclamation activity may have on future mining in the area.

(ix) The Person submitting a Reclamation plan shall prepare and sign a statement accepting responsibility for reclaiming the Mined Lands in accordance with the Reclamation plan. This statement shall be kept by the Department of City Planning (“**Department**”) in the Operator’s permanent record. Upon sale or transfer of the Surface Mining Operation, the new Operator shall prepare and submit a signed statement of responsibility to the Department for placement in the permanent record.

(x) The Reclamation plan shall be applicable to a specific piece of property or properties; shall be based upon the character of the surrounding area and characteristics of the property such as type of Overburden, soil stability, topography, geology, climate, stream characteristics, and

principal Mineral commodities; and shall establish site-specific criteria for evaluating compliance with the approved Reclamation plan, including topography, revegetation, and sediment and erosion control.

(xi) The environmental setting of the site of Operations and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.

(xii) The impact on the public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.

(xiii) The designed steepness and proposed treatment of Mined Lands' final slopes shall take into consideration the physical properties of the slope material, its probably maximum water content, landscaping requirements, and other factors. In all cases, Reclamation plans shall specify slope angles flatter than the critical gradient for the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, an engineering analysis of slope stability shall be required. Special emphasis shall be placed on slope stability and design when public safety or adjacent property may be affected.

(xiv) Areas mined to produce additional materials for backfilling and grading, as well as settlement of filled areas. Where ultimate site uses include roads, building sites, or other improvements sensitive to settlement, the Reclamation plan shall include compaction of the fill materials in conformance with Section 91 of the Municipal Code.

(xv) Disposition of old equipment.

(xvi) Temporary stream or watershed diversions.

(xvii) All Reclamation plans shall comply with the Act. Reclamation plans approved after January 15, 1993; Reclamation plans for proposed new Surface Mining Operations; and any substantial amendments to previously approved Reclamation plans shall also comply with performance standards of the Act.

(xviii) Any other information that may be required to adequately characterize the Reclamation.

**(b) Time for Performance.**

(1) Reclamation activities shall be initiated at the earliest possible time on those portions of the Mined Lands that will not be subject to further disturbance.

(2) Interim Reclamation may be required for Mined Lands that have been disturbed and that may be disturbed again in future Surface Mining Operations.

(3) Phasing:

(i) Reclamation may be done on an annual basis, in stages compatible with continuing Surface Mining Operations, or on completion of all excavation, removal, or fill, as approved by the Commission or Council.

(ii) Each phase of Reclamation shall be specifically described in the Reclamation plan, and shall include the beginning and ending dates for each phase, all Reclamation activities required, criteria for measuring completion of specific Reclamation activities, and estimated costs for each phase of Reclamation.

(4) The Reclamation plan shall be implemented no later than six months after Surface Mining Operations are Completed, or a Permit or Vested right to conduct surface Mining Operations has been Abandoned.

**(c) Financial Assurances.**

(1) To ensure that Reclamation will proceed in accordance with the approved Reclamation plan, the City shall require as a condition of approval financial assurances which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method satisfactory to the City Attorney and State Board as specified in state regulations; and which the City reasonably determined is adequate to perform Reclamation in accordance with the Surface Mining Operation's approved Reclamation plan. Financial assurances shall be made payable to the City of Los Angeles and the state Department of Conservation.

(2) Financial assurances shall be required to ensure compliance with elements of the Reclamation plan, including but not limited to revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures if necessary.

(3) Cost estimates for financial assurances shall be submitted to the Department for review and approval prior to the Operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of cost estimates, to the state Department of Conservation for review. If the state Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this section and the Act.

(4) The amount of the financial assurance shall be based upon the estimated costs of Reclamation for the years or phases stipulated in the approved Reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by Surface Mining Operations in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the Operator and approved by the Director. The estimated amount of the financial assurance shall be based on an analysis of

physical activities necessary to implement the approved Reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial Operator other than the Permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

(5) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the Surface Mining Operation could be Abandoned by the Operator, and consequently, the City or state Department of Conservation may need to contract with a third party commercial company for Reclamation of the site.

(6) The financial assurances shall remain in effect for the duration of the Surface Mining Operation and any additional period until Reclamation is Completed, including any maintenance required.

(7) The amount of financial assurances required of a Surface Mining Operation for any one year shall be adjusted annually to account for new lands disturbed by Surface Mining Operations, inflation, and Reclamation of lands accomplished in accordance with the approved Reclamation plan. The financial assurances shall include estimates to cover Reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the Permittee may not claim credit for Reclamation scheduled for completion during the coming year.

(8) Revisions to financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim Reclamation. If revisions to the financial assurances are not required, the Operator shall explain, in writing, why revisions are not required.

(9) Any other information that may be required to adequately characterize the financial assurances.

4. Environmental analysis as required by the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

#### **F. Procedure.**

1. The application for Permit shall be processed as provided in Section 12.24 of this Code for conditional uses under the jurisdiction of the Commission, subject to the exceptions of Subdivisions 2 through 5 of this subsection (procedures for state review).

2. Within 30 days of the date the application is determined to be complete, a copy of the site analysis, operations analysis, and Reclamation plan shall be sent to the state Department of Conservation.

3. Whenever Surface Mining Operations are proposed in the 100- year floodplain, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, within 30 days of the date the application is determined to be complete, a copy of the site analysis, operations analysis, and Reclamation plan shall be sent to the state Department of Transportation.

#### **4. State Department of Conservation.**

(a) Prior to taking any action to approve, conditionally approve, or deny an application submitted under this section, the Commission or Council shall certify to the state Department of Conservation that the site analysis, operations analysis, Reclamation plan, and financial assurances comply with the applicable requirements of state law, and shall submit them to the state Department of Conservation for review.

(b) The state Department of Conservation is allowed 30 days under state law to review and comment on the site analysis, operations analysis, and Reclamation plan. The state Department of Conservation is allowed 45 days under state law to review and comment on the financial assurances. Time limits of this code shall be suspended during these comment periods.

(c) If the state Department of Conservation fails to comment within the statutory time periods, the Commission or Council shall not interpret this failure as either approval or disapproval of the site analysis, operations analysis, Reclamation plan, or financial assurances.

#### **5. Evaluation of Comments.**

(a) The Commission or Council shall evaluate any written comments by the state Department of Conservation received during the statutory comment periods. Time limits of this code shall be suspended during the Commission's or Council's evaluation.

(b) A written response to the state Department of Conservation's comments shall be prepared for the Commission's or Council's approval. If the Commission's or Council's position differs from the Department of Conservation's comments, the written response shall address in detail why specific comments were not accepted.

(c) Copies of any written comments received, and responses prepared, by the Commission or Council shall be promptly forwarded to the Owner and/or Operator.

**6. Commission or Council Decision.** Within 30 days of the date of Paragraph (b) of Subdivision 5 above (regarding the Commission's or Council's responses to the state Department of Conservation), the Commission or Council shall approve, conditionally approve, or deny the site analysis, operations analysis, Reclamation plan, and/or financial assurances.

7. A Permit shall not be effective until 15 days after approval by the Commission, or after approval by the Council if the Council approval is a result of an appeal or transfer of jurisdiction.

**G. Findings. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** A Permit shall be approved if the Commission or Council finds:

1. that the project complies with the Act and with the policies of the State Board for Surface Mining Operations;
2. that the proposed Surface Mining Operations will not be detrimental to the public health, safety, and welfare;
3. that the proposed Surface Mining Operations are in substantial conformance with the purposes, intent and provisions of the Open Space and the Conservation Elements of the General Plan;
4. that the drainage and erosion control plan is adequate to protect the public health, safety, and welfare;
5. that the vehicular access plan is adequate to protect the public health, safety, and welfare;
6. that the project substantially conforms with the purposes, intent and provisions of the General Plan, the applicable community plan, and with any applicable specific plan;
7. that a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by the Department of Conservation, and where the City's position differs from the recommendations and objections raised by the Department of Conservation, the response has addressed, in detail, why specific comments and suggestions were not accepted; and
8. that regarding the Reclamation plan:
  - (a) that it complies with the Act and with the policies of the State Board for Reclamation practice;
  - (b) that it is compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
  - (c) that the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible, and blends in with the surrounding natural environment, topography, and other resources; or that suitable off-site development will compensate for related disturbance to resource value; and

(d) that the Reclamation plan will restore the Mined Lands to a usable condition that is in substantial conformance with the purposes, intent and provisions of the Open Space and Conservation Elements of the General Plan.

## **H. Appeal.**

1. The signing of statements required by Subsection G of this section shall not in any way affect rights to appeal the determination in whole or in part.

2. Appeals shall be processed as provided in Section 12.24 of this Code for conditional uses under the jurisdiction of the Commission.

3. An applicant whose request for a Permit to conduct Surface Mining Operations in an area of statewide or regional significance (as determined by the State Board) has been denied, or any Person who is aggrieved by the granting of a Permit in an area of statewide or regional significance, shall have rights of appeal to the State Board as may be granted by the Act. In the case of conflicts between the determination of the Commission or Council and the determination of the State Board, the determination of the State Board shall control.

**I. Exceptions.** A Permit, financial assurances, and Reclamation plan are not required for:

1. Excavation or grading conducted for farming or on-site construction, or for the purpose of restoring land following a flood or a natural disaster.

2. Prospecting or Exploration for Minerals of commercial value where Overburden in the amount of less than 1,000 cubic yards is removed in any one location of one acre or less.

3. Prospecting for, or the extraction of, Minerals for commercial purposes, and the removal of Overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

4. Surface Mining Operations that are required by federal law in order to protect a mining claim, if the Operations are conducted solely for that purpose.

5. Other Surface Mining Operations as the Commission determines to be of an infrequent nature, involve only minor surface disturbances, and are identified by the State Board pursuant to the Act.

6. Onsite excavation and onsite earth-moving activities which are an integral and necessary part of a construction project, which are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction; or creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

(a) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and

locally adopted plans and ordinances. This provision shall include compliance with CEQA and the City's CEQA Guidelines.

(b) The City's approval of the construction project included consideration of the onsite excavation and onsite earth-moving activities pursuant to CEQA and the City's CEQA Guidelines. In those instances where CEQA analysis has not otherwise been applied to the project, the procedures, although not the threshold, of Section 91.7006.8 (CEQA grading review) of the Municipal Code shall be followed.

(c) The approved construction project is consistent with the General Plan and zoning of the site.

(d) Surplus materials shall not be exported from the site unless and until actual construction work has commenced. Export shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued, except as provided in the procedures, although not the threshold, of Section 91.7006.7.4 (CEQA grading review) of the Municipal Code.

7. Operation of a plant site used for Mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined Minerals, subject to all of the following conditions:

(a) The plant site is located in an area designated in the Land Use Element of the General Plan with a designation corresponding to the M3 Zone.

(b) The plant site is located on land zoned M3.

(c) None of the materials being processed are being extracted onsite; and

(d) All Reclamation work has been Completed pursuant to the approved Reclamation plan for any Mineral extraction activities that occurred before January 1, 1976.

8. The solar evaporation of sea water or bay water for the production of salt and related Minerals.

9. Emergency excavations or grading conducted by the state Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies, and

10. Persons who have obtained a Vested right to continue Surface Mining Operations prior to January 1, 1976, providing that:

(a) No substantial change may be made in the Surface Mining Operation without securing a new Permit. The Surface Mining Operations shall be subject to those limitations set forth in this section, and to any conditions imposed by the Commission or Council in any pre-existing Permit or authority to conduct the Operations.

(b) Persons with Vested rights shall submit to the Commission within six months after receipt of notice from the City a Reclamation plan for lands mined after January 1, 1976. The Reclamation plan shall be subject to review, hearing and approval by the Commission as provided in Subsection F of this section.

(c) However, where a Person with Vested rights has continued Surface Mining Operations in the same area subsequent to January 1, 1976, he or she shall obtain the commission's approval or the approval of council on appeal of a Reclamation plan covering the Mined Lands disturbed by the subsequent Surface Mining Operations. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-and post-Act mining, the Reclamation plan shall call for Reclamation proportional to that disturbance caused by the Mining Operations after the effective date of the Act.

(d) All other requirements of state law and this section shall apply to Vested Surface Mining Operations.

11. Nothing in this section shall be construed as requiring the reapproval of a Reclamation plan which is in substantial conformity with the Act, approved prior to the effective date of this section.

**J. Amendments.** Amendments or changes to an approved Permit or Reclamation plan shall be submitted to the Commission and shall become effective only if approved by the Commission. Substantial deviations from the approved Permit or Reclamation plan shall be processed in the same manner as provided for in Subsection F of this section.

**K. Public Record.** Reclamation plans, reports, applications for Permits, and other documents as described in Section 2778 of the Public Resources Code are public records unless it can be demonstrated to the satisfaction of the Commission that the release of all or part of the information would reveal production reserves or rate of depletion entitled to protection as proprietary information. Proprietary information shall be made available only to the State Geologist and to Persons authorized in writing by the Operator and/or the Owner.

**L. Successors.** Each subsequent Owner and/or Operator of a premise covered by a Permit, whether by sale, assignment, transfer, conveyance, exchange, or other means, shall be bound by the provisions of the approved Reclamation plan, the provisions of this section, and the Act.

**M. Inspections.**

1. The Director shall inspect each Surface Mining Operation at least once a year, within six months of receipt of the annual report required in Subsection O of this section, to determine whether the Surface Mining Operation is in compliance with the approved site analysis, operations analysis, and/or Reclamation plan; approved financial assurances; and state regulations. The inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered professional forester, who is experienced in land Reclamation of the type described in the Reclamation plan, and who has not

been employed by the Surface Mining Operation in any capacity during the previous 12 months; or other qualified specialists, as selected by the Director. All inspections shall be conducted using a form approved by the State Board. A fee as established by Section 19.01I of this Code shall be charged for this inspection. The Department shall transmit a copy of the inspection report to the state Department of Conservation within thirty days of completion of the inspection.

2. The Director may authorize the Superintendent of Building to inspect each Surface Mining Operation at least once a year. An annual inspection fee as established by Section 98.0402(e)3 of this Code shall be collected by the Superintendent. An inspection may also be made by the Superintendent whenever a complaint is received by him or her concerning a violation of the municipal code and/or its Permit. The Superintendent shall send notice of the inspection, and his or her findings, to the Director within five days of the performance of the inspection.

3. If a Surface Mining Operation inspected by the Superintendent of Building is found to be in violation of any provision of the municipal code and/or its Permit, the Superintendent shall send a notice to comply to the Operator within two weeks of the inspection, in accordance with the provisions of Section 12.26 of this Code. The notice to comply shall clearly state the following:

(a) The violation shall be corrected by a compliance date specified in the notice, and shall be no more than 30 days from the date the notice is mailed.

(b) The compliance date as specified in the notice may be extended for no more than 45 days if the Operator presents satisfactory evidence to the Superintendent of Building that unusual difficulties prevent substantial compliance without an extension.

#### **N. Interim Management Plan.**

1. Within 90 days of a Surface Mining Operation becoming Idle, the Operator shall submit to the Department a proposed Interim Management Plan (IMP.) The proposed IMP shall fully comply with the requirements of the Act, and shall provide measures the Operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be processed in accordance with the provisions of Subsection J of this section (amendments). IMPs shall not be considered a project for the purposes of complying with CEQA and the city's CEQA Guidelines.

2. Financial assurances for Idle operations shall be maintained as though the operation were active.

3. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the state Department of Conservation for review. The IMP shall be submitted to the state Department of Conservation at least 30 days prior to approval under Subsection J of this section (amendments).

4. Within 60 days of the receipt of the IMP, or a longer period mutually agreed upon by the Director and the Operator, the IMP shall be reviewed and approved, conditionally approved, or denied.

5. The IMP shall remain in effect for a period not to exceed five years, at which time the Commission may renew the IMP for another period not to exceed five years, or require the Surface Mining Operator to begin Reclamation in accordance with its approved Reclamation plan.

**O. Annual Report.** Surface Mining Operators shall forward an annual Surface Mining Operations report to the state Department of Conservation and to the Department on a date established by the state Department of Conservation, upon forms furnished by the State Board. New Surface Mining Operations shall file an initial Surface Mining Operations report and any applicable filing fees with the state Department of Conservation within 30 days of Permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the state Department of Conservation at the time of filing the annual Surface Mining Operations report.