

<https://www.desertsun.com/story/news/environment/2021/03/11/lawsuit-challenges-kern-county-speedy-ok-40-000-new-oil-wells/4652280001/>

# Lawsuit challenges Kern County's fast-track approval of 40,000 new oil wells

**Janet Wilson**

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A coalition of community and environmental groups on Wednesday sued Kern County over its adoption of an ordinance to fast-track permitting for more than 40,000 new oil and gas wells over the next 15 years.

On Monday, the Kern County Board of Supervisors approved a single environmental impact report and other conditions that they say satisfy legally required environmental reviews and public comments. It affords companies a seven-day turnaround time for new permits, rather than a process that can take years.

“This ordinance is a disaster for public health in Kern County, particularly for low-income communities and ... communities of color that live next to oil wells and are already harmed daily by fossil fuel pollution,” said Chelsea Tu, senior attorney at the Center on Race, Poverty and the Environment, which represents three groups from towns in Kern County — the Committee for a Better Arvin, Committee for a Better Shafter, and Comité Progreso de Lamont — in the lawsuit.

Monday's unanimous vote by county supervisors to adopt a revised environmental impact report and ordinance came a year after a California appeals court struck down an earlier version. The court found that Kern County failed to adequately disclose or prevent significant health and environmental harms from anticipated projects.

In an email, county Planning and Natural Resources Director Lorelei Oviatt said, "We do not comment on litigation. Thank you."

At Monday's public hearing, Oviatt said the measures adopted by the county are extremely protective of public health and the environment. She said they were strengthened in the new ordinance with noise limits, bans on new oil wastewater

ponds on farmland, slightly increased mandatory setbacks from homes, schools and major shopping, and reducing the number of new wells allowed per year from about 3,700 new wells to about 2,700 — or 40,500 total.

Oil lobbyists who helped develop the ordinance have said it will cost their member companies money, but provides meaningful public protections while making permitting processes more efficient.

"Kern County's oil and gas ordinance was developed after nearly a decade of extensive environmental and legal reviews, the vast majority of which have already been approved by the courts," said California Independent Petroleum Association CEO Rock Zierman. "The County addressed a handful of concerns raised by the court."

He said the county's updated ordinance "strengthens California's strictest on the planet regulations."

Catherine Reheis-Boyd, president and CEO of the Western States Petroleum Association said of the litigation: "More lawsuits will not change the science, data and facts that show the last thing we can afford to do is shut down oil and gas production. That would be detrimental to the health and well-being of our people."

She added, "The way forward on energy, the environment, the economy and equity comes through working with each other, not against each other."

But foes said the county had made few meaningful changes. Kern County accounts for three-quarters of California's oil and gas production and often tops the charts for most polluted air in the nation. Numerous studies show links between oil and gas pollution and health impacts, including asthma, cancer, high-risk pregnancies and preterm births.

"County leaders have turned their back on Kern, and we're filing this lawsuit to stand up for our communities, particularly for low-income communities and communities of color who've been disproportionately impacted by air pollution for years," said Elly Benson, a senior attorney at the Sierra Club. "It's past time to focus on putting communities and climate first to build a safe, healthy future for Kern residents for generations to come."

The lawsuit was filed in Kern County Superior Court on Wednesday. Earthjustice, the Center on Race, Poverty, and the Environment, the Natural Resources Defense Council and the Center for Biological Diversity are also representing numerous

community groups. A major Bakersfield farmer who won the previous lawsuit has also vowed to challenge the new measures.