# **Calif. Judge Faults Parts Of Kern County Oil Permitting Rules**

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**Section:** APPELLATE, CALIFORNIA, ENERGY, ENVIRONMENTAL, PROJECT FINANCE

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**Highlight:** A California state judge has ruled that parts of ***Kern*** County's revised ***oil*** and gas permitting regulations violate state environmental law in part by not going far enough to mitigate air pollution, but the court did not spell out what specific fixes were necessary.

**Body**

A California state judge has ruled that parts of ***Kern*** County's revised ***oil*** and gas permitting regulations violate state environmental law in part by not going far enough to mitigate air pollution, but the court did not spell out what specific fixes were necessary.

In a 41-page ruling Tuesday, ***Kern*** County Superior Court Judge Gregory Pulskamp rejected several legal challenges to the county government's latest environmental review of new ***oil*** and gas drilling permits in 2021.

But Judge Pulskamp also highlighted aspects of the environmental review ordinance that violate the California Environmental Quality Act and said the county's approach to mitigating air pollution is "ineffective and arbitrary."

In 2020, a California appeals court invalidated the county's original environmental review and banned new permits. After the county adopted a revised environmental review last year, environmental groups, a local almond grower and a local ***oil*** producer sued, alleging that the updated environmental review violated state law. ***Kern*** County is located in southern California, and Bakersfield is its county seat.

Judge Pulskamp did not lift the 2020 ban on new ***oil*** and gas drilling permits and did not order the county to vacate its environmental review. The judge set a July 14 case management conference to debate remedies and relief.

He ruled that the county's multiwell environmental risk assessment was adequate and that California environmental law did not require the county to analyze worst-case scenarios.

Judge Pulskamp also noted that the appellate court did not prohibit the use of agricultural easements but did find them to be ineffective in mitigating a projected loss of 298 acres a year under the county permitting rules.

He also said the county had not adopted all the measures necessary to mitigate the impact of drilling, including not going far enough to mitigate the impact of old, legacy equipment on efforts to restore lost farmland.

Attorneys for the plaintiffs said they saw Judge Pulskamp's ruling as a victory.

"The court's decision is a big win for community members' health, our environment, and our climate," Hollin Kretzmann, an attorney at the Center for Biological Diversity's Climate Law Institute, said in a statement. "***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."

Attorneys and representatives for ***Kern*** County and the ***oil*** and gas companies did not respond to requests for comment Thursday.

Counsel for the plaintiffs include Kevin P. Bundy of Shute Mihaly & Weinberger LLP, Colin O'Brien of Earthjustice, Hollin Kretzmann of the Center for Biological Diversity's Climate Law Institute and Ann Alexander of the Natural Resources Defense Council.

***Kern*** County is represented by chief deputy county counsel Marshall S. Fontes.

The case is Vaquero Energy et al. v. County of ***Kern*** et al., case number bcv-15-101645, in California Superior Court for ***Kern*** County.

--Editing by Vaqas Asghar.

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