



BOARD OF SUPERVISORS

COUNTY OF VENTURA
800 South Victoria Ave
Ventura, CA 93009

November 9, 2020

RE: Support for AGENDA ITEM 47 to update antiquated Conditional Use Permits to better protect public health and the environment.

Dear Members of the Board of Supervisors,

We the undersigned would like to express our deep appreciation to the Ventura County Board of Supervisors for your careful consideration of **ITEM 47** on today's agenda. Ensuring that oil and gas operations follow modern safety and environmental standards is essential to our region's environment and livability, and a critical imperative for Ventura County's future. In contrast, allowing operators to continue expanding operations indefinitely under antiquated Conditional Use Permits without adequate oversight gravely threatens the county's health, safety, and environment.

Although oil production continues to decline in California¹ for a variety of reasons, Ventura County's residents and decision-makers still deserve to have a clear picture of oil operations in the county, including the extreme extraction practices taking place. A lack of regulatory oversight for permits issued prior to modern environmental regulations not only threatens public health, but also undermines efforts to address the biggest challenge of our time – fighting climate change. We have a moral obligation to future generations to reduce our greenhouse gas emissions and eliminate polluting practices. Addressing old, outdated Conditional Use Permits has to be part of that equation.

Discretionary versus Ministerial Review

Oil operators who hold antiquated Conditional Use Permits claim they have the right to drill new wells or expand production with only ministerial review – a perfunctory permitting process without county judgment or input. But those old Conditional Use Permits did not authorize operators to expand operations indefinitely. Rubber-stamping new and expanded drilling under old Conditional Use Permits does not provide adequate environmental or public safety oversight.

Requiring *discretionary review* of new drilling or expansion on antiquated Conditional Use Permits would give the county the oversight needed to ensure that all new and expanded oil operations are in compliance with the County's current oil and gas regulations as well as other applicable environmental, health and safety standards.

Allowing operators to drill new wells and expand operations without *discretionary review* would leave both public officials and community members in the dark about the health and environmental impacts of oil extraction practices in Ventura County. Proper use of *discretionary review* will allow permitting and oversight that is in line with modern standards and current land use practices.

Oil company claims that discretionary review threatens the industry are completely false. A wide range of land uses in Ventura County are currently permitted through discretionary review. This includes wineries, day care centers, bed and breakfasts, schools, renewable energy production, film production, camps, and campgrounds. The list goes on and on. Conforming to modern permitting and land use standards has not shut these industries down. Discretionary review of these permit applications simply ensures that all current health, safety, and environmental requirements are met.

The oil companies seem to not want to play by the same rules everyone else has to follow. But we should not accept that any person or corporation has an unlimited right to expand fossil fuel extraction activities without considering the impacts on our land, air, or water.

Vested Rights are Not Unlimited Rights

Permits issued in the 1950s and 1960s reflect the technology, values, and knowledge of the time. Rights granted by those permits are limited by each permit's precise terms, and do not include the right expand operations beyond the scope of the permit. For example, expanded oil operations may include extreme extraction techniques not contemplated at the time these permits were issued – activities that are well beyond the terms of these antiquated Conditional Use Permits. The “vested rights” doctrine simply does not allow oil companies to expand operations however they see fit.

Modern land use standards can and should be implemented on all new drilling and expanded oil operations, including those with antiquated Conditional Use Permits, much in the same way that modern seismic standards are implemented on all new construction regardless of when the initial permits for that building were issued. The County should not allow antiquated oilfield standards and practices that endanger public safety or pollute Ventura County's air, land, and water.

All new drilling and expanded extraction should require a new permit and full compliance with current health, safety and environmental standards.

Land Use Planning for a Better Future

Antiquated Conditional Use Permits allow oil operators to effortlessly skirt modern health and safety rules. This is unreasonable in light of current scientific knowledge about the public health, safety, and climate impacts of petroleum production.

As a society, we must continuously hold ourselves to higher standards. The oil industry is resisting being held to a higher standard, but its arguments do not adhere to the ethic of conservation nor the proven best practices needed in today's climate crisis. Expanded oil and gas drilling must be reviewed carefully for consistency with modern health, safety, and environmental standards, not just rubber-stamped under permits issued decades ago.

We count on our local government to act to boldly to protect the health and safety of our communities. Today, you can take an important first step to protect us from new and expanded drilling under antiquated Conditional Use Permits that don't protect our air, land, and water.

We must act with urgency and purpose to make the necessary changes to our regulations. You can help accelerate this process in your roles as community leaders.

We urge the Board of Supervisors to end the practice of allowing operators to expand drilling in reliance on outdated Conditional Use Permits, and to immediately require all new and expanded oil extraction activities in Ventura County to be reviewed carefully for compliance with modern health, safety, and environmental standards.

Respectfully submitted,

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¹ U.S. Energy Information Administration, Accessed October 2020,
<https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MCRFPCA2&f=M>