

AMENDED IN SENATE MAY 31, 2016
AMENDED IN SENATE APRIL 26, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 887

Introduced by Senator Pavley
(Coauthors: Senators Allen and De León)
(Coauthor: Assembly Member Wilk)

January 20, 2016

An act to add Chapter 6 (commencing with Section 42710) to Part 4 of Division 26 of the Health and Safety Code, and to amend Section 3236.5 of, and to add Sections 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, ~~and 3144~~ *3144, 3145, and 3146* to, the Public Resources Code, relating to natural gas.

LEGISLATIVE COUNSEL'S DIGEST

SB 887, as amended, Pavley. Natural gas storage wells.

Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. Existing law provides that a person who fails to comply with specific laws relating to the regulation of oil or gas operations is guilty of a misdemeanor.

This bill would ~~require the division, require a natural gas storage well, before January 1, 2018, and annually thereafter, to inspect all natural gas storage wells serving or located in a natural gas storage facility~~ *be tested across its entire length for a loss of integrity resulting in a leak and to have those results reported to the division, and would prescribe standards for a natural gas storage well. This bill would require*

~~a natural gas storage well in existence on December 31, 2016, to be brought into compliance with the provisions of this bill by an unspecified date and the use of wells older than an unspecified age to be phased out by an unspecified date. This bill would prohibit the division from issuing a permit for a new natural gas storage well located within an unspecified distance of a sensitive receptor, as defined, and would require the division to order operators to cease the use of, and plug and abandon, an existing natural gas storage well that is within an unspecified distance of a sensitive receptor by an unspecified date.~~ *well, including among other things, a requirement that the well be equipped with an automatic downhole shutoff system and required baseline and follow-on proactive evaluations.* This bill would require, in the event of a loss of the integrity of a natural gas storage well, well casing, or cementing resulting in a ~~significant, uncontrolled large ongoing leak of natural gas, gas and associated gases and materials that pose a significant present or potential hazard to public health and safety, property, or to the environment,~~ that preparations for the drilling of a relief well begin within 24 hours of the discovery of the leak. This bill would require the operator, in the event of a leak of any size from a natural gas storage well, to notify the division immediately and would require the division to post information about the leak on its Internet Web site, as prescribed. *This bill would require an operator of a natural gas storage well to develop and maintain a comprehensive gas storage well training and mentoring program for those employees whose job duties involve the safety of operations and maintenance of natural gas storage wells and associated equipment, as specified.* This bill would require the division to convene an independent panel of recognized experts to develop best practices for natural gas storage facilities and to review and incorporate the best practices developed by the panel into its regulations for natural gas storage wells, if appropriate, and to the extent those practices are applicable, for other wells under the division's jurisdiction. The bill would require the division to periodically, and whenever necessary, review advances in relevant technologies and best practices for natural gas storage facilities and, if appropriate, to incorporate changes in best practices into its regulations for natural gas storage wells and, to the extent those practices are applicable, for other wells under the division's jurisdiction. *This bill would require the division to, as feasible, incorporate federal regulations applicable to natural gas storage facilities, including, into the division's gas storage well regulations, and to perform unannounced random on-site inspections of some natural*

gas storage wells annually. This bill would require ~~the division, in consultation with the Office of Environmental Health Hazard Assessment, Assessment and the State Department of Public Health, and the Department of Industrial Relations,~~ *in consultation with the division,* to perform a risk assessment of natural gas storage wells to determine appropriate setback distances for natural gas storage wells and to report the findings of the risk assessment to the Legislature. This bill would require the State Air Resources Board, in consultation with any local air district and the division, to develop guidelines for a monitoring program that includes continuous monitoring of the ambient concentration of natural gas at sufficient locations throughout a natural gas storage facility or planned natural gas storage facility to identify natural gas leaks and the presence of natural gas emissions in the atmosphere. The bill would require an operator of a natural gas storage facility to develop and submit to the board a facility monitoring plan that satisfies the program requirements, and would require the board to review the plan and to either approve or disapprove the plan. This bill would require monitoring data to be provided to the board. This bill would require the division to post and make available on its Internet Web site all materials that are provided to the board or division in order to comply with the provisions added by this act. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

Existing law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Under existing law, the notice is deemed approved if the supervisor or district deputy fails to respond to the notice in writing within 10 working days from receipt and is deemed canceled if operations have not commenced within one year of receipt. Existing law provides that these provisions also apply to the deepening or redrilling of the well, any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well.

This bill would require certain materials, relating to wells serving or located in a natural gas storage facility, to be submitted by the operator and approved at the supervisor's discretion before approval of the notice. This bill would provide that the public has a right to review the locations of all new natural gas storage wells or existing wells converting to natural gas storage wells before the approval of the notice.

Existing law requires the owner or operator of any well to keep, or cause to be kept, a careful and accurate log, core record, and history of the drilling of the well.

This bill would require the well history to include all operations, injection, production, and emplacement of any materials into a natural gas storage well, and to be disclosed to the division by the operator, as specified.

Under existing law, a person who violates certain statutes or regulations relating to oil and gas well operations is subject to a civil penalty not to exceed \$25,000 for each violation. Existing law provides that the unreasonable waste of natural gas by act, omission, sufferance, or insistence is opposed to the public interest and is unlawful.

This bill would provide that a violation of the prohibition against the unreasonable waste of natural gas is subject to the civil penalty not to exceed \$25,000 for each violation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares as follows:
- 2 (a) Public transparency regarding *risks, the regulations designed*
- 3 *to mitigate those risks, and regulatory activity are essential to*
- 4 *protect public health and welfare and natural resources is essential.*
- 5 *resources.*
- 6 (b) ~~Safe~~ *Public disclosure and safe* operation of gas storage
- 7 wells and associated piping and equipment ~~is~~ *are* essential in order
- 8 to provide for public, environmental, and occupational health and
- 9 welfare, ~~and includes~~ *including* a proactive approach to potential
- 10 problems.
- 11 (c) On October 23, 2015, a significant, uncontrolled leak from
- 12 a natural gas storage well that was originally drilled over 60 years
- 13 ago was discovered in the Aliso Canyon natural gas storage facility
- 14 located in the County of Los Angeles. Initial efforts to stop the
- 15 leak failed.

1 (d) The Division of Oil, Gas, and Geothermal Resources in the
2 Department of Conservation responded swiftly to the leak,
3 including by issuing two orders that, among other things, require
4 the use of relief wells. The division worked around the clock
5 overseeing efforts to stop the leak.

6 (e) It was several days before the community was notified of
7 the leak, although numerous residents started reporting odor
8 concerns almost immediately. The leaking well is up the hill and
9 approximately one and one-quarter miles away from the nearest
10 home. Other natural gas storage wells serving this facility are
11 located closer to ~~homes~~: *homes and businesses*.

12 (f) *The operator of the leaking well had removed a subsurface*
13 *safety valve decades earlier and had not replaced it. Regulations*
14 *in effect at that time did not require approval or replacement of*
15 *the valve. There was no automatic downhole shutoff system*
16 *installed in the event of a leak. In 2014, the operator acknowledged*
17 *publicly in a filing to the Public Utilities Commission that many*
18 *of its wells needed additional assessment and repair. There was*
19 *no requirement to disclose to potential homebuyers and business*
20 *owners the existence of the Aliso Canyon natural gas storage*
21 *facility and its attendant risks.*

22 ~~(f)~~

23 (g) The Governor declared a state of emergency on January 6,
24 2016, in order to facilitate the ongoing state response and efforts
25 to stop the leak.

26 ~~(g)~~

27 (h) On February 18, 2016, the Division of Oil, Gas, and
28 Geothermal Resources in the Department of Conservation certified
29 that the Aliso Canyon leak had been stopped. Reports estimate
30 almost 100,000 metric tons of the potent greenhouse gas methane
31 ~~was~~ *were* emitted to the atmosphere. Community health concerns
32 continue postleak with ~~over 150~~ *hundreds of* complaints reported
33 to the County of Los ~~Angeles~~: *Angeles along with widespread*
34 *concern about the short- and long-term impacts of the leak on*
35 *public health and economic welfare in the area.*

36 ~~(h)~~

37 (i) The standards for natural gas storage wells need to be
38 improved in order to reflect 21st century technology, *disclose and*
39 *mitigate any risks associated with those wells*, recognize that these

1 facilities may be in locations near population centers, and ensure
 2 a disaster like the Aliso Canyon leak does not happen again.
 3 SEC. 2. Chapter 6 (commencing with Section 42710) is added
 4 to Part 4 of Division 26 of the Health and Safety Code, to read:

5
 6 CHAPTER 6. NATURAL GAS STORAGE FACILITY MONITORING
 7

8 42710. (a) The state board, in consultation with any local air
 9 district and the Division of Oil, Gas, and Geothermal Resources
 10 in the Department of Conservation, shall develop a natural gas
 11 storage facility monitoring program that includes continuous
 12 monitoring of the ambient concentration of natural gas at sufficient
 13 locations throughout a natural gas storage facility or planned
 14 natural gas storage facility to identify natural gas leaks and the
 15 presence of natural gas emissions in the atmosphere. The
 16 continuous monitoring program may be supplemented by daily
 17 leak detection measurements.

18 (b) The program shall include guidelines for the continuous
 19 monitoring which shall include, at minimum, optical gas imaging
 20 and accurate quantitative monitoring of natural gas concentrations.
 21 The program shall include protocols for both stationary and mobile
 22 monitoring, as well as fixed and temporary monitoring locations.

23 (c) An operator of a natural gas storage facility shall develop
 24 and submit to the state board a facility monitoring plan that satisfies
 25 program requirements pursuant to subdivision (a). The state board
 26 shall review the plan and may approve or disapprove the plan.

27 (d) Monitoring data shall be provided to the state board. All
 28 materials provided to comply with this section shall be posted and
 29 available to the public on the Internet Web site of the Division of
 30 Oil, Gas, and Geothermal Resources.

31 SEC. 3. Section 3133 is added to the Public Resources Code,
 32 to read:

33 3133. (a) As used in this article, “natural gas storage well”
 34 means an active or idle natural gas storage well serving or located
 35 in a natural gas storage facility.

36 (b) Before January 1, 2018, and annually thereafter, ~~the division~~
 37 ~~shall inspect all natural gas storage wells.~~ *wells shall be tested*
 38 *across their entire length for a loss of integrity resulting in a leak*
 39 *and the results of the testing shall be reported to the division.*

1 ~~(e) A natural gas storage well in existence on December 31,~~
 2 ~~2016, shall be brought into compliance with this article by ____.~~
 3 ~~The use of a natural gas storage well older than ____ shall be~~
 4 ~~phased out by ____.~~

5 *(c) A natural gas storage well shall have an automatic downhole*
 6 *shutoff system, including, but not limited to, surface-controlled*
 7 *subsurface safety valves, deployed in order to limit leaks associated*
 8 *with a loss of the integrity of a well, well casing, or cementing.*
 9 *The shutoff system shall be tested and the results of the test shall*
 10 *be reported to the division no less than semiannually.*

11 *(d) The division shall review and update practices for the use*
 12 *of subsurface safety valves in natural gas storage wells to reflect*
 13 *the best practices established by independent experts pursuant to*
 14 *Section 3140.*

15 SEC. 4. Section 3134 is added to the Public Resources Code,
 16 to read:

17 3134. A natural gas storage well shall meet all of the following
 18 ~~standards:~~ *requirements:*

19 ~~(a) The well shall have an automatic downhole shutoff system,~~
 20 ~~including, but not limited to, surface-controlled subsurface safety~~
 21 ~~valves, deployed in order to limit leaks associated with a loss of~~
 22 ~~the integrity of a well, well casing, or cementing. The shutoff~~
 23 ~~system shall be tested and the results of the test shall be reported~~
 24 ~~to the division no less than annually.~~

25 ~~(b) Proactive evaluation~~

26 *(a) (1) Baseline and follow-on proactive evaluations of the*
 27 *integrity of the well, well casing, and cementing across the entire*
 28 *length of the well shall be conducted to thoroughly, quantitatively,*
 29 *and accurately assess their condition. These assessments shall be*
 30 *performed using the best available technology. Based upon these*
 31 *assessments, the risks posed by erosion, corrosion, aging, material*
 32 *deterioration, scaling, cracking, and any other process that may*
 33 *produce natural gas leaks shall be determined.*~~A~~

34 *(2) By January 1, 2018, the division shall develop a schedule*
 35 *for the completion of baseline-proactive evaluations for all natural*
 36 *gas storage wells.*

37 *(3) The division shall also develop a schedule for performing*
 38 *follow-on proactive evaluations for all natural gas storage wells*
 39 *in order to measure any changes in well condition after the*
 40 *baseline-proactive evaluations are completed. The schedule shall*

1 *be determined based upon an assessment of risk. The natural gas*
 2 *storage wells at lowest risk of a loss of integrity shall be*
 3 *reevaluated pursuant to this paragraph at least once every four*
 4 *years and natural gas storage wells at high risk of a loss of*
 5 *integrity shall be reevaluated pursuant to this paragraph at least*
 6 *annually.*

7 (4) A natural gas storage well that has lost integrity or that is
 8 at risk of an imminent loss of integrity shall be immediately
 9 repaired before returning to service. ~~A natural gas storage well at~~
 10 ~~high risk of a loss of integrity shall be evaluated pursuant to the~~
 11 ~~measures in this subdivision at least annually.~~

12 (e)

13 (b) Natural gas injection and production shall be through tubing
 14 only and isolated from contact with the well casing.

15 (d)

16 (c) Annular pressure and production or injection flow rate shall
 17 be continuously monitored.

18 SEC. 5. Section 3135 is added to the Public Resources Code,
 19 to read:

20 3135. (a) For the purposes of this section, “sensitive receptor”
 21 includes, but is not limited to, a school, hospital, and residential
 22 housing.

23 ~~(b) In addition to the requirements of Section 3134, a natural~~
 24 ~~gas storage well that is within 10,000 feet of a sensitive receptor~~
 25 ~~shall meet both of the following requirements:~~

26 ~~(1) Have continuous monitoring of natural gas concentrations~~
 27 ~~to identify natural gas leaks at the wellhead.~~

28 ~~(2) Be evaluated pursuant to the measures in subdivision (b) of~~
 29 ~~Section 3134 at least annually.~~

30 ~~(c) The division shall not issue a permit for a new natural gas~~
 31 ~~storage well located within _____ feet of a sensitive receptor, and~~
 32 ~~the division shall order operators to cease the use of, and plug and~~
 33 ~~abandon, an existing natural gas storage well within _____ feet of~~
 34 ~~a sensitive receptor by _____.~~

35 (b) *The Office of Environmental Health Hazard Assessment and*
 36 *the State Department of Public Health, in consultation with the*
 37 *division, shall perform a science-based risk assessment of natural*
 38 *gas storage wells. The goal of the risk assessment shall be to*
 39 *determine appropriate setback distances for natural gas storage*
 40 *wells from different locations, activities, and receptors. The risk*

1 *assessment shall include, but is not limited to, all of the following*
2 *information:*

3 *(1) The construction, service history, and operating conditions*
4 *of a well.*

5 *(2) The potential impact of a leak on public and environmental*
6 *health, safety, and welfare. Both acute and chronic exposures for*
7 *a range of expected emissions and emissions rates shall be*
8 *considered.*

9 *(3) The factors relevant to determining setback distances*
10 *including, but not limited to, population density, sensitive receptors,*
11 *environmentally sensitive areas, emergency response times,*
12 *evacuation times, leak duration, chemical species emitted, and*
13 *local meteorology.*

14 *(4) The data necessary to determine appropriate setback*
15 *distances.*

16 *(c) The risk assessment conducted pursuant to subdivision (b)*
17 *shall be subjected to peer review by independent experts.*

18 *(d) The findings of the risk assessment required by subdivision*
19 *(b) shall be reported to the Legislature in accordance with Section*
20 *9795 of the Government Code.*

21 *(e) Upon completion of the risk assessment required by*
22 *subdivision (b), the division shall review and, as appropriate,*
23 *revise its regulations.*

24 **SEC. 6.** Section 3136 is added to the Public Resources Code,
25 to read:

26 3136. (a) The operator of a natural gas storage well shall
27 submit for the supervisor's approval the following materials:

28 (1) A regular maintenance program for the well and the portion
29 of the facility within the division's jurisdiction. The maintenance
30 program shall include training for site personnel and proactive
31 replacement of equipment at risk of failure to ensure safe operation.

32 (2) Design and operating conditions and parameters for the well
33 and the portion of the facility within the division's jurisdiction.

34 (3) An inspection, leak detection, and monitoring program for
35 the well and the portion of the facility within the division's
36 jurisdiction that includes monitoring of natural gas concentrations
37 pursuant to Chapter 6 (commencing with Section 42710) of Part
38 4 of Division 26 of the Health and Safety Code. Ambient natural
39 gas monitoring sufficient to include monitoring of a new or

1 reworked well shall be in operation before a new well is drilled or
2 a well is reworked.

3 (4) A site-specific risk management plan to identify and plan
4 for mitigation of all *threats and hazards* and potential *threats and*
5 *hazards* associated with natural gas storage well ~~operation.~~
6 *operation in order to ensure internal and external mechanical*
7 *integrity of a well.* The risk management plan shall provide for
8 regular review and revision, as needed, to ensure the plan
9 appropriately reflects current conditions. The risk management
10 plan shall include, but is not limited to, all of the following:

11 (A) A natural gas leak prevention and response program that
12 addresses the full range of natural gas leaks possible at the facility
13 with specific response plans that provide for immediate control of
14 the leak. The prevention and response program shall include, but
15 is not limited to, all of the following:

16 (i) A protocol for public notice of the leak to the community by
17 the operator.

18 (ii) ~~Prepositioning~~ *Prepositioning, as feasible,* and identification
19 of materials and personnel necessary to respond to leaks. This shall
20 include ~~materials, including equipment to capture leaked gas,~~
21 *materials and equipment to respond to and stop* the leak itself as
22 well as to protect public health.

23 (iii) A training program to ensure site personnel are prepared
24 to respond to a ~~leak.~~ *leak, consistent with the requirements of*
25 *Section 3144.*

26 (B) A plan for corrosion monitoring and evaluation.

27 (C) A schedule for regular well and reservoir integrity
28 assessments.

29 (D) An assessment of the risks associated with the natural gas
30 storage well and its operation.

31 (E) Planned risk mitigation efforts.

32 (b) All of the materials described in subdivision (a) shall be
33 approved by the supervisor, at his or her discretion, and in the
34 possession of the division before the supervisor or district deputy
35 approves a notice required pursuant to Section 3203.

36 (c) All of the materials described in subdivision (a) shall be
37 reported to the division annually. The operator shall not deviate
38 from the programs, plans, and other conditions and protocols
39 contained in the materials without prior written approval by the
40 supervisor.

1 SEC. 7. Section 3137 is added to the Public Resources Code,
2 to read:

3 3137. The public has a right to review the location of a natural
4 gas storage well or conversion of an existing well to a natural gas
5 storage well before the approval of any notice required pursuant
6 to Section 3203.

7 SEC. 8. Section 3138 is added to the Public Resources Code,
8 to read:

9 3138. In the event of a loss of the integrity of a natural gas
10 storage well, well casing, or cementing resulting in a ~~significant,~~
11 ~~uncontrolled~~ *large ongoing* leak of natural gas, ~~gas and associated~~
12 ~~gases and materials that pose a significant present or potential~~
13 ~~hazard to public health and safety, property, or to the environment,~~
14 preparations for the drilling of a relief well shall begin within 24
15 hours of the discovery of the leak regardless of any other activities
16 undertaken to stop the leak.

17 SEC. 9. Section 3139 is added to the Public Resources Code,
18 to read:

19 3139. In the event of a leak of any size from a natural gas
20 storage well, the operator shall notify the division immediately.
21 Within 24 hours of notification, the division shall post information
22 about the leak on its Internet Web site and provide regular updates
23 to the public until the leak is stopped.

24 SEC. 10. Section 3140 is added to the Public Resources Code,
25 to read:

26 3140. (a) The division shall convene an independent panel of
27 recognized experts to develop best practices for natural gas storage
28 facilities. The panel shall consider at least all of the following:

29 (1) The proximity of a natural gas storage facility and wells to
30 populations of people.

31 (2) ~~The age or condition~~ *conditions* at which a well should be
32 plugged and abandoned, and what standards the plugging and
33 abandonment should meet.

34 (3) The range of proactive methods to assess the integrity of a
35 well, well casing, and cementing, and identifying the best available
36 technology for these assessments.

37 (4) A thorough analysis of the risks associated with the
38 conversion of a well for use as a natural gas storage well.

39 (5) Natural gas storage well *design, operating, maintenance,*
40 ~~and monitoring standards.~~ *standards, including, but not limited to,*

1 *placement of observation wells, soil monitoring, training, and well*
2 *monitoring after plugging and abandonment.*

3 (6) *Risk assessment and management tools for all threats and*
4 *hazards and potential threats and hazards associated with natural*
5 *gas storage wells, including identifying data requirements for*
6 *those tools, with the goal of providing for a standardized and*
7 *comparable approach to evaluate natural gas storage wells*
8 *statewide.*

9 (7) *Automatic shutoff systems including the location and*
10 *placement of subsurface and surface safety valves, shutoff control*
11 *systems, reliability, and appropriate use.*

12 (b) Upon completion of the panel's work pursuant to subdivision
13 (a), the division shall review and incorporate best practices
14 developed by the panel into its regulations for natural gas storage
15 wells, if appropriate, and, to the extent those practices are
16 applicable, for other wells under the division's jurisdiction.

17 (c) The division shall periodically, and whenever necessary,
18 review advances in relevant technologies and best practices for
19 natural gas storage facilities and, if appropriate, shall incorporate
20 changes in best practices into its regulations for natural gas storage
21 wells and, to the extent those practices are applicable, for other
22 wells under the division's jurisdiction.

23 SEC. 11. Section 3141 is added to the Public Resources Code,
24 to read:

25 ~~3141. (a) The division, in consultation with the Office of~~
26 ~~Environmental Health Hazard Assessment, the State Department~~
27 ~~of Public Health, and the Department of Industrial Relations, shall~~
28 ~~perform a risk assessment of natural gas storage wells. The risk~~
29 ~~assessment shall include, but is not limited to, all of the following~~
30 ~~information:~~

31 ~~(1) The age and construction of a well.~~

32 ~~(2) The service history and operating conditions of the well.~~

33 ~~(3) The potential impact of a leak on public, occupational, and~~
34 ~~environmental health, safety, and welfare.~~

35 ~~(b) The risk assessment shall be subjected to peer review by~~
36 ~~independent experts.~~

37 ~~(c) The findings of the risk assessment shall be reported to the~~
38 ~~Legislature in accordance with Section 9795 of the Government~~
39 ~~Code.~~

1 3141. *In order to facilitate consistency, standardization, and*
2 *training, the division shall, as feasible, incorporate federal*
3 *regulations applicable to natural gas storage facilities, including,*
4 *but not limited to, Parts 190 to 199, inclusive, of Title 49 of the*
5 *Code of Federal Regulations into the division’s natural gas storage*
6 *well regulations.*

7 SEC. 12. Section 3142 is added to the Public Resources Code,
8 to read:

9 3142. To ensure that the division has all the records it needs
10 to evaluate natural gas storage wells, the well history maintained
11 pursuant to Section 3213 shall include all operations, injection,
12 production, and emplacement of any materials into the well. The
13 operator shall disclose the well history to the division for each
14 operation, injection, production, and emplacement of any material
15 into the well.

16 SEC. 13. Section 3143 is added to the Public Resources Code,
17 to read:

18 3143. *The division shall perform unannounced random on-site*
19 *inspections of some natural gas storage wells annually. The results*
20 *shall be posted and available to the public on the division’s Internet*
21 *Web site.*

22 SEC. 14. Section 3144 is added to the Public Resources Code,
23 to read:

24 3144. *An operator of a natural gas storage well shall develop*
25 *and maintain a comprehensive gas storage well training and*
26 *mentoring program for those employees whose job duties involve*
27 *the safety of operations and maintenance of natural gas storage*
28 *wells and associated equipment. The training program shall*
29 *include, but is not limited to, gas storage well operations, including*
30 *best practices to prevent leaks, maintenance and testing, gas*
31 *storage well safety regulations, emergency response, and incident*
32 *reporting. If employees are represented by a labor union, the*
33 *operator shall consult with the union on safety issues and, when*
34 *requested, establish a framework to provide training through a*
35 *joint labor-management training program.*

36 ~~SEC. 13.~~

37 SEC. 15. Section ~~3143~~ 3145 is added to the Public Resources
38 Code, to read:

1 ~~3143.~~

2 3145. All materials provided to the division to comply with
3 Section 3133 to ~~3142~~, 3143, inclusive, shall be posted and available
4 to the public on the Internet Web site of the division.

5 ~~SEC. 14.~~

6 SEC. 16. Section ~~3144~~ 3146 is added to the Public Resources
7 Code, to read:

8 ~~3144.~~

9 3146. A member of the public may bring suit for writ of
10 mandate against the division for failure to enforce Sections 3133
11 to ~~3143~~, 3145, inclusive.

12 ~~SEC. 15.~~

13 SEC. 17. Section 3236.5 of the Public Resources Code is
14 amended to read:

15 3236.5. (a) A person who violates this chapter or a regulation
16 implementing this chapter is subject to a civil penalty not to exceed
17 twenty-five thousand dollars (\$25,000) for each violation. A person
18 who commits a violation of Article 3 (commencing with Section
19 3150) or Section 3300 is subject to a civil penalty of not less than
20 ten thousand dollars (\$10,000) and not to exceed twenty-five
21 thousand dollars (\$25,000) per day per violation. An act of God
22 and an act of vandalism beyond the reasonable control of the
23 operator shall not be considered a violation. The civil penalty shall
24 be imposed by an order of the supervisor pursuant to Section 3225
25 upon a determination that a violation has been committed by the
26 person charged. The imposition of a civil penalty under this section
27 shall be in addition to any other penalty provided by law for the
28 violation. When establishing the amount of the civil penalty
29 pursuant to this section, the supervisor shall consider, in addition
30 to other relevant circumstances, all of the following:

31 (1) The extent of harm caused by the violation.

32 (2) The persistence of the violation.

33 (3) The pervasiveness of the violation.

34 (4) The number of prior violations by the same violator.

35 (b) An order of the supervisor imposing a civil penalty shall be
36 reviewable pursuant to Article 6 (commencing with Section 3350).
37 When the order of the supervisor has become final and the penalty
38 has not been paid, the supervisor may apply to the appropriate
39 superior court for an order directing payment of the civil penalty.
40 The supervisor may also seek from the court an order directing

1 that production from the well or use of the production facility that
2 is the subject of the civil penalty order be discontinued until the
3 violation has been remedied to the satisfaction of the supervisor
4 and the civil penalty has been paid.

5 (c) Any amount collected under this section shall be deposited
6 in the Oil, Gas, and Geothermal Administrative Fund.

7 ~~SEC. 16.~~

8 *SEC. 18.* No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

O