



**CITY OF ARVIN**  
**Community Development Department – Planning Division**  
**141 Plumtree Drive, P.O. Box 548, Arvin, CA 93203**  
**Phone (661)854-6183 Fax (661)854-2969**  
**Oil and Gas Well Abandonment/Site Closure**  
**(Conditional Use Permit)**  
**Development – Site Abandonment and Redevelopment (Demolition and**  
**Restoration Permit)**  
**SECTION 17.46 Oil and Gas Production**

APPLICATION NO:

NAME:

**Authority**

Chapter 17.46 Oil and Gas, Production, Section 17.46.011 Facility Closure, Site Abandonment, and Site Restoration Procedures— Part 3 -Section 17.46.038 Abandonment  
**Chapter 17.46 Oil and Gas Production on file at the City Clerk’s Office**

17.46 Oil and Gas Production was adopted by Ordinance 451 dated July 17, 2018 which established standards and criteria regulating oil and gas production within the City of Arvin. Section 17.46.011 Facility Closure, Site Abandonment, and Site Restoration Procedures requires a Conditional Use Permit approval by the City of Arvin Planning Commission, and Part 3 – Development Standards for Site Abandonment and Redevelopment, Section 17.46.038 Development Standards (Attachment A) establishes development standards for all development or redevelopment projections within the footprint of an oil or gas site.  
**Note: No building permit shall be issued until a Conditional Use Permit is approved.**

**Purpose:** Arvin Municipal Code Sections 17.46.011 (Facility Closure, Site Abandonment, and Site Restoration Procedures) and 17.46.038 (Development Standards for Site Abandonment and Redevelopment) establish the application process, notification, and standards for the abandonment of oil wells or closure of facilities, and separate standards for development of a current or former oil and gas facility. The following sections provide required information and reports to be submitted for the abandonment of facilities. Part 1 – General information Forms are to be completed and submitted with the supplemental information. Please refer to Chapter 17.46 Oil and Gas Production for specific requirements.

**SECTION 1: Fees**

Deposit – Cost Recovery Review and Processing	<input type="checkbox"/> \$ 10,000.00 Deposit
<b>Maintenance Fee</b> (development/redevelopment) MF-GP-2: \$0.022 per square foot of lot area CMF-AP-2 - \$25.00 FM-CD-1 - \$20.00	SUB-Total: Calculate Fee: _____ + : \$25.00; + : \$20.00;

**ACKNOWLEDGEMENT BY APPLICANT:** I acknowledge that the deposit filing fee for this application may exceed the initial deposit and the City may require additional deposit of monies prior to action being taken by the City on this application. I also acknowledge and agree with, that the City will stop all efforts and processing of this application until such funds are deposited as determined by the City. Should additional funds not be deposited within 10 days upon notification, the application shall become null and void. A new application and filing fees shall be required should the application become void due to lack of funds being deposited.

Applicant Print: \_\_\_\_\_ Applicant Sign: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Section 1 continued: Receipt and Application Date</b>		
Payment of application fees in the amount of:	Deposit: \$	Flat Fee: \$
Date Received:		
Staff:		
Receipt No.		

<b>Section 3: Property Owner Information</b>	
1.	Name:
2.	Address:
3.	Contact Information: _____ Email: _____

<b>Section 4: Name and Address of Permittee</b>	
1.	Name:
2.	Address:
3.	Contact Information: _____ Email: _____

<b>Section 5: Name, Address, and general description of the permitted land use – Oil Production and Support Uses</b>	
2.	Name:
2.	Address:
3.	Contact Information: _____ Email: _____
4.	Description of the oil production facilities and support equipment and uses: (Attach Support Documentation)

## Section 6: Content Application - Arvin's Municipal Code Section 17.46.011.3.2

The applicant shall submit three (3) prints and a digital copy of the site plan (11" X 17"). The support documentation shall contain plot plans drawn to scale, and shall indicate clearly and with full dimensions the following information, where applicable:

- Gross and net acreage and boundaries of the subject property (Provide scaled map).
- Location of all structures, above and underground, proposed to be removed. (Provide scaled map and photographs)
- Location of all wells, including active, idled, abandoned or re-abandoned wells, including distances from site boundaries, and existing structures. Each well shall include the DOGGR well name and number, as well as the American Petroleum Institute (API) well number. If available, the location of the wells shall be identified with the name of the operator and well designation. (Provide scaled map and photographs)
- Location of all City or public utility easements on or adjacent to the subject property that may be affected by demolition or reclamation. (Provide scaled map and photographs)
- To the extent known, the type and extent of any contamination and proposed remedial actions to the level of detail that can be assessed through environmental review. This information does not require a new or modified Phase 2 site assessment in advance of any requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
- A proposed abandonment and restoration plan that details the activities for the proposed action, including the following details: hours of operation, disposition of equipment and structures proposed for decommissioning, and an estimated schedule for decommissioning the facilities or completion of the work. (Attach)
- A proposed grading and drainage plan if drainage from the site will be altered. (Attach Plans)
- A proposed plan to convert the site to natural condition or convert to other proposed land use. In the latter case, include other applicable permit applications required, if any, for the proposed land use.
- A statement of intent regarding the disposition of utilities that served the oil and gas operations, including fire protection, power, sewage disposal, transportation, and water.
- Measures proposed to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, traffic congestion, vibration) and to prevent danger to life and property. (Attach Description and Plans)
- A copy of DOGGR approval to abandon, re-abandon or remediate well(s), such as an approval of a notice of intent of request to abandon. (Attach clearances and information)

If there are existing abandoned wells on the site, a leak test report for each abandoned well on the site that meets the requirements of Section 17.46.38(F) (Note: if evidence is provided that the likelihood of methane release is low given local field conditions, etc., the City may waive a methane assessment report.)

For abandonment or restoration in any circumstances where the permit is approved by the City Manager without Planning Commission action, proof of mailed notice of intent to seek a permit to abandon or restore to the owner of record on the latest assessment roll for neighboring parcels within 300 feet of the oil and gas site property boundaries. The notice shall generally describe the scope of the activity being proposed. **(City will prepare noticing to newspaper and surrounding property owners)**

Any other information deemed reasonably necessary by the City Manager to address site-specific factors. **(May be requested after application submitted)**

**Section 7: Conditions of Permit – Abandonment without proposed surface development or redevelopment (May also be combined with surface development or redevelopment Section**

**Arvin’s Municipal Code Section 17.46.011.3.3 (D)** – In addition to any other requirements of this Code, any permit for abandonment, re-abandonment or restoration shall be subjected to the following requirements regardless whether initially approve by the City Manager or the Planning Commission:

1. Oil well abandonment shall be performed by oil service company contractors with a business license issued by the city.

Name of proposed oil service company:

2. All equipment and surface installations used in connection with the well that are not necessary, as determined by the City Manager or Planning Commission, for the operation or maintenance of other wells on the drill or operation site shall be removed from the site.

Are any equipment or surface installations proposed to remain on site? \_\_\_\_ If so, identify why it is necessary for them to remain on site:

3. The abandoned site or portions of the oil and gas site shall be restored to its original condition or as nearly as is practical given the nature of the location and continuing uses for an oil and gas site, so long as the restoration will not adversely impact ongoing oil and gas production operations.

Pre-project condition of the site (open field, agricultural use, etc.)

Proposed restoration for site (open field, agricultural use, landscaping, etc.)

Is applicant seeking to defer restoration of affected areas to natural conditions due to pending development (may require a bond)?

4. All sumps, cellars, and ditches which are not necessary for the operation or maintenance of other wells on the oil or gas site shall be cleaned out and all oil, oil residue, drilling fluid, and rubbish shall be removed 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, the operator shall cause the walls and bottoms to be broken up and all concrete shall be removed.

Number of sumps, cellars and ditches:

5. The portions of the site not necessary for continuing oil or gas site operations 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.

Person/entity proposed for site cleanup:

6. 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 or re-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.

Identify any know damage caused by operations to public streets, alleys, sidewalks or other infrastructure:

7. A copy of written approval of DOGGR confirming compliance with all state abandonment proceedings for all abandoned facilities must be furnished to the City Manager.

Has applicant sought abandonment approval from DOGGR? \_\_\_\_\_  
If not, when is this proposed?: \_\_\_\_\_

8. Proposed restoration will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.

Is restoration of the site anticipated to interfere with current or future easements or dedications for public access through the site? \_\_\_\_\_ If so, please attach description.

### Section 8: Part 3- Development Standards for Site Abandonment and Redevelopment

**Arvin's Municipal Code Section 17.46.038** – The following development standards shall be applied to all redevelopment projects within the footprint of an oil or gas site, including any building permit involving a current or former oil or gas site:

- A. Any demolition, abandonment, re-abandonment, or restoration shall be adequately monitored by a qualified individual, funded by the permittee or operator and retained by the City, to ensure compliance with those conditions designed to mitigate anticipated significant adverse effects on the environment and to provide recommendations in instances where effects were not anticipated or mitigated by the conditions imposed on the permit or entitlement. Pre-restoration and post-restoration surveys of sensitive biological resources shall be employed as appropriate to measure compliance.

Proposed person or consultant (include general qualifications):

- B. The site shall be assessed for previously unidentified contamination.
1. The permittee shall ensure that any discovery of contamination shall be reported to the City Manager and the Kern County Fire Department.

Proposed person or consultant assessing site:

- C. The permittee shall diligently seek all necessary permit approvals, including revisions to an entitlement or the demolition. Abandonment, re-abandonment and restoration permit, if any are required, in order to remediate the contamination.

Abandonment, re-abandonment or restoration permit being sought or anticipated (Y/N)?

- D. The permittee shall be responsible for any cost to remediate the contamination on the site. Note: The City's oil and gas ordinance is not intended to limit the permittee or operator's rights under the law to seek compensation from parties who have contributed to contamination of the site.

Deposit made (Y/N): \_\_\_\_

- E. The permittee shall ensure that appropriate notification has been recorded with the County Recorder to describe the presence and location of any contamination left in place under the authority of the Kern County Fire Department.

Any known contamination of the site (Y/N)? \_\_\_\_ . If so, generally describe:

The City must approve any recorded notification as to form.

- F. All abandoned or re-abandoned wells shall be leak tested subject to the following requirements:
1. All abandoned wells located within on the oil and gas site must be tested for gas leakage and visually inspected for oil leakage. The operator shall apply to the City Manager for an inspection permit to witness the well testing. The leak test shall be completed utilizing a gas detection meter approved in advance by the City Manager, and shall be conducted by a state licensed geotechnical or civil engineer or a state registered environmental assessor, Class II, or the City Manager, or a designee, as determined necessary by the City Manager.

Proposed gas detection meter:

Proposed person or consultant conducting test (include qualifications) if different than item A, above:

2. The permittee shall prepare and submit a methane assessment report for each tested well prepared per the City of LA Department of Building and Safety "Site Testing Standards for Methane" (P/BC 2014-101), as may be amended, or equivalent standards as may be approved by the City Manager. The operator may use the City's consultant to observe the leak test or be responsible for City consultant test fees.

3. The submitted methane assessment report shall be prepared by a state licensed geotechnical or civil engineer. A well shall be considered leaking if the leak test report indicates the meter read is greater than Level II as defined by the City of LA Department of Building and Safety "Site Testing Standards for Methane", which is set at 1,000 parts per million.

Any known or suspected methane leaks at site (Y/N)? \_\_\_\_

4. An approved methane assessment report is valid for 24 months from approval by the City Manager. If an abandonment permit has not been issued by this time, retesting shall be required. Following all testing and inspection, the test area shall be returned to its previous state to the satisfaction of the City building official.

Prior methane assessment report submitted (Y/N)? \_\_\_\_

5. If there has not been a change to the well and no indicia of a leak, no leak test is required if a valid methane assessment report, accepted by the City Manager and showing no leaks in excess of the leak limit, has been completed for an abandoned or re-abandoned well.

Does this potentially apply to your project (Y/N)? \_\_\_\_ If so, do you currently have a valid methane assessment report (Y/N)? \_\_\_\_

6. If evidence is provided that a well has been abandoned or re-abandoned per DOGGR standards, and if evidence is provided to the City Manager that the likelihood of methane release is low given local field conditions, etc., the City Manager may waive a methane assessment report if detection at the site is less than 1,000 parts per million.

Are you seeking a waiver of the methane assessment report (Y/N)? \_\_\_\_ If so, attach evidence demonstrating the likelihood of methane release is low given local field conditions, etc.

G. Prior to any development or redevelopment of a current or former oil or gas site, or prior to abandoning or re-abandoning any well, the operator shall:

1. Obtain permit(s) and abandon all idled wells consistent with Section 17.46.011.3 and provide a certificate of compliance to show that the wells and/or sites are abandoned consistent with standards recommended or required by DOGGR to the satisfaction of the City Manager. Permits shall not be required if the idled well is scheduled to produce oil or natural gas, or to be used for injection, as part of the development or redevelopment of a former oil or gas site and if said production or injection occurs within 5 years of issuance of a CUP or DA under this ordinance.

Number of wells proposed to be abandoned: \_\_\_\_

(If well(s) are proposed to be abandoned, applicant must complete and comply with Section 6-8, above).

2. Obtain permit(s) consistent with Section 17.46.011.3 to re-abandon all previously abandoned wells that do not meet standards recommended or required by DOGGR for abandonment in effect at the time of re-abandonment, and provide a certificate of compliance that the wells and/or sites are re-abandoned consistent with current conditions and standards recommended or



required by DOGGR to the satisfaction of the City Manager. Permits shall not be required if re-entry of an abandoned well is scheduled to occur within 5 years of issuance of a CUP or DA under this ordinance, and if re-entry actually occurs within that period of time.

Number of wells proposed to be re-abandoned: \_\_\_\_

(If well(s) are proposed to be abandoned, applicant must complete and comply with Sections 6-8, above.)

3. In lieu of Subsections (1) and (2), above, obtain a deferral covenant from the City requiring abandonment or re-abandonment to standards recommended or required by DOGGR, or equivalent standards as determined by the City Manager, at a specific time or upon the occurrence of a future event. The deferral covenant shall be approved as to form by the City Attorney, contain a provision to indemnify and hold harmless the City for damages related to wells not abandoned or re-abandoned consistent with standards recommended or required by DOGGR, and shall be recorded by the operator with the County Clerk prior to approval. In addition to a deferral covenant, the City Manager may require a bond or deposit to cover the estimated cost of future abandonment.

Deferral covenant requested (Y/N)? \_\_\_\_

H. Other Development Standards:

1. Permanent structures, or other construction that would be difficult or expensive to demolish, shall not be located on top of any abandoned oil or gas well such that access for a well abandonment rig or other well maintenance equipment is constrained or inhibited from access to the well in the event of a future oil or gas leak, unless it can be demonstrated to the satisfaction of the City Manager that it is not feasible or, within an industrial zone, the developer proposing such construction provides written assurances to the satisfaction of the City Manager, to be included in the recorded declaration of covenant prescribed in Subsection 3, below, that they are aware of and accept the risks associated with such construction. Pervious improvements, such as landscaping and porous parking areas with adequate landscape buffers, may be located on top of an abandoned or re-abandoned well which has passed the leak test consistent with this Section.

Are permanent structures proposed on top of any abandoned oil or gas well?

Is the site configured such that it would inhibit access for a well abandonment rig or other equipment?

Are you claiming it be infeasible to use the site as otherwise required? \_\_\_\_ If so, generally describe why it would be infeasible. (Attach to application).

Is the site within an industrial zone, and are you proposing to provide assurances?

Are you proposing pervious improvements on top of abandoned or re-abandoned well(s)?

2. Redevelopment of a Former Oil and Gas Site: If redevelopment of an oil and gas site for use other than an oil and gas operation is proposed at a completely or partially abandoned oil or gas site, the applicant shall submit an application to be processed as a Conditional Use Permit consistent for that use under this Code. Said application shall include the content required by Section

17.46.11.3.2, and the Conditional Use Permit shall comply with the development standards of Section 17.46.038.

Is this site proposed for development other than for oil and gas operations? \_\_\_\_\_. If so, is Section 6, above, completed? \_\_\_\_

3. Prior to issuance of a permit or entitlement for redevelopment of a former oil and gas site, the owner shall record a declaration of a covenant, 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 site have been leak tested and found not to leak; description of any methane mitigation measures employed; a statement as to whether or not 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 any project permit or entitlement for the project, along with notice of the assurances, if any, required by Subsection 1, above. The covenant shall run with the land, apply to future owners, and may only be released by the City.

Title report with legal description of property for recording of a declaration of covenant attached? \_\_\_\_

## Section 9: Findings Required for Approval

**Arvin's Municipal Code Section 17.46.011.3.4** – In addition to the findings specified in the Code for a use permit, for permits the City Manger or Planning Commission shall also make affirmative findings base on the following criteria:

- A. The subject site will be restored and remediated to its pre-project conditions unless areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived by the Planning Commission; provided, the development is permitted within five years and the permittee has posted financial assurances acceptable to the City Manager to ensure restoration to natural conditions if the proposed development is not permitted.
- B. The proposed restoration will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.
- C. The permit conditions comply with Section 17.46.011.3.3 and contain specific enforceable requirements to ensure the timely completion of any abandonment or re-abandonment of wells, restoration activities or cessation of other oil and gas site operations subject to the permit.