

Chapter 16.24

ABANDONMENT OF WELLS AND IDLE WELLS

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16.24.010 Required abandonment.

Permittee operator or other responsible party shall abandon or reabandon a well in accordance with requirements of D.O.G. and this chapter when any of the following conditions exist:

- A. Upon final and permanent cessation of all operations on any well;
- B. Upon the revocation, expiration, or failure to obtain or to maintain in full force and effect permits required under provisions of this title;
- C. Upon order of D.O.G.;
- D. A leaking well exists within the Area of Development after having been tested pursuant to section 16.24.020(F). The Area of Development for purposes of this subdivision shall be as defined in section 16.24.020(A);
- E. The well has been determined to be an idle well per Section 16.24.050 and the operator has decided to abandon the well.

(Ord. 2013-07-1459 § 5; Ord. 2013-07-1460 § 5; Ord. 90-08-1074 § 4 (part))

16.24.020 Development standards for properties containing abandoned oil wells.

- A. Definition of Area of Development.

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1. In the case where a structure or structures is/are proposed on a vacant parcel, or in the case where subdivision of a parcel is proposed, or in the case of a phased development proposed to occur on several parcels in phases, the "Area of Development" is the entire proposed site, including the entire area of each and every parcel involved. For purposes of this Chapter, this area shall also be referred to as the "Site."

2. In the case of an addition to an existing structure, or construction of new structures on a parcel with existing structures, the "Area of Development" is (i) the portion of the Site which is within, or within ten (10) feet of, the area disturbed for grading as shown on a preliminary grading plan; or (ii) the portion of the Site lying under or within ten (10) feet of any addition or new structure built as a part of the project where no grading plan is required.

B. Site Plan Requirements. The surveyed location of each well and the DOGGR well name and number, as well as API number must be accurately plotted on the site plan required by Chapter 20.52. An OG 159 certificate, prepared and issued by the DOGGR shall be required for each active, idle or abandoned oil well on the site, or letter of equivalent abandonment signed by the city's consulting petroleum engineer to the satisfaction of the city building official. The well shall be identified with the name of the company/operator and well designation. Site plans shall indicate the site boundaries, the proposed and existing structures, existing and proposed roads and streets passing through or adjacent to the site. The site plan shall plot all existing and proposed oil field facilities (tanks, processing equipment, enclosures, pipelines, etc.) that will be operating on the site after completion of the proposed development. Any well outside the site but that reasonably may be within "close proximity" to any property line of the site shall also be plotted on the site plan to the degree of accuracy possible using DOGGR records, with the accompanying information described above. "Close proximity" shall be as defined on the DOGGR document entitled Exhibit "A," a copy of which is on file in the Community Development Department and publicly available.

C. Location of Abandoned Wells. Each owner or responsible party of property shall consult the records of DOGGR to determine the condition and location of any well within the Area of Development. The developer shall make a diligent good faith effort to investigate the Area of Development and determine the actual location of all wells and update DOGGR records accordingly.

D. Survey of Wells. The owner or responsible party shall submit a licensed survey of all wells within the Area of Development as part of the city's site plan and design review process. The survey shall locate all active, idle and abandoned wells to ascertain their locations and/or have the location of the wells surveyed by a licensed surveyor. The well(s) shall be plotted on the site plan and include the NAD 83 well location or equivalent.

E. A.L.T.A. and Development Survey. The owner or responsible party shall have an American Land Title Association (A.L.T.A.) survey of the Area of Development prepared including all culture and indicating distances from abandoned wells to the satisfaction of the city

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building official. In addition the owner or responsible party shall have a survey prepared indicating distances from abandoned wells to proposed development to the satisfaction of the city building official.

F. Leak Testing of Abandoned Wells.

1. All abandoned wells located within the Area of Development must be tested for gas leakage and visually inspected for oil leakage. The owner or responsible party shall apply to the city for an inspection permit to witness the testing. The leak test shall be completed utilizing a "GT-43" gas detection meter, or one of comparable quality approved in advance by the city, and shall be conducted by a state licensed geotechnical or civil engineer or state registered environmental assessor, class II, or the city building official as determined necessary by the city building official.

2. A methane assessment report is required for each tested well and shall be prepared per the City of LA DBS "Site Testing Standards for Methane" (P/BC 2002-101, November 30, 2004). A well vent and vent cone permit shall be obtained by the property owner or agent. The property owner or agent may use the city's consultant to observe the leak test or be responsible for city consultant test fees. Following testing, a well vent and vent cone shall be installed to the satisfaction of the city building official and in compliance with the recommendations contained in the methane assessment report.

3. The submitted leak test report shall be prepared by a state licensed geotechnical or civil engineer or state registered environmental assessor, class II. A well shall be considered leaking if the leak test report indicates the meter read is greater than the lower explosive limit which is hereby set at 500 parts per million.

4. An approved leak test report is only valid for 24 months from city acceptance. If a building permit has not been issued by this time, retesting is required. Following all testing and inspection, the test area shall be returned to its previous state to the satisfaction of the city building official.

G. Development Standards.

1. Improvements shall not be located on top of any abandoned oil well, nor within "close proximity" to any such well, whether on the site or outside the site. For any such well outside the site, no improvement may be placed in any location that creates a reasonable risk that the improvement may be within close proximity to such well based on the best available DOGGR records. This is necessary in order to provide access for a well abandonment rig should the well leak oil or gas in the future. "Improvements" are considered permanent structures or other construction that would be difficult or expensive to demolish should the abandoned or re-abandoned well leak oil or gas in the future. "Close proximity" shall be measured as described on the DOGGR document labeled "Exhibit A", which is on file in the Community

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Development Department and publicly available. The city may approve alternative mitigation measures that maintain access to wells. Previous improvements, such as landscaping and parking areas with adequate landscape buffers may be located on top of a previously abandoned or re-abandoned well which has passed the leak test required under this section.

2. The property owner shall record declaration of covenants, conditions and restrictions, in a form subject to the review and approval of the City Attorney, putting future owners and occupants on notice of the following: the existence of abandoned oil wells on the site; that the wells within the Area of Development have been leak tested and found not to leak; description of any methane mitigation measures employed; disclosure that access to these wells has been provided to address the fact that they may leak in the future causing potential harm; acknowledgment that the state may order the re-abandonment of any well should it leak in the future; acknowledgment that the state does not recommend building over wells; and releasing and indemnifying the city for issuing project permits.

H. DOGGR Authority. Nothing herein is intended to displace any authority of DOGGR under Chapters 2, 3 and 4 of Division 2 of Title 14 of the California Code of Regulations or set aside or annul any action of DOGGR pursuant to its authority. However, these provisions shall control the development of property where DOGGR merely makes advisory recommendations beyond the agency's statutory authority.

I. Grandfathering. This section shall not apply to any project which has been approved by the city or its constituent boards, commissions or officials prior to the date of the adoption of this section, so long as such approvals remain valid. The required approvals include a valid approval from DOGGR, but if such approvals have expired, the project shall be governed by this section. Any application for discretionary land use development entitlements under Chapter 20.52 of the Municipal Code which is being processed shall be subject to the requirements hereof.

(Ord. 2013-07-1459 § 6; Ord. 2013-07-1460 § 6)

16.24.030 Abandonment procedures.

A. Prior to commencement of abandonment or reabandonment, as required by Section 16.24.010, the permittee or other responsible party shall:

1. Obtain an abandonment permit from the inspector. No person shall abandon or reabandon a well without first obtaining an abandonment permit;

2. Advise the inspector at least five days' notice of intention to abandon said well, stating the date such work will be commenced;

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3. Provide the inspector a copy of D.O.G. approval to abandon said well;
4. Obtain any other permits, as may be required for restoration pursuant to Title 15 of this code;
5. Comply with neighborhood noticing requirements in accordance with Section 16.20.210.

B. A well shall be considered properly abandoned for purposes of this chapter after restoration of the drill site or oil operation site and subsurface thereof to its original condition, as nearly as practical, and in conformity with the following requirements:

1. Oil well abandonment shall be performed by oil service company contractors licensed to do business in the city.
2. All equipment and surface installations used in connection with the well which are not necessary as determined by the inspector for the operation or maintenance of other wells of operator or permittee on the drill or operation site shall be removed from the premises.
3. The premises, all sumps, cellars, and ditches which are not necessary for the operation or maintenance of other wells of operator or permit tee on the site shall be cleaned out and all oil, oil residue, drilling fluid, and rubbish shall be removed or bioremediated to reduce hydrocarbons to standards acceptable to federal, state, or local agencies. All sumps, cellars, and ditches shall be leveled or filled. Where such sumps, cellars, and ditches are lined with concrete, permittee or operator shall cause the walls and bottoms to be broken up and all concrete shall be removed.
4. The premises shall be cleaned and graded and left in a clean and neat condition free of oil, rotary mud, oil-soaked earth, asphalt, tar, concrete, litter, and debris.
5. All public streets, alleys, sidewalks, curbs and gutters, and other places constituting public property which may have been disturbed or damaged in connection with any operation, including operations for the abandonment of the well shall be cleaned, and, except for ordinary wear and tear, shall be repaired and restored to, substantially the same condition thereof as the same existed at the time of issuance of the permit, or at the time operations were first commenced in connection with the drilling, operation, or maintenance of the well.
6. A copy of written approval of D.O.G. confirming compliance with all state abandonment proceedings for all abandoned facilities is furnished to the inspector.

(Ord. 99-08-1261 § 3; Ord. 90-08-1074 § 4 (part))

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16.24.040 Venting.

In conjunction with any abandonment required by Section 16.24.010:

A. Venting shall be installed to the satisfaction of the city building official. The property owner or his or her agent shall obtain a well vent and vent cone permit for such installation.

B. Where determined necessary by the city building official, measures such as impervious foundation membranes, perforated pipe collection systems, gas detection systems, or periodic testing of such devices shall be constructed at the expense of the developer or property owner and, if applicable, shown on the approved grading or building plans.

(Ord. 2013-07-1459 § 7; Ord. 2013-07-1460 § 7)

16.24.050 Idle well--Determination.

A well shall be deemed to be an idle well if the well does not produce an average of two barrels of oil per day or one hundred cubic feet of gas per day for a continuous six months period during any consecutive five-year period prior to or after January 1, 1991, except that an active water injection well shall not be classified as an idle well.

(Ord. 90-08-1074 § 4 (part))

16.24.060 Idle well--Notice.

A. Whenever a well is an idle well, as defined in Section 16.24.050, the inspector shall send notice thereof by registered mail to:

1. The surface owner, mineral owner, and lessee of land on which the well is located as shown on the last equalized assessment of the city;

2. The permittee or operator of the well as indicted on either the records of D.O.G. or the records of the city.

B. The notice shall include the name and location of the well in question.

C. The inspector shall maintain a list of idle wells located within the city.

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(Ord. 90-08-1074 § 4 (part))

16.24.070 Idle well--Abandonment.

A. 1. Whenever a well is an idle well and the notice has been given, as described in Section 16.24.060, the permittee, operator, or other responsible party shall cause the well to be abandoned or reabandoned pursuant to Section 16.24.030 within three months; or

2. Repair and reactivate the well as a pumping well or injector well; or

3. Obtain an annual idle well permit.

B. Failure to obtain an annual idle well permit, abandon or repair and reactivate an idle well shall be conclusive evidence of desertion of the well permitting the inspector or the D.O.G. to cause the well to be abandoned. Said wells shall also be deemed a public nuisance.

(Ord. 90-08-1074 § 4 (part))