

AMENDED IN SENATE MARCH 15, 2011

**SENATE BILL**

**No. 250**

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**Introduced by Senator Rubio**

February 10, 2011

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An act to ~~amend Section 3203 of~~ *add Section 21167.11 to the Public Resources Code, relating to oil and gas environmental quality.*

LEGISLATIVE COUNSEL'S DIGEST

SB 250, as amended, Rubio. ~~Oil and gas: operations: notice of intention to commence drilling.~~ *Environment quality: CEQA: renewable energy project: exemption.*

*(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.*

*CEQA authorizes an action or proceeding to attack, review, set aside, void, or annul acts or decisions taken by a public agency on the grounds of noncompliance with CEQA.*

*This bill would provide that a program EIR or a master EIR prepared for the siting or permitting of a renewable energy project that qualifies as an eligible renewable energy resource under the California*

*Renewables Portfolio Standard Program or related transmission projects are not subject to judicial review.*

~~Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the operation of oil, gas, and geothermal wells in specified districts of the state. Existing law requires the operator of a well, before commencing the work of drilling the well, to file with the State Oil and Gas Supervisor or the district deputy a written notice of intention to commence drilling, and prohibits the commencement of drilling until approval is given by the supervisor or the district deputy.~~

~~Existing law provides that the failure of the supervisor or the district deputy to respond to the notice within 10 working days shall be considered approval of the notice and the notice shall be deemed a written report of the supervisor.~~

~~This bill would, instead, provide that the failure of the supervisor or the district deputy to respond to the notice within 9 working days shall be considered approval of the notice.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21167.11 is added to the Public Resources  
2     Code, to read:

3     21167.11. Notwithstanding other provisions of law, a master  
4     environmental impact report prepared pursuant to Article 2  
5     (commencing with Section 21157) or a program environmental  
6     impact report, as defined in Section 15168 of Title 14 of the  
7     California Code of Regulations, prepared for the siting and  
8     permitting of a renewable energy generation facility that qualifies  
9     as an eligible renewable energy resource pursuant to the California  
10    Renewables Portfolio Standard Program (Article 16 (commencing  
11    with Section 399.11) of Chapter 2.5 of Part 1 of Division 1 of the  
12    Public Utilities Code) or a transmission project related to an  
13    eligible renewable energy generation facility is not subject to  
14    judicial review pursuant to this division.

15    SECTION 1. ~~Section 3203 of the Public Resources Code is~~  
16    ~~amended to read:~~

17    3203. (a) (1) ~~The operator of a well, before commencing the~~  
18    ~~work of drilling the well, shall file with the supervisor or the district~~

1 ~~deputy a written notice of intention to commence drilling. Drilling~~  
2 ~~shall not commence until approval is given by the supervisor or~~  
3 ~~the district deputy. If the supervisor or the district deputy fails to~~  
4 ~~give the operator written response to the notice within nine working~~  
5 ~~days from the date of receipt, that failure shall be considered as~~  
6 ~~an approval of the notice and the notice, for the purposes and~~  
7 ~~intents of this chapter, shall be deemed a written report of the~~  
8 ~~supervisor. If operations have not commenced within one year of~~  
9 ~~receipt of the notice, the notice shall be deemed canceled.~~

10 ~~(2) The notice shall contain the pertinent data the supervisor~~  
11 ~~requires on printed forms supplied by the division or on other~~  
12 ~~forms acceptable to the supervisor. The supervisor may require~~  
13 ~~other pertinent information to supplement the notice.~~

14 ~~(b) After the completion of a well, this section also applies as~~  
15 ~~far as may be, to the deepening or re-drilling of the well, any~~  
16 ~~operation involving the plugging of the well, or any operation~~  
17 ~~permanently altering in any manner the casing of the well. The~~  
18 ~~number or designation of a well, and the number or designation~~  
19 ~~specified for a well in a notice filed as required by this section,~~  
20 ~~shall not be changed without first obtaining a written consent of~~  
21 ~~the supervisor.~~

22 ~~(e) If an operator has failed to comply with an order of the~~  
23 ~~supervisor, the supervisor may deny approval of proposed well~~  
24 ~~operations until the operator brings its existing well operations~~  
25 ~~into compliance with the order. If an operator has failed to pay a~~  
26 ~~civil penalty, remedy a violation that it is required to remedy to~~  
27 ~~the satisfaction of the supervisor pursuant to an order issued under~~  
28 ~~Section 3236.5, or pay any charges assessed under Article 7~~  
29 ~~(commencing with Section 3400), the supervisor may deny~~  
30 ~~approval to the operator's proposed well operations until the~~  
31 ~~operator pays the civil penalty, remedies the violation to the~~  
32 ~~satisfaction of the supervisor, or pays the charges assessed under~~  
33 ~~Article 7 (commencing with Section 3400).~~

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