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Tells the Facts, Names the Names

Trump Administration Exempts Three CA Oil Fields From Water Protection Rule at Jerry Brown's Request

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As soon as I heard on election night that Donald Trump was going to be the next President, I predicted on Twitter, Facebook and in conversations with friends that Governor Jerry Brown, in spite of his "green" image, would try to make a deal with Trump to build his legacy project, the environmentally destructive Delta Tunnels, and expand fracking and other oil drilling in California.

Sure enough, Jerry Brown has been working hard since the election to pressure Trump to support the Delta Tunnels, going so far as to praise Trump's infrastructure plans in his state of the state. Departing from his prepared remarks, Brown remarked, "I say, 'Amen to that, Brother!'" in reference to Trump's focus on new infrastructure.

Then this week, we discovered that the administration of Brown's so-called "Brother," Donald Trump, has granted requests from Brown's regulators to exempt three aquifers near the Fruitvale, Round Mountain and Tejon oilfields in California's Kern County from the federal Safe Drinking Water Act.

According to Kassie Siegel of the Center for Biological Diversity, approval of these "aquifer exemption" applications by Trump's

Environmental Protection Agency (EPA) "gives oil companies permission to dump contaminated waste fluid into these underground water supplies."

"Gov. Brown's legacy will be deeply tarnished by this deplorable decision to let the most anti-environmental administration in history decide the future of California aquifers," said Siegel. "Trump's EPA is clearly eager to help state oil regulators give California's water away to the petroleum industry. In the dry decades to come, we're going to bitterly regret the governor's willingness to sacrifice this water to oil companies."

The oil companies, led by the most powerful corporate lobbying group in the state, the Western State Petroleum Association (WSPA), drafted the regulations and the California's Division of Oil, Gas and Geothermal Resources submitted them to the EPA.

"California officials plan to submit dozens of additional exemption applications for other aquifers across the state, including underground water sources in Alameda, Monterey, Ventura, Kern and other counties," said Siegel.

"If the EPA approves the state's applications, oil companies would be allowed to operate injection wells and dump waste fluid into these underground sources of drinking water.

Oil waste fluid commonly contains cancer-causing benzene and other pollutants,” she explained.

“The aquifer exemption process also shrugs off the risk that oil industry injections could trigger manmade earthquakes. Scientists recently linked oilfield injections in the Tejon area to an earthquake swarm. Even minor tremors could endanger other nearby water supplies by opening up pathways to contamination,” Siegel said.

Brown administration misses deadline to shut down 1,650 illegal oil injection wells

Then on February 15, the California Division of Oil, Gas and Geothermal Resources (DOGGR), the same agency that submitted the aquifer exemptions to the Trump administration, failed to meet their own deadline for shutting down 1,650 oil industry injection wells that are violating water-protection laws by dumping toxic fluid into protected California aquifers.

“Governor Brown’s administration has decided not to protect our water from illegal contamination by the oil industry,” said Hollin Kretzmann, also from the Center for Biological Diversity. “By failing to meet their own lax deadline for shutting down these polluting wells, state oil regulators have given Californians another reason not to trust a word they say.”

According to a promise that DOGGR made two years ago, all illegal oil-industry injection activities were supposed to be halted by Feb. 15, 2017. Kretzmann said the state could be imposing fines of up to \$25,000 a day for every well that continues to operate in a protected aquifer.

“But as of today, the state has shut just a portion of wells operating in aquifers that should be protected by the federal Safe Drinking Water Act. State officials quietly announced the indefinite delay in enforcing the law in mid-January,” said Kretzmann.

In March of 2015, state officials testifying before the California Senate pledged to adhere to the February deadline and other aspects of a schedule approved by the U.S. Environmental Protection Agency.

John Laird, the California Secretary of Natural Resources and one of the key cheerleaders of the Delta Tunnels and other controversial Brown administration environmental policies, told senators that the Brown administration was “fully committed to meeting these deadlines.”

Kretzmann said the promises came in the wake of admissions by the Brown administration that state regulators had let oil companies operate thousands of injection wells that have been dumping wastewater into “scores of protected underground water supplies in Monterey, Ventura, Kern and other counties.”

“But instead of halting most of the illegal injections, state officials have moved forward with plans to exempt as many as 40 of these aquifers from water-protection laws. If these ‘aquifer exemption’ applications are approved by the U.S. Environmental Protection Agency, the oil industry would be allowed to make permanent use of these water supplies for the disposal of contaminated waste fluid,” he said.

“The Brown administration will go down in history for this failure to enforce the law and safeguard our water from oil industry pollution,” Kretzmann concluded. “It’s a shocking

abdication of the governor's most fundamental duty to the people and environment of this state."

Big Oil has captured the regulatory apparatus

Why is the Brown administration siding with the oil industry and teaming up with President Donald Trump to fail to enforce the law and safeguard our water from oil industry contamination?

Well, in spite of California's reputation as a "green leader," Big Oil is the largest corporate lobby in the state and exerts enormous influence over the Governor's Office, Legislature and regulatory agencies.

The California Oil Lobby was the biggest spender in the 2015-16 legislative session, spending an amazing \$36.1 million as of December 31, 2016, as usual.

The spending amounts to \$1.5 million per month — nearly \$50,000 per day — over the last two years. The \$36.1 million surpassed the \$34 million spent in the prior session, according to a report by the American Lung Association in California.

The Western States Petroleum Association (WSPA) was the top overall oil industry spender during the 2015-16 session, spending \$18.7 million. As is normally the case, WSPA ranked #1 among all lobbying spenders this session.

WSPA's membership includes a who's who oil, energy and pipeline corporations including Aera Energy LLC, Chevron, Californian Resources Corporation (formerly Occidental Petroleum), ConocoPhillips, ExxonMobil, Noble Energy, Inc., Phillips 66, Plains All

American, Inc. Shell Oil Products US, Tesoro Refining and Marketing and Valero.

WSPA and Big Oil use their money and power in 5 ways: through (1) lobbying; (2) campaign spending; (3) getting appointed to positions on and influencing regulatory panels; (4) creating Astroturf groups: and (5) working in collaboration with media.

Big Oil and other corporate advocates have dominated appointments to Commissions and regulatory panels in California under Governors Gray Davis, Arnold Schwarzenegger and Jerry Brown, ranging from the Department of Conservation, to the California Public Utilities Commission, to the California Energy Commission, to the Marine Life Protection Act Initiative Blue Ribbon Task Force.

In a classic case of the "fox guarding the hen house," Catherine Reheis-Boyd, President of the Western States Petroleum Association, chaired the Marine Life Protection Act (MLPA) Initiative Blue Ribbon Task Forces to create faux "marine protected areas" in Southern California from 2009 to 2012 at the same the oil industry was fracking South Coast ocean waters. Reheis-Boyd, appointed by Schwarzenegger, also served on the task forces for the Central Coast, North Central Coast, and North Coast from 2004 to 2012.

The Brown administration, in spite of numerous complaints of conflicts of interest, tainted "science," and violations of tribal gathering rights made by grassroots environmentalists, Tribal leaders, recreational anglers and commercial fishermen, "completed" the network of so-called "marine protected areas" in California in December 2012.

These “marine protected areas,” created under the helm of a Big Oil lobbyist and other corporate operatives, fail to protect the ocean from fracking, offshore oil drilling, pollution, military testing, aquaculture and all human impacts on the ocean other than sustainable fishing and gathering.

It gets worse. Reheis-Boyd’s husband, James D. Boyd, first appointed by Governor Davis, sat on on the California Energy Commission from 2002 to 2012, including serving as Vice-Chair of the Commission from 2/2007 to 1/2012.

The abdication by Jerry Brown of his duty to safeguard California’s water supplies from oil industry pollution occurs in the larger context of his questionable record on many key environmental issues. Brown and administration officials, now under scrutiny by local, state, national and international media for their handling of the Oroville Dam crisis, have continually portrayed their environmental policies as “green.”

However, twelve public interest groups, led by Consumer Watchdog and Food & Water Watch, challenged Governor Brown’s “green” credentials at a press conference in Santa Monica on February 4.

The groups unveiled a comprehensive report card on the Brown Administration’s environmental record showing he falls short in six out of seven key areas, including fossil fuel generated electricity, oil drilling, and coastal protection.

The report calls for a moratorium on the building of natural gas powered electricity plants, given what they described as “the glut of electric capacity” and calls for an outside audit of state’s energy needs.

The groups showed how California can improve its environmental protections to meet standards set in other states.

The report, noting that Brown’s infrastructure projects, led by the California WaterFix, “deplete water resources and threaten wildlife,” also urges the Governor to abandon the Twin Tunnels project.

The public interest groups concurring in the report’s analysis, assessments, and recommendations include: Food & Water Watch, Physicians for Social Responsibility-Los Angeles, Restore The Delta, Rootskeeper, Powers Engineering, Basin and Range Watch, Aguirre & Severson LLP, Public Watchdogs, Southern California Watershed Alliance, The Desal Response Group, Committee to Bridge the Gap, and Consumer Watchdog.

“Far from the environmentalist that Brown claims to be, Brown has expanded the burning of heat-trapping natural gas and nurtured oil drilling and hydraulic fracturing while stifling efforts to protect the public from harm,” the report says. “The Public Utilities Commission has approved a slew of unnecessary new fossil-fuel power plants when the state’s three major investor-owned utilities have overbuilt their generating capacity by nearly triple the minimum extra capacity that the state requires. Under Brown, the number of active onshore oil and gas wells jumped by 23 percent since the year before he was elected Governor in a bid to produce more oil.”