

## Calif. County Sued Over Rule Streamlining Oil Well Permitting

By [Morgan Conley](#)

Law360 (March 11, 2021, 8:45 PM EST) -- Environmental groups are accusing Kern County, California, of not correcting flaws in an overturned analysis prior to reissuing an ordinance that paves the way for faster oil and gas development in the area through a simplified environmental review process.

The [Natural Resources Defense Council](#), the [Sierra Club](#) and the Center For Biological Diversity joined three community groups to fight the new ordinance, which allows a single environmental review to authorize tens of thousands of projects in a new suit filed Wednesday. The groups said in a statement announcing the suit that the newly approved measure is "nearly identical" to an ordinance [struck down](#) by California's Fifth District Court of Appeals last February.

Chelsea Tu of the Center on Race, Poverty and the Environment, an attorney for the community groups — Committee for a Better Arvin, Committee for a Better Shafter and Comité Progreso De Lamont — said in a statement Thursday that the groups filed the suit to protect their families "because the county has failed to do so."

"This ordinance is a disaster for public health in Kern County, particularly for low-income communities and Black, Indigenous, Latinx and other communities of color that live next to oil wells and are already harmed daily by fossil fuel pollution," Tu said.

The ordinance was adopted on March 8 following a unanimous vote by the Board of Supervisors of the County of Kern. The five supervisors approved the measure, which allows more than a decade of oil and gas development without additional site-specific assessments by permitting a single environmental impact report to serve as an environmental review for more than 40,000 new oil and gas projects.

The groups challenging the approval say the new environmental impact report did not fix the problems that led the California appeals court to deem its predecessor insufficient.

Among the issues alleged by the groups are that the review fails to require appropriate environmental consideration or mitigation efforts. The challengers are also concerned the ordinance does too little to protect residents from pollution created by oil and gas development.

The groups are asking the state court to vacate the 2021 ordinance and the underlying environmental review or order Kern County to withdraw the ordinance. The groups asked for a temporary order that would bar the approval of permits in the meantime and an order directing the county to publish future environmental notices about the ordinance be summarized in both English and Spanish.

The complaint names two oil and gas trade associations — the California Independent Petroleum Association and [Western States Petroleum Association](#) — as interested parties.

"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," the president and CEO of WSPA said in a statement sent to Law360 Thursday. "That would be detrimental to the health and well-being of our people, and it would prevent an equitable and sustainable energy future that all of us want. The way forward on energy, the environment, the economy and equity comes through working with each other, not against each other."

The CEO of CIPA, Rock Zierman, said in a statement sent to Law360 Thursday that the oil and gas ordinance is the result of "nearly a decade of extensive environmental and legal reviews, the vast majority of which have already been approved by the courts. "

"The County addressed a handful of concerns raised by the court in a supplemental environmental impact report that fills 72 binders of information," Zierman said. "Kern County's updated ordinance strengthens California's strictest-on-the-planet regulations, and this frivolous lawsuit seeks to roll back those environmental safeguards and would instead favor importing crude oil from Saudi Arabia and other places that don't have California's strict rules and oversight."

The environmental and community groups are collectively represented by Colin C. O'Brien, Richard M. Franco and Gregory D. Muren of [Earthjustice](#); Chelsea H. Tu and Caroline Farrell of the Center On Race, Poverty & the Environment; Ann Alexander of the Natural Resources Defense Council; and Hollin N. Kretzmann of the Center For Biological Diversity.

Counsel information for Kern County was not immediately known Thursday.

The suit is Committee For A Better Arvin et al v. County of Kern et al, case number unknown in the Superior Court of the State of California in and for the County of Kern