

REVISED MOTION BY SUPERVISORS HOLLY J. MITCHELL AND LINDSEY P. HORVATH

May 7, 2024

Support for Assembly Bill 3233: Local Environmental Choice and Safety Act

The County of Los Angeles (County) has taken important steps to better regulate oil drilling operations and prioritize the public health and safety of residents living near oil wells. Following a series of gas release and odor events in the area, the Baldwin Hills Community Standards District (BHCS D)¹ was created in 2008 to establish stricter regulations, safeguards, and controls for oil and gas production activities at the Inglewood Oil Field. Additionally, in 2019, the Board of Supervisors (Board) adopted the OurCounty Sustainability Plan² (OurCounty Plan), which included the following actions: 1) addressing the proximity between oil and gas operations and sensitive land uses; and 2) developing a sunset strategy for oil and gas operations.

Empowered by the OurCounty Plan, the Board unanimously adopted a motion³ in September 2021 that instructed the Department of Regional Planning (DRP) to prepare an Oil Well Ordinance (Ordinance). This Ordinance prohibits new oil wells and production facilities in 33 zones in Title 22 Zoning Code by adding "oil wells and production facilities"

¹ <https://planning.lacounty.gov/long-range-planning/baldwin-hills-csd/>

² <https://assets-us-01.kc-usercontent.com/0234f496-d2b7-00b6-17a4-b43e949b70a2/101ade2e-303e-451f-89e3-35c6468e6bf6/OurCounty-Final-Plan.pdf>

³ <https://file.lacounty.gov/SDSInter/bos/supdocs/161767.pdf>

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as a use "not permitted." It also designates existing oil wells and production facilities as nonconforming uses in all zones and establishes regulations for existing oil wells and production facilities. Numerous cities and counties in California have used this longstanding authority to pass local ordinances banning, phasing out, or restricting oil and gas activities.

In 2016, Monterey County voters approved Measure Z, a ballot initiative that would block oil and gas development. Unfortunately, last year, the California Supreme Court invalidated portions of Monterey County's zoning ordinance that would have implemented the voter initiative. The zoning ordinance would have prohibited certain well stimulation techniques, such as hydraulic fracturing, new drilling and phased out wastewater disposal over time. Though the California Supreme Court's decision was narrowly focused on Measure Z, the oil and gas industry are now exploiting this decision to challenge ordinances in other jurisdictions and there is a concerted effort to broaden the scope of the ruling in litigation against cities and counties. In response to these threats of potential litigation, California State Assemblymember Dawn Addis introduced Assembly Bill 3233: Local Environmental Choice and Safety Act⁴ (AB 3233) to uphold the authority of local governments in passing ordinances that protect residents from the detrimental effects of oil and gas pollution. AB 3233 also establishes that, if a local entity limits or prohibits oil and gas operations, owners or operators shall plug, abandon, and decommission wells and attendant production facilities in accordance with State law.

In fact, DRP reports that AB 3233 may resolve the preemption question with the County exercising its local land use authority on oil and gas production to protect public health and improve the environment within the County. DRP also reports that AB 3233 could be further strengthened by applying its provisions retroactively. Supporting AB 3233 and working collaboratively with Assemblymember Addis' office to explore whether the bill could be applied retroactively is vital for preserving the autonomy of local governments to enact measures that prioritize public health, safety and welfare of residents living near oil wells. It also ensures that the needs and priorities of residents are not overshadowed

⁴https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB3233

by the oil and gas industry's attempt to undermine local regulations and affirms the County's commitment to safeguarding our communities.

↓ WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Chief Executive Officer, through the Legislative Affairs and Intergovernmental Relations Branch, in consultation with County Counsel and relevant County Departments, to send a 5-signature letter to Assemblymember Dawn Addis, with a copy to the County's State Legislative Delegation, in support of Assembly Bill 3233: Local Environmental Choice and Safety Act; and
2. Direct County's Sacramento advocates to take the appropriate legislative advocacy actions to support Assembly Bill 3233.

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(FL/MSW/CT)