

Calif. Accused Of Issuing Oil Permits Without Enviro Review

By [Dorothy Atkins](#)

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Law360 (February 24, 2021, 8:59 PM EST) -- The [Center for Biological Diversity](#) has hit the Golden State's gas regulator with a lawsuit in state court, accusing the agency of approving thousands of oil and gas drilling fracking projects without assessing the environmental and health impacts required under the California Environmental Quality Act.

In Wednesday's 28-page complaint, the environmental nonprofit accuses the California Geologic Energy Management Division, or CalGEM, of repeatedly ignoring its legal obligation to assess the potential negative environmental and health impacts of oil and gas development in a specific region before issuing permits.

The suit claims that CalGEM approved nearly 2,000 permits to drill new oil and gas wells last year alone, along with "scores of well stimulation and oil and gas injection projects," without conducting the necessary environmental and health reviews. It claims that CalGEM either approved the permits without review, used inadequate reviews conducted by local governments or relied on invalid CEQA exemptions.

"By issuing permits in this manner, CalGEM violates and undermines the core purposes of CEQA to fully disclose, analyze and mitigate the significant direct, indirect and cumulative environmental harms from dangerous oil and gas development projects," the complaint says.

The lawsuit notes that California is the seventh-largest oil-producing state by volume, with more than 100,000 active or idle oil and gas wells and more than 130,000 wells that are plugged, spread out across the state's oil fields in Kern, Fresno, Los Angeles, Ventura and Santa Barbara counties.

The suit says that seven of the 15 largest oil fields in the state have more than doubled the

number of active wells since 1974, and that more than 7 million Californians currently live within a mile of at least one oil or gas well. The nonprofit emphasizes that creating a well pad, along with the process of drilling and extracting oil and gas from the earth, releases toxins into the environment and increases air pollution — and creates significant health risks if there are accidental spills.

Despite those risks, the nonprofit claims state regulators have approved thousands of permits every year that haven't been adequately reviewed for health and environmental risks and have skipped the public notice, comment and hearings required under CEQA.

The one-count complaint seeks a declaration that the state regulator's alleged practice of approving projects without necessary review violates state law, and seeks an injunction blocking the state from continuing to issue permits without undergoing necessary environmental reviews. The suit seeks costs and attorney fees, as well.

Hollin Kretzmann, an attorney at the CBD's Climate Law Institute, said in a statement Wednesday that it's unacceptable for California Gov. Gavin Newsom to ignore the state's flagship environmental law by "rubber-stamping new oil permits."

"Newsom can't protect our health and climate while giving thousands of illegal permits each year to this dirty and dangerous industry," Kretzmann said. "We need the courts to step in and stop this."

CalGEM said in a statement Wednesday that it follows all state laws and regulations in approving permits.

"This administration has strengthened oversight, imposed more rigorous standards for permit review and institutionalized independent scientific and technical review of its processes," the statement said. "California standards exceed those of any other state in the country."

The Center for Biological Diversity is headquartered in Arizona, but has California offices in Oakland and Los Angeles. The organization has more than 84,000 members, including 17,679 members who reside in California, according to the complaint.

The nonprofit is represented in-house by Elizabeth A. Jones, Hollin N. Kretzmann and

Kassia R. Siegel, and by Deborah A. Sivas of the Environmental Law Clinic.

Counsel information for the state wasn't immediately available Wednesday.

The case is Center for Biological Diversity v. California Geologic Energy Management Division in the Superior Court of the State of California, County of Alameda. The case number wasn't immediately available Wednesday.

--Editing by Regan Estes.

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