ORDINANCE NO. ORD-21-0019

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 18.79
RELATING TO METHANE GAS MITIGATION

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding
Chapter 18.79 to read as follows:

Chapter 18.79
Methane Gas Mitigation

18.79.010 Applicability.

Methane gas mitigation, as described herein, shall be required for all newly constructed buildings (structures), additions to existing buildings (structures), or changes of use that are located in the following areas:

A. All areas overlying petroleum-bearing formations and within the limits of a petroleum reservoir’s boundary, as mapped by the State Geological Energy Management Division (CalGEM, or any successor agency). Properties or parcels which partially fall into the areas described herein are fully subject to the methane mitigation measures required by this Chapter, for the entire property.

B. Proposed development of structures, and/or impermeable surfaces adjacent to a structure, within less than or equal to three hundred (300) feet from any active, or one hundred (100) feet of an idle and/or abandoned oil/gas well.
C. Proposed development of structures within one thousand (1,000) feet from the refuse footprint of any existing or new landfill or disposal site.

D. Upon a determination by the Development Coordinator that a hazard may exist from methane intrusion at any geographical location, or in an area outside the boundaries identified in Section 18.79.010, A through C, the Development Coordinator may enforce any and all of the requirements of Chapter 18.79 as required to prevent a potential fire or explosion due to methane gas concentrations.

E. Methane Soil Gas Investigations within the Coastal Zone are subject to the Local Coastal Development Permit (LCDP) requirements and procedures of Division IX, Chapter 21.25 of Title 21 – “Zoning”, of this Code.

18.79.020 Definitions.

The following terms shall have the following meanings, unless otherwise clearly apparent from the context:

A. “Combustible soil gas” means flammable gas within soil pores.

B. “Development Coordinator” means the City Building Official or designee.

C. “Flammable Gas” means a gaseous substance capable of sustaining combustion or explosion, as defined in the California Fire Code.

D. “Gas Membrane Barrier” means a manufactured membrane barrier designed to prevent the transmission of methane with a minimum dry thickness of fifteen (15) mils and a gas transmission rate (GTR) of less than forty (40) milliliters per square meter day (ml/m2-D), when tested in accordance with the American Society for Testing and Materials (ASTM) D1434 standards.
E. "Gas Collection Aggregate" means an aggregate used in the venting layer and gas collection trenches not containing more than five percent (5%) fines passing the No. 200 sieve.

F. "Methane Gas" means the hydrocarbon substance commonly known as "natural gas," chemical formula CH4. For the purposes of definition, natural gas from the distribution system of a utility company is exempt and excluded from the scope of this Chapter.

G. "Methane Gas Detection and Alarm System" means one or more electrical devices capable of continuous monitoring for the presence of methane gas in accordance with Section 18.79.060. Alarm systems shall consist of audible and visual alarms capable of alerting occupants that a hazardous atmosphere exists.

H. "Methane System" means a collection of building systems designed to mitigate the accumulation of methane gas to less than hazardous levels within a structure. This includes a designed collection system of piping components located beneath a structure to vent combustible soil gas to the atmosphere; heating, ventilation, and air conditioning (HVAC) systems to introduce outdoor air into a structure to ventilate accumulated methane; and sensors and alarms to detect concentrations of methane gas, activate HVAC and/or active methane mitigation, and alert occupants to the presence of methane gas.

1. Active Methane System: The complete designed piping system originating below a building or structure and terminating above the building or structure with a motorized evacuation device to exhaust accumulated gases;

I. "Mitigation Plan" means a site-specific plan for the purpose of addressing potential hazards due to the presence of combustible soil gases. The Mitigation Plan shall be approved by City plan check staff or the Development Coordinator prior to construction.

J. "Qualified Professional" means a California Registered Professional Civil Engineer, Petroleum Engineer, or Geologist for general gas mitigation design.

K. "Soil Gas Investigation" means a scientific investigation performed in accordance with Section 18.79.030 reviewed and approved by the Development Coordinator, conducted under the direction of a Qualified Professional, for the purpose of determining the locations and concentrations of combustible soil gas.

L. "Standards" means a set of prescriptive details referenced and included as a part of this Chapter, or in any implementing rules or regulations, including, but not limited to, Building and Safety Bulletins promulgated by the Development Coordinator or designee pursuant to the Chapter.

M. "Subslab Vent Piping" means a minimum of three (3) inch diameter polyvinyl chloride (PVC), high-density polyethylene (HDPE), acrylonitrile butadiene styrene (ABS), or strip composite perforated pipe or equivalent.

N. "Vertical Vent Risers" means a minimum of three (3) inch diameter cast-iron or galvanized steel pipe connecting subslab piping to the atmosphere.

18.79.030 Methane soil gas investigation.

A. Methane soil gas testing shall be required if a property under development meets the criteria set forth in Section 18.79.010. The
requirement for testing may be waived by the Development Coordinator if
the proposed development meets the exemption criteria below:

1. Single- or two (2)-family homes with first floor areas,
   including garage space(s), patios, and other impervious surfaces connected
to the structure, less than five thousand (5,000) square feet shall not require
site testing and can default to the methane gas mitigation system(s) design
Level I in accordance with Building and Safety Bulletin BU-055;

2. Site testing shall not be required if the methane
   mitigation system(s) meets design Level III in accordance with Building and
   Safety Bulletin BU-055.

B. Site soil testing shall be performed after site remediation, in
   accordance with the Long Beach Oil/Gas Well Abandonment provisions of
Chapter 18.78, CalGEM requirements, and/or local site cleanup
requirements. Site soil testing shall be performed prior to site grading, or a
minimum of thirty (30) days after any site grading commences.

C. Soil testing. Soil testing shall be performed in accordance with
the Building and Safety Bulletin BU-055.

18.79.040 Exemptions. Exemptions are as set forth and described in this
Chapter and in Building and Safety Bulletin BU-055.

18.79.050 Methane gas mitigation design requirements.

Methane gas mitigation design requirements shall be performed in
accordance with the Building and Safety Bulletin BU-055.

18.79.060 Methane gas mitigation components.

The methane gas mitigation components shall be designed and
performed in accordance with the Building and Safety Bulletin BU-055.
18.79.070 Operations and maintenance.

Operations and maintenance shall be performed in accordance with the Building and Safety Bulletin BU-055.

18.79.080 Plan review and inspection fees.

A. Methane gas plan check and inspection fees shall be required for any project with methane mitigation in accordance with the Resolution establishing the City's Master Schedule of Fees and Charges;

B. A separate alarm system plan review and inspection fee shall be assessed for the methane gas Levels II and III systems per Long Beach Fire Code requirements.

18.79.090 Inspections.

All methane mitigation components shall be inspected by the City's inspection staff as referenced in accordance with the Building and Safety Bulletin BU-055.

18.79.100 Qualified professional project certification.

The Qualified Professional shall submit a certification to the City inspector prior to final approval of the grading/building Certificate of Occupancy stating the following:

A. "I am a Qualified Engineer/Geologist in the State of California, and I am knowledgeable in the field of methane gas mitigation systems;

B. The methane gas mitigation system has been constructed and installed under my direct supervision and in accordance with the approved plans (a copy of the "as-built" plans must be provided);

C. The structure is free from methane gas and can be safely occupied" (a copy of the test results shall be provided).
18.79.110  Covenant and agreement.

Before the building/structure final inspection, a recorded Covenant and Agreement shall be submitted to the Development Coordinator as set forth below:

A. Methane Mitigation Design Requirement Levels I and II. The Owner of the property shall acknowledge for themselves, their heirs, successors in interest, and assigns the following:

1. The building is constructed within the City of Long Beach Methane Gas Zone and/or within three hundred (300) feet from an active oil well, one hundred (100) feet from an abandoned oil well, or one thousand (1,000) feet from a landfill, and is subject to methane gas intrusion from the underlying soil;

2. That a methane gas mitigation system has been designed and approved and is on file with the Development Coordinator and that said system has been correctly installed on the property;

B. Methane Mitigation Design Requirement Level III.

The Owner of the property shall acknowledge for themselves, their heirs, successors in interest, and assigns the following:

1. "The building is constructed within the City of Long Beach Methane Zone and/or within three-hundred (300) feet from an active oil well, one hundred (100) feet from an abandoned oil well, or one-thousand (1,000) feet from a landfill and is subject to methane gas intrusion from the underlying soil;

2. That a methane mitigation system has been designed and approved and is on file with the Development Coordinator, and has been correctly installed on the property;

3. That the property owner will maintain and operate the methane gas mitigation system in accordance with the requirements
specified in the plans, as approved by the Development Coordinator or Building Official, and Fire Marshal of the City of Long Beach;

4. That an irrevocable consent is granted to the City of Long Beach to permit its authorized employees and representatives to enter onto the premises during regular business hours for the purpose of inspecting and testing for methane intrusion”.

18.79.120 Adoption of administrative rules.

The City Manager, or designee, is authorized and directed to promptly adopt administrative rules, which may be in the form of Informational Bulletins, supplemental to the provisions of this Ordinance as necessary or appropriate to implement the Ordinance. The provisions of this Ordinance and the rules adopted by the City Manager, or designee, shall be provided to property owners, developers, potential developers, and other interested members of the public to the widest extent practical. No person shall fail to comply with any such Informational Bulletin, rule or regulation.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 8, 2021, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Supernaw, Mungo, Saro, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price.

Recusal(s): Councilmembers: None.

Approved: [Date]

Mayor

City Clerk
STATE OF CALIFORNIA    ) ss
COUNTY OF LOS ANGELES  )
CITY OF LONG BEACH      )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 9th day of June, 2021, I posted three true and correct copies of ORD-21-0019 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me
This 9th day of June 2021.