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Enviros Say Calif. County Rule Removes Oil And Gas Scrutiny

Law360 (June 12, 2018, 6:15 PM EDT) -- A coalition of environmental advocates have appealed a California state court's decision to uphold a Kern County ordinance they say fast-tracks oil and gas permitting, arguing the outcome allows wells to be drilled without first going through a proper environmental review.

The [Center for Biological Diversity](#), [Sierra Club](#) and others filed paperwork Monday asking a California appellate court to review the Kern County Superior Court's April judgment upholding the 2015 zoning ordinance. According to the original 2015 complaint, the ordinance authorizes new oil and gas leases without site-specific environmental and health impact assessments for a decadeslong span.

"This ordinance is a dangerous scheme cooked up by the county and the oil industry to dodge our state's bedrock environmental protections," Hollin Kretzmann, a Center for Biological Diversity attorney, said in a statement. "We'll keep fighting for the health and future of Kern County residents and to stop this disastrous polluter giveaway."

If the ordinance approved by the Kern County Board of Supervisors is allowed to stand, the environmental groups said, low-income areas that are home to a high portion of minority residents will be hurt worst, as fossil fuel production is often situated near these communities.

When [Earthjustice](#) filed suit on behalf of the environmental groups, the coalition noted that Kern County is a major oil-producing area. In an area of concentrated activity, the ordinance will make it harder for local residents to have a say in challenging oil and gas developments, according to the groups.

"The final [environmental impact report] for the ordinance fails to inform county decision makers and the public about the extent and severity of the ordinance's impact," the initial complaint said. "The final EIR's analysis is general and cursory and only addresses impacts at a regional or landscape level without ever addressing the tens of thousands of individual wells and associated activities that the county insists are covered by the report."

A large number of individual projects can't be analyzed properly as a single effort, the complaint said. It also questioned some of the report's conclusions on emissions, water quality and mitigation measures. The complaint said the EIR's analysis on air quality, for example, is off base, improperly finding that increases in air pollution from drilling will in part be "offset" by funding pollution-reducing projects. "This doesn't protect immediate health needs, the complaint said, asking the court to set aside the ordinance and withdraw permits issued under it.

While the court found some issues with the EIR, it said much of it complied with the law, rejecting criticism that it didn't properly analyze greenhouse gas emissions.

"County discussed and acknowledged the uncertainty in trying to predict what the oil and gas industry would be required to do in order to achieve statewide 2030 and 2050 targets," a March ruling by the county superior court said. "The EIR also acknowledged the project's long-term increases in GHG emissions, and discussed project GHG emissions in relation to statewide reduction goals."

A representative for the board of supervisors did not immediately return a request for comment Tuesday.

Counsel information for the parties was not immediately available Tuesday.

