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Court strikes down Kern County's industry-friendly system for approving oil drilling

By ASSOCIATED PRESS
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A California county that pumps most of the state's oil and has issued more than 1,000 drilling permits in five years violated state environmental laws, a state appeals court ruled Tuesday in a victory for environmentalists who argued the permit system threatened the region's air and water.

The 5th District Court of Appeal gave Kern County 30 days to stop issuing permits until the county can correct violations of the California Environmental Quality Act, the court said.

The county declined to comment Tuesday because attorneys were still studying the 150-page decision, Kern County Chief Administrative Officer Ryan Alsop told KGET-TV.

California is the third-largest producer of crude oil in the United States and Kern County accounts for about 70% of the state's oil production and nearly 80% of its gas production as of 2018, according to state statistics. The county has allowed wells to be constructed next to people's homes in towns such as Arvin, a focus of a recent Los Angeles Times special report.

The county, which is in California's agricultural Central Valley, also struggles with bad air quality because of ozone and dust. It also has water demands that require importing water and pumping groundwater.

A 2015 amendment to the county's zoning code allowed the county to grant approval of new oil and gas extraction permits after a review that determined the application would meet requirements of a blanket environmental impact report, or EIR.

Environmentalists argued that the ordinance was designed to bypass a serious review process and instead rubber-stamp tens of thousands of new wells over the next 25 years.

A lower court struck down most arguments against the ordinance, but the appellate court found that the ordinance relied on a flawed EIR that failed to properly address pollution issues involving water, agricultural land and noise.

The ordinance was designed to streamline permitting and avoid costly and time-consuming environmental reviews of individual wells and it was approved "despite its significant, adverse environmental impacts," the appellate court ruling said.

“The ordinance’s basic purpose is the acceleration of oil and gas development and the economic benefits that might be achieved by that development,” the ruling said. “Its basic purpose is not the protection of the environment.”

The court ordered the county to set aside the ordinance and to revise its EIR to fix the violations of state law before the county can reapprove the measure.

“This is a huge victory for our health and climate,” Hollin Kretzmann, an attorney at the Center for Biological Diversity, said in a statement. “The court ruled that Kern County violated the law when it fast-tracked more oil and gas development and hid the immense harm caused by drilling.”

“Oil and gas operations compete with families and farmers for scarce fresh water supplies and they pump deadly air pollutants into the Central Valley. Those impacts can’t be ignored,” said Colin O’Brien, an attorney with the group Earthjustice who argued the case.