

**State of California
Office of Administrative Law**

In re:
Department of Conservation

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 1765.11

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

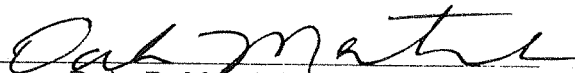
OAL Matter Number: 2023-0206-01

OAL Matter Type: Nonsubstantive (N)

This action without regulatory effect adopts a new regulation which reflects the staying of the effectiveness of the regulations in Article 2.5 of Subchapter 2 of Chapter 4 of Division 2 of Title 14 of the California Code of Regulation following the qualification of a referendum against Senate Bill 1137 (Gonzalez, Chapter 365, Statutes of 2022) on February 3, 2023.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: February 23, 2023



Dale P. Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: David Shabazian, Director

Copy: Christine Hansen

NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0206-01N	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
NOTICE AGENCY WITH RULEMAKING AUTHORITY Department of Conservation Geologic Energy Management Division	REGULATIONS OFFICE OF ADMIN. LAW 2023 FEB 6 AM 10:58

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 23 2023

1:45 PM

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Referendum challenging SB 1137 (2022)		TITLE(S) 14	FIRST SECTION AFFECTED 1765.11	2. REQUESTED PUBLICATION DATE February 3, 2023	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input checked="" type="checkbox"/> Other		4. AGENCY CONTACT PERSON Chris Hansen		TELEPHONE NUMBER 916-694-7577	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Setback of Oil and Gas Wells from Sensitive Receptors	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-1228-01E
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1765.11
	AMEND
	REPEAL
TITLE(S) 14	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 2-3-2023

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Chris Hansen	TELEPHONE NUMBER 916-694-7577	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) christine.hansen@DOC
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE David Shabazian	DATE 2/3/23
TYPED NAME AND TITLE OF SIGNATORY David Shabazian, Director	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
FEB 23 2023
Office of Administrative Law

DEPARTMENT OF CONSERVATION
GEOLOGIC ENERGY MANAGEMENT DIVISION

"SECTION 100" CHANGE WITHOUT REGULATORY EFFECT
TO
SB 1137 FIRST EMERGENCY IMPLEMENTATION REGULATIONS
TEXT OF PROPOSED REGULATIONS

New regulations and new text added to existing regulations is shown in underline.

Text deleted from existing regulations is shown in ~~strikethrough~~.

CALIFORNIA CODE OF REGULATIONS, TITLE 14
DIVISION 2. DEPARTMENT OF CONSERVATION
CHAPTER 4. DEVELOPMENT, REGULATION, AND CONSERVATION OF OIL AND
GAS RESOURCES

Subchapter 2. Environmental Protection

Article 2.5. Health Protection Zones

§ 1765.11. Regulations Suspended Pending Referendum Vote.

Because the Secretary of State has certified that a referendum against Senate Bill 1137 (Gonzalez, Chapter 365, Statutes of 2022) has qualified for the ballot, and because the effectiveness of Senate Bill 1137 (enacting Public Resources Code, Division 3, Chapter 1, Article 4.6 (commencing with section 3280) is stayed accordingly, Sections 1765 through 1765.10 are suspended effective February 3, 2023, unless and until a majority of voters approve Senate Bill 1137 at the required election.

Authority: Sections 3013 and 3106, Public Resources Code. Reference: Sections 3011, and 3106, Public Resources Code; Sections 9 and 10, Article II, California Constitution; *Assembly of State of Cal. v. Deukmejian* (1982) 30 Cal.3d 638, 655-657.