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Court Ruling Deems Kern County's Oil and Gas Review Violated the Law

For the Second Time, Kern County's Fast-Track Permitting Ordinance Fails Under Scrutiny

Kern County, CA – The Kern County Superior Court issued a [significant ruling](#) that declared Kern County's environmental review of its 2021 oil and gas ordinance violated the state's bedrock environmental protection law by failing to address serious environmental harms.

This marks the second time that Kern County's attempt to fast-track the approval of tens of thousands of new oil and gas wells based on a single environmental review has been deemed unlawful. In 2020, the Fifth District Court of Appeal [invalidated](#) the County's first environmental review, and the County was prohibited from issuing permits until it corrected these violations.

The County [adopted](#) a revised environmental review in March 2021. Local environmental groups and a local farmer subsequently filed [lawsuits](#) alleging that County's second effort neglected to follow the Court of Appeal's directives and other legal requirements.

In its decision, the Superior Court ruled that the County's latest analysis again violated the California Environmental Quality Act (CEQA). The County's evaluation and mitigation of oil and gas' impacts to agricultural land, air quality, and water supply – particularly for disadvantaged communities – failed to meet the minimum requirements CEQA imposes.

For example, the Court ruled that the County was wrong to persist with an "ineffective and arbitrary" approach to addressing harmful air pollution. With respect to water supply, the Court found that the County neglected to "disclose anything about the nature or magnitude" of the impacts upon disadvantaged communities. As for agricultural impacts, the Court found the County's plan to require operators to clean up old legacy oil equipment when drilling on farmland did not go far enough to address the thousands of acres of productive agricultural land that new drilling is expected to destroy. The Court also concluded that the County failed to

adequately justify its approval of the Ordinance with a legally valid statement of overriding considerations.

The Court has asked the parties to meet and confer about the implications of its decision and scheduled a case management conference for mid-July to resolve any disagreements about how the County will be required to address these violations.

Below, Kern community members and the attorneys working on the case offer some statements regarding the court's ruling:

"Recent news of numerous wells leaking harmful methane near homes underscores the need for rigorous environmental review of any new oil and gas development. But for years, frontline communities in Kern have been trying to uplift the burdens we have to live with on a daily basis." said **Estela Escoto, President of Committee for a Better Arvin**. "The Court's decision confirms that, again, the County is doing too little to disclose and alleviate harms to residents' health and welfare."

"The Court's decision is a big win for community members' health, our environment, and our climate," said **Hollin Kretzmann, attorney at the Center for Biological Diversity's Climate Law Institute**. "Kern County's second attempt to rubber stamp tens of thousands of oil and gas wells was just as illegal as the first. Rather than aiding the oil industry's reckless profiteering, the County should get to work on a plan for getting off deadly fossil fuels and creating a future that works for everyone."

"The Court of Appeal told the County in 2020 that the best way to restore damaged farmland is to remove the old and unused equipment oil companies have left behind over the years," said **Keith Gardiner, the manager of V Lions Farming**. "But instead of following the court's direction, the County made excuses. So we ended up back in court. I hope this time around the County gets the message and does right by Kern County farmers."

"The County previously was forbidden from issuing oil and gas permits because it violated the law, and until it lawfully addresses significant air quality, water supply, and agricultural impacts, it has no business approving oil and gas projects," said **Colin O'Brien, the California Deputy Managing Attorney at Earthjustice**.

"Maybe two rounds of having their shoddy environmental review smacked down by courts will be sufficient to persuade the County to start treating CEQA as the essential public protection that it is, rather than an annoying obstacle to unchecked oil drilling," said **Ann Alexander, a senior attorney at NRDC (Natural Resources Defense Council)**. "One can hope anyway."

"The Court found that Kern County once again violated the law when it tried to fast-track oil and gas extraction in communities that are already overburdened by some of the worst air pollution and water resource limitations in the country," said **Jasmine Vazin, Senior Campaign Representative for the Sierra Club**. "This is a huge win for frontline neighborhoods that already suffer from dangerous air pollution from oil and gas operations, as demonstrated by the recent discovery of dozens of idle wells spewing methane in Bakersfield. We hope the judge finds that the serious errors committed by the County warrant prohibiting permitting under the unlawful ordinance."

"The County has been using its power to double down on a dying industry while seeing its own workers continue to be displaced. A [recent report](#) underscores that the oil and gas industry in

Kern has seen tremendous job losses over the last decade. When we should be prioritizing and protecting rank and file, the County wants to side with the bosses and pocket as much money as they can while the same workers that are impacted by the pollution that the industry creates will be left out to dry.” said **Juan Flores, community organizer, with the Center on Race, Poverty & the Environment.**

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