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Supreme Court of California
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Case No. S271869

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

CHEVRON U.S.A., INC., et al.
Plaintiffs and Respondents,

v.

COUNTY OF MONTEREY, et al.
Defendants;

PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO
Intervenors and Appellants.

After a Decision by the Court of Appeal
Sixth Appellate District, Case No. H045791

Appeal from a Judgment Entered in Favor of Plaintiffs
Monterey County Superior Court
Case No. 16-CV-3978 and consolidated cases
Honorable Thomas W. Wills, Judge

APPLICATION OF COMMUNITIES FOR A BETTER ENVIRONMENT, NATURAL RESOURCES DEFENSE COUNCIL, SAN FRANCISCO BAYKEEPER, AND CENTER ON RACE, POVERTY & THE ENVIRONMENT TO FILE AS *AMICI CURIAE* AND PROPOSED BRIEF OF *AMICI CURIAE* IN SUPPORT OF INTERVENORS AND APPELLANTS

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APPLICATION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

Pursuant to rule 8.520(f) of the California Rules of Court, Communities for a Better Environment, Natural Resources Defense Council, San Francisco Baykeeper, and Center on Race, Poverty & the Environment respectfully request leave to file the attached *amici curiae* brief in support of Intervenors and Appellants Protect Monterey County and Dr. Laura Solorio.

HOW THIS BRIEF WILL ASSIST THE COURT

In this brief, proposed *amici* discuss (1) the public health and environmental impacts of oil production on local communities, and (2) the unique role that local governments play in safeguarding communities from these impacts. This brief highlights the localized concerns posed by oil drilling and addresses the real-world implications of this case. This brief also demonstrates that reaffirming local governments' authority to restrict and prohibit oil and gas activities within their jurisdictions is critical to minimizing the serious health and environmental harms associated with oil production across the state.

STATEMENT OF INTEREST OF *AMICI CURIAE*

Communities for a Better Environment (CBE) is a California non-profit environmental health and justice organization. Since 1978, CBE has been organizing residents in frontline communities around environmental, racial, and social justice and has worked to realize public health improvements, community-centered rulemaking, and public participation.

As a leading California environmental justice organization, CBE participates in a number of strategic alliances working to end neighborhood oil drilling at the local and state level.[1] Through organizing, education, and leadership development, CBE empowers communities to transform environmental conditions and improve health outcomes in low-income communities and communities of color. CBE has adult and youth members in Northern and Southern California who reside in Richmond, East Oakland, Wilmington, Long Beach, and Southeast Los Angeles. These working-class Black and Latino communities are heavily affected by oil drilling and a whole host of other sources of pollution including oil refineries, freeways, ports in Southern California, and rail lines in Northern California that transport crude oil. These communities depend on local government action to defend their health and the environment. The California Supreme Court's decision in this case will directly affect CBE and its members, who have been urging municipalities to exercise their inherent police powers to

[1] Groups with which CBE partners include: (1) Voices In Solidarity Against Oil In Neighborhoods ("VISION"), a bilingual coalition of environmental justice, public health and safety, air quality, frontline, and indigenous organizations that formed to protect residents throughout California from oil and gas extraction in their backyards, (2) California Environmental Justice Alliance ("CEJA"), a coalition of groups throughout California advancing environmental justice by advocating for policy changes at the state level, and (3) Stand Together Against Neighborhood Drilling ("STAND-LA"), an environmental justice coalition of community groups that seeks to end neighborhood oil drilling to protect the health and safety of Los Angeles residents on the front lines of urban oil extraction.

eliminate health hazards and promote healthy land uses that better serve environmental justice communities.

Natural Resources Defense Council (NRDC) is a national nonprofit organization of scientists, lawyers, and environmental specialists dedicated to protecting public health and the environment. NRDC has hundreds of thousands of members and online activists nationwide, tens of thousands of whom live in California. Founded in 1970, NRDC helped write some of America's bedrock environmental laws and is working to solve the most pressing environmental issues we face today, including environmental injustice and climate change.

NRDC has developed scientific, policy, and legal expertise regarding oil and gas production activities and their impacts, particularly for neighboring communities. For instance, NRDC has engaged in administrative and legislative advocacy to protect Californians from the environmental and health impacts of oil production activities. In 2013, NRDC advocated for Senate Bill No. 4 (2013-2014 Reg. Sess.)—legislation that ensures tighter regulation and greater transparency and reporting regarding oil well stimulation activities. And in 2014, NRDC issued a report identifying the communities in California most at risk from continued oil and gas development.[2] Because of the grave environmental injustices and health harms associated with oil operations, NRDC is supporting local phase-outs of oil production activities in southern California.

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[2] NRDC, *Drilling in California: Who's at Risk?* (Oct. 2014) <https://tinyurl.com/ydrenf69> (as of Oct. 17, 2022).

Founded in 1989, **San Francisco Baykeeper (Baykeeper)** represents approximately 5,000 members and supporters who live and recreate in and around the San Francisco Bay Area. Baykeeper's mission is to defend San Francisco Bay from the biggest threats and hold polluters and government agencies accountable to create healthy communities and help wildlife thrive. Baykeeper's team of scientists and lawyers investigates pollution via aerial and water patrols, strengthens regulations through science and policy advocacy, and enforces environmental laws on behalf of the public.

Baykeeper has a longstanding interest in protecting the Bay from pollution. Core to Baykeeper's mission are the organization's longstanding campaigns to challenge activities that harm the Bay, including pollution from oil and gas development and other industrial sites. Oil and gas production, especially near sensitive sites such as the San Francisco Bay and the Sacramento/San Joaquin River Delta ("Bay-Delta"), can have serious environmental and public health consequences. In 2020 and 2021, for instance, Baykeeper submitted comments opposing drilling proposals in Contra Costa and Solano counties and advocated multiple times against such proposals and in favor of common-sense safety measures such as setbacks. For the sake of healthy communities, a healthy Bay-Delta, and a healthy climate, Baykeeper supports keeping oil and gas production at a safe distance from sensitive communities and other important resources.

Center on Race, Poverty & the Environment (CRPE) is an environmental justice organization based in Delano, California. CRPE provides legal, technical, and organizing assistance to grassroots groups in low-income communities and communities of color. CRPE is a statewide organization, though it works primarily on local and statewide environmental justice issues affecting the Southern San Joaquin Valley. CRPE works closely with community groups to advocate for health protective oil and gas policies and regulations at the city, county, and regional level. CRPE has a strong interest in the outcome of this decision because it advises community groups on the legality of restrictions on oil and gas activities and operations.

CERTIFICATE REGARDING AUTHORSHIP AND FUNDING

Pursuant to rule 8.520(f)(4), proposed *amici curiae* hereby certify that no party or counsel in the pending case authored the proposed *amici curiae* brief in whole or in part, or made any monetary contribution intended to fund the preparation or submission of the brief.

Dated: October 17, 2022

Respectfully submitted,

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BRIEF OF *AMICI CURIAE*

INTRODUCTION

The principal question in this case is whether Public Resources Code section 3106 impliedly preempts provisions of the County of Monterey's ordinance ("Measure Z"), which prohibited land uses that support oil and gas wastewater injection and the drilling of new oil and gas wells. The Court of Appeal held that it did. But the Court of Appeal's ruling runs counter to a long line of cases that firmly establish municipalities' police power to regulate oil and gas activities, regardless of section 3106. The decision striking down Measure Z also threatens to interfere with municipalities' efforts to address the localized impacts of oil and gas drilling in ways that are responsive to concerns of their most vulnerable residents.

This brief highlights the public health and environmental impacts of oil production on local communities, and the unique role that local governments play in safeguarding communities from these impacts. Oil drilling throughout California poses a serious threat to the health and safety of local communities, exposing millions of Californians to air pollution, water contamination, noise and light pollution, and seismic risks. In addition, oil production in California is particularly energy-intensive and contributes disproportionately to climate-changing emissions. These emissions undermine local governments' climate mitigation plans and intensify local climate impacts, such as drought and extreme heat.

Exposure to the risks of oil drilling increases with proximity to oil production sites. There are still many drill sites located near residential neighborhoods in California. Because these neighborhood drill sites are found predominantly in communities of color and low-income communities, the harmful effects of oil drilling disproportionately fall on Black and Brown residents already overburdened by pollution and toxic emissions from heavy industrial facilities. These environmental justice communities are also the most affected by climate change.[3]

The invalidation of Measure Z threatens to stall local governments' critical efforts to protect residents from the impacts of oil drilling and to respond to environmental injustices. With extensive knowledge of community conditions, local governments are uniquely positioned to respond to the localized impacts of oil drilling and community-specific concerns. Motivated by environmental justice and public health considerations, cities and counties around California have set increasingly strict limits on

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[3] The Legislature has defined "environmental justice" as "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12, subd. (e)(1).) "Environmental justice communities" commonly refer to communities composed predominantly of people of color or low-income populations that are disproportionately burdened by environmental hazards, often from multiple sources of environmental stressors. (See Liberty Hill Foundation, *Drilling Down: The Community Consequences of Expanded Oil Development in Los Angeles* (2015) at pp. 9-12 <https://tinyurl.com/6cb73bjd> (as of Oct. 17, 2022) (hereafter *Drilling Down*).)

oil production near residential communities. But the oil industry has already seized on the uncertainty created by the Court of Appeal's opinion to put pressure on municipalities that are contemplating stricter regulations. If this Court affirms the Court of Appeal and invalidates Measure Z—an ordinance that falls squarely within Monterey County's police powers—there would be confusion as to what authority is left to local governments to regulate oil production. And local governments would be deterred from placing further limits on oil development to avoid potential legal challenges.

This Court should reverse the Court of Appeal's judgment and reaffirm local governments' authority to restrict and eliminate harmful land uses like those prohibited by Measure Z.

ARGUMENT

I. Oil drilling throughout California has serious health and climate impacts on local communities

Despite California's reputation as a climate leader and its declining oil production levels, the state is the nation's seventh-largest producer of crude oil.[4] Oil companies in California have produced around 340,000 barrels of crude oil per day in recent

[4] U.S. Energy Information Admin., *Oil and Petroleum Products Explained: Where Our Oil Comes From* (Sept. 16, 2022) <https://tinyurl.com/2p9zayd4> (as of Oct. 17, 2022); Center for Biological Diversity, *Killer Crude: How California Produces Some of the Dirtiest, Most Dangerous Oil in the World* (June 2021) at p. 1 <https://tinyurl.com/5n73x9ev> (as of Oct. 17, 2022) (hereafter *Killer Crude*).

months,[5] and state regulators have issued hundreds of permits a year for new oil wells in the past three years.[6] Oil and gas operations throughout the state emit large volumes of greenhouse gases (GHGs) and cause air pollution, water contamination, and a variety of other health hazards.[7] Neighborhoods closest to oil drilling sites, many of which are low-income communities and communities of color, suffer the most from the impacts of oil production in California.[8] These same environmental justice communities are also the ones hit the hardest by climate change.[9]

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[5] U.S. Energy Information Admin., *California Field Production of Crude Oil* (Sept. 30, 2022) <https://tinyurl.com/4pj4d6ee> (as of Oct. 17, 2022); *Killer Crude*, *supra*, at p. 3.

[6] *Killer Crude*, *supra*, at p. 1; Cal. Dept. of Conservation, *California Oil and Gas Permits* <https://tinyurl.com/undwzdjf> (as of Oct. 17, 2022) (showing 325 new oil and gas well permits in 2021, 1,649 in 2020, and 957 in 2019).

[7] *Killer Crude*, *supra*, at pp. 2-3; *Drilling Down*, *supra*, at pp. 9-12.

[8] *Drilling Down*, *supra*, at p. 12.

[9] Cal. Off. of Environmental Health Hazard Assessment, *Indicators of Climate Change in California: Environmental Justice Impacts* (Dec. 2010) at p. 2 <https://tinyurl.com/3tm79bkj> (as of Oct. 17, 2022).

A. Oil and gas operations expose millions of Californians to public health and environmental risks

1. Oil and gas operations release air pollutants throughout the production process

Air pollution is one of the most pervasive and harmful effects of oil and gas production. Activities at the wellsite and throughout production are a source of particulate matter (PM), nitrogen oxides (NO_x), and volatile organic compounds (VOCs) such as acetaldehyde and benzene.[10] Specifically, significant amounts of VOCs can escape from the oil mass during all stages of crude oil production from extraction to transportation.[11] Furthermore, diesel engines used in drilling generators and transportation trucks are constantly discharging NO_x and fine particulate matter (known as "PM2.5" to denote a particle diameter of 2.5 micrometers or less).[12]

These pollutants pose myriad health hazards. Exposure to

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[10] *Drilling Down*, *supra*, at pp. 9-11; Cal. Oil and Gas Public Health Rulemaking Scientific Advisory Panel, *Response to CalGEM Questions* (Oct. 1, 2021) at p. 10 <https://tinyurl.com/59ed5bt8> (as of Oct. 17, 2022) (hereafter *Advisory Panel Response to CalGEM Questions*).

[11] Rajabi et al., *Emissions of Volatile Organic Compounds from Crude Oil Processing – Global Emission Inventory and Environmental Release* (July 20, 2020), 727 Science of The Total Environment 2 <https://tinyurl.com/3s3x4ujd> (as of Oct. 17, 2022) (hereafter *Emissions of VOCs from Crude Oil Processing*).

[12] *Advisory Panel Response to CalGEM Questions*, *supra*, at p. 10.

PM, especially PM2.5 which can penetrate deep into the lungs, has been associated with increased risk of lung cancer, premature mortality, acute and chronic bronchitis, asthma attacks, and other respiratory symptoms.[13] Elevated levels of NO_x damage the respiratory tract and contribute to the development of lung diseases.[14] And VOCs are toxic air pollutants that can cause cancer.[15] Among the VOCs generated by oil and gas activities, benzene is of particular concern—it has been linked to respiratory diseases, anemia, brain damage, birth defects, and neurological disorders, and accounts for nearly one-third of the increased cancer risks from the oil and gas industry.[16]

Oil and gas activities also contribute to ozone pollution by producing VOCs and NO_x, which combine in the atmosphere to produce ozone.[17] Ozone impairs the respiratory system and

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[13] Cal. Air Resources Bd., *Inhalable Particulate Matter and Health (PM2.5 and PM10)* (2022) <https://tinyurl.com/h52zvmah> (as of Oct. 17, 2022).

[14] U.S. Environmental Protection Agency, *Nitrogen Dioxide (NO_2) Pollution* (Aug. 2, 2022) <https://tinyurl.com/45dzzdyj> (as of Oct. 17, 2022).

[15] *Emissions of VOCs from Crude Oil Processing*, *supra*, at pp. 3, 6.

[16] Clean Air Task Force, *Fossil Fumes: A Public Health Analysis of Toxic Air Pollution from the Oil and Gas Industry* (June 2016) at p. 8 <https://tinyurl.com/mtdsmuvk> (as of Oct. 17, 2022).

[17] *Advisory Panel Response to CalGEM Questions*, *supra*, at p. 10.

contributes to cardiovascular, reproductive, and developmental harms.[18] Both short-term and long-term exposures can cause premature death.[19]

Additionally, methane released from oil operations, including from abandoned oil wells,[20] can displace oxygen in the air and pose explosion risks at high concentrations.[21]

2. Oil drilling activities, especially wastewater injection, can contaminate drinking water

Another significant risk associated with oil drilling is the contamination of groundwater, which many Californians rely on as their primary source of drinking water. Extraction of oil brings to the surface staggering volumes of produced water that is saltier than seawater and can contain toxic metals, contaminants

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[18] American Lung Assn., *Ozone* (Apr. 20, 2020) <https://tinyurl.com/2ce4uxs5> (as of Oct. 17, 2022).

[19] *Ibid.*

[20] U.S. Environmental Protection Agency, *Estimates of Methane Emissions by Segment in the United States* (May 5, 2022) <https://tinyurl.com/yms499b2> (as of Oct. 17, 2022); Reuters, *Special Report: Millions of Abandoned Oil Wells Are Leaking Methane, a Climate Menace* (June 16, 2022) <https://tinyurl.com/37yma6rk> (as of Oct. 17, 2022).

[21] ScienceDirect, *Methane* <https://tinyurl.com/3a65pbj5> (as of Oct. 17, 2022).

such as benzene, and even radioactive substances.[22] The most common way to dispose of extraction wastewater is underground injection, where the wastewater is injected either into disposal wells or into enhanced recovery wells to recover residual oil.[23,24] There are approximately 180,000 operating injection wells for oil and gas production in the United States, with over 2 billion gallons of fluids injected every day.[25] And injection wells are ubiquitous throughout California.[26]

Wastewater injected underground can pollute drinking

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[22] U.S. Environmental Protection Agency, *Class II Oil and Gas Related Injection Wells* (Aug. 2, 2022) <https://tinyurl.com/3y3m226d> (as of Oct. 17, 2022); Environmental Action Center, *California Case Study: Injection Well Projects in Monterey and Fresno Counties* at p. 4 <https://tinyurl.com/23ckb27a> (as of Oct. 17, 2022) (hereafter *Injection Well Projects in Monterey and Fresno*).

[23] *Injection Well Projects in Monterey and Fresno*, *supra*, at ii; *Class II Oil and Gas Injection Wells*, *supra*.

[24] As Intervenors explain, Measure Z applies to land uses that support wastewater disposal wells but not to those that support existing enhanced recovery wells. (See Int. Reply Br. p. 29.)

[25] *Class II Oil and Gas Injection Wells*, *supra*.

[26] As of 2019, there are approximately 55,000 injection wells in California. (See Cal. Dept. of Conservation, *Injection Wells—Frequently Asked Questions* (2019) <https://tinyurl.com/2t2jcmn5> (as of Oct. 17, 2022).)

water resources.[27] When too much wastewater is injected, overpressure can force the toxic fluid to migrate into more shallow aquifers nearby, which are more likely to be used for drinking water.[28] Unsound well construction creates additional risks of leakage.[29]

In addition to these harms of injection wells, leaks from both active and inactive oil wells can contaminate underground drinking water.[30] Wastewater spills during oil production can also pollute surface water,[31] and poor well integrity can lead to blowouts that release toxic fluids at the wellhead.[32]

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[27] The U.S. Environmental Protection Agency (EPA) has identified multiple pathways through which injection well activity can contaminate underground sources of drinking water. (See U.S. Government Accountability Off., *Drinking Water: EPA Program to Protect Underground Sources from Injection of Fluids Associated With Oil and Gas Production Needs Improvement* (GAO-14-555) (June 2014) at pp. 23-24 <https://www.gao.gov/assets/gao-14-555.pdf> (as of Oct. 17, 2022).)

[28] *Injection Well Projects in Monterey and Fresno*, *supra*, at ii.

[29] *Id.* at p. 29.

[30] Resources for the Future, *Plugging the Gaps in Inactive Well Policy* (May 2016) at p. 3 <https://tinyurl.com/3ctmckhu> (as of Oct. 17, 2022).

[31] Cal. Council on Science and Technology, *An Independent Scientific Assessment of Well Stimulation in California*, Vol. III (July 2015) at p. 157 <https://tinyurl.com/4szt8x23> (as of Oct. 17, 2022) (hereafter *CCST Assessment, Vol. III*).

[32] *Drinking Water: EPA Program to Protect Underground Sources from Injection of Fluids Associated With Oil and Gas Production Needs Improvement*, *supra*, at p. 29.

The threat of wastewater contamination is very real in Monterey County due to technical failures and lack of regulatory oversight.[33] In a 2015 independent report commissioned by the California Natural Resources Agency after a U.S. EPA audit found the State's injection control program out of compliance with federal law, the California Council on Science and Technology concluded that there were "significant concerns" about whether California's underground injection control program was "adequately protective of underground sources of drinking water."[34] State regulators also revealed that oil and gas producers in Monterey County had been unlawfully using injection wells to dispose of wastewater into aquifers protected under the Safe Drinking Water Act.[35] Such wastewater contamination is particularly concerning in Monterey County because of the County's heavy reliance on groundwater,[36] the close proximity of the San Ardo Oil Field to the Salinas River,[37]

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[33] *Injection Well Projects in Monterey and Fresno*, *supra*, at p. 21.

[34] *CCST Assessment, Vol. III*, *supra*, at p. 162.

[35] Monterey County Elections, Full Text of Measure Z, Section 1, Findings (6) (Feb. 21, 2017) at p. 4 <https://tinyurl.com/2avxrz98> (as of Oct. 17, 2022).

[36] *Ibid.*

[37] The San Ardo Oil Field was identified as a potential source of contamination for the Salinas River. See *CCST Assessment, Vol. III*, *supra*, at p. 157.

and the importance of the Salinas River watershed to agriculture and the local economy.[38]

3. Oil and gas operations contribute to noise and light pollution and increase seismic risks

Air pollution and water contamination are far from the only hazards of oil and gas operations. Activities at drill sites generate light pollution,[39] and noise pollution is a constant nuisance associated with every aspect of oil production.[40] In residential areas, noise from oil and gas operations can sometimes cause health problems such as sleep deprivation and stress-related illness.[41] Wastewater injection can also induce seismic activities and trigger widespread earthquakes by increasing subsurface pressure.[42] Oil- and gas-induced earthquakes, which have been

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[38] *Ibid.*

[39] *Advisory Panel Response to CalGEM Questions*, *supra*, at p. 9.

[40] Shonkoff and Hill, *Human Health and Oil and Gas Development: A Review of the Peer-Reviewed Literature and Assessment of Applicability to the City of Los Angeles* (May 9, 2019) PSE Healthy Energy at pp. 27-28 <https://tinyurl.com/mrxkrj8f> (as of Oct. 17, 2022) (hereafter *Human Health and Oil and Gas Development*).

[41] *Ibid.*

[42] Scientific American, *Oil Drillers' Attempts to Avoid Earthquakes May Make Them Worse* (Sept. 26, 2018) <https://tinyurl.com/bdh4zw7r> (as of Oct. 17, 2022).

documented in Monterey County's San Ardo Oil Field,[43] could exacerbate the state's already serious seismic risks.

4. Oil and gas production in California is especially damaging to the climate, and thus undermines municipalities' efforts to address climate change

The combustion of fossil fuels accounts for approximately 85% of total U.S. GHG emissions, which contribute to climate change.[44] But the climate changing impacts of oil and gas *production* are also significant. Oil and gas facilities emit large quantities of methane, which is 80 times more powerful than carbon dioxide in warming the atmosphere over a 20-year period.[45]

Oil production in California poses a special threat to the climate: crude oil production in the state is one-and-a-half times more carbon intensive than that in other states due to the "heaviness" of the remaining oil in California.[46] Heavy oils, or oils with high viscosity, are particularly climate-damaging because

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[43] Goebel and Shirzaei, *More Than 40 Years of Potentially Induced Seismicity Close to the San Andreas Fault in San Ardo, Central California* (Nov. 11, 2020) 92(1) Seismological Research Letters 2020 187, 187 <https://tinyurl.com/bdexxenk> (as of Oct. 17, 2022).

[44] U.S. Global Change Research Program, *Fourth National Climate Assessment: Impacts, Risks, and Adaptation in the United States, Vol. II* (2018) at p. 60 <https://tinyurl.com/37hfxdhd> (as of Oct. 17, 2022).

[45] *Killer Crude*, *supra*, at pp. 15-16.

[46] *Id.* at pp. 1, 3.

their extraction is often energy- and carbon-intensive.[47]

Restricting oil and gas activities is consistent with municipalities' interests in addressing the local impacts of climate change, which include both mitigation (the reduction or avoidance of GHG emissions) and adaptation (the reduction of risks from the harmful effects of climate change). First, although climate change is a global phenomenon, the effects of rising temperatures can oftentimes manifest in ways that differ from locality to locality. Global warming increases the risks of heat waves, severe droughts, wildfires, flooding, and rising sea levels, and exacerbates public health risks.[48] Exposure to these risks differs from community to community, and so do the best ways to mitigate them. Cities and counties across California have adopted their own climate action plans to address these challenges based on local conditions.[49] Second, given the dire need to slow down global warming, initiatives at all levels of government to reduce emissions are critical. Some municipalities in California have already crafted their own GHG reduction targets and strategies according to what is feasible for their

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[47] *Id.* at pp. 2-3.

[48] World Health Organization, *Climate Change and Health* (Oct. 30, 2021) <https://tinyurl.com/3bp6bv3e> (as of Oct. 17, 2022).

[49] At least 16 cities in California have published their own climate action and/or adaption plans. (See Inst. for Local Government, *Climate Action Plans: Local Examples* <https://tinyurl.com/ybbhk5dd> (as of Oct. 17, 2022).)

communities.[50]

B. Environmental justice communities near oil-producing fields suffer the most from the impacts of oil drilling

1. Scientific literature shows that proximity to oil drilling operations leads to worse health outcomes

A substantial body of national and California-based scientific research documents the harms of oil drilling to nearby communities. Numerous peer-reviewed studies have demonstrated that "oil and gas development contributes to regional air quality impacts," and "the majority of studies that assess air quality as a function of distance have observed that concentrations of . . . air pollutants can be even higher in close proximity to active oil and gas development."[51] Thus, it is not a surprise that scientists have found associations between close distance to oil and gas development and "indicators of cardiovascular disease, respiratory outcomes, and hospitalization."[52] For example, a study published in 2018 found significantly elevated asthma rates within the 1,500-foot buffer

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[50] See, e.g., City of Encinitas, *Final Climate Action Plan* (Jan. 2018) at pp. 3-3 to 3-8 <https://tinyurl.com/2p89p46h> (as of Oct. 17, 2022); County of Los Angeles, *Draft 2045 Climate Action Plan* (Apr. 25, 2022) at pp. 1-5 to 1-11 <https://tinyurl.com/yswa2289> (as of Oct. 11, 2022).

[51] *Human Health and Oil and Gas Development*, *supra*, at p. 16.

[52] *Id.* at p. 23.

areas surrounding two oil production sites in Los Angeles.[53]

Another well-documented localized effect of oil and gas development is negative birth outcomes. Due to various environmental stressors generated by oil and gas activities described in Section I.A., *supra*, infants born near oil and gas well sites are at higher risk of congenital heart defects, the leading cause of death from birth defects.[54] Researchers in California and other states have also observed decreased birth weight associated with prenatal exposure to oil and gas activities,[55] and low birth weight is predictive of a range of poor health outcomes.[56]

Lastly, studies around the country suggest that cancer risks increase with increasing proximity to oil and gas development, likely due to emissions of carcinogens like benzene.[57] A Colorado study found that within about 500 feet of

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[53] *Ibid.*

[54] McKenzie et al., *Congenital Heart Defects and Intensity of Oil and Gas Well Site Activities in Early Pregnancy* (July 18, 2019) 132 Environment Internat. <https://tinyurl.com/4zvhbvsk> (as of Oct. 17, 2022).

[55] Tran et al., *Residential Proximity to Oil and Gas Development and Birth Outcomes in California: A Retrospective Cohort Study of 2006–2015 Births* (June 3, 2020) 128(6) Environmental Health Perspectives <https://tinyurl.com/jntt4pbh> (as of Oct. 17, 2022).

[56] World Health Organization, *Low Birth Weight* <https://tinyurl.com/55bynxym> (as of Oct. 17, 2022).

[57] *Human Health and Oil and Gas Development*, *supra*, at p. 20.

oil development, the cancer risk estimate exceeds the U.S. EPA threshold for acceptable risk by as much as 830%.[58]

2. Oil production in California harms nearby neighborhoods and disproportionately impacts environmental justice communities located closest to oil facilities

Oil drilling harms local communities across the state, from densely populated neighborhoods in Southern California to rural areas in Northern California and cities in the San Joaquin Valley. Eighteen percent of California's population lives within a mile of at least one oil or gas well.[59]

The Greater Los Angeles Area, home to the country's largest urban oil field (located in a historically Black community in Baldwin Hills), illustrates the public health crisis that neighborhood drilling creates. There are thousands of active wells in the area,[60] some of which are located "disturbingly close" to homes, schools, hospitals, and other places where populations that are the most sensitive to air pollution and toxic chemicals, including children and the elderly, spend extended time.[61] As an example, the 2010 U.S. Census shows that nearly 15,000 people live within a half-mile radius of the Murphy Drill Site in a

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[58] *Id.* at 18.

[59] *Killer Crude*, *supra*, at p. 3; FracTracker Alliance, *People and Production: Reducing Risk in California Extraction* (Dec. 17, 2020) <https://tinyurl.com/25fxky6a> (as of Oct. 17, 2022).

[60] *Drilling Down*, *supra*, at p. 7.

[61] *Ibid.*

neighborhood that is home to a special needs high school, a 900-student elementary school, a hospice facility, and a senior housing complex.[62]

Communities close to neighborhood drill sites face constant and significant exposure to the harmful effects of oil operations. Residents in Los Angeles neighborhoods near oil wells "routinely report symptoms of dizziness, nosebleeds, headaches, and exacerbated asthma."[63] Some residents have had to keep their windows closed despite the heat due to the unbearable odors from drill sites.[64] And some, including children, have developed pollution-related diseases and suffer from symptoms consistent with chemical exposure.[65]

In the San Joaquin Valley, predominantly Hispanic and Latino communities are surrounded by dense oil fields[66] and forced to breathe some of the dirtiest air in the country.[67] To make matters worse, oil and gas wells also subject residents in

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[62] *Id.* at p. 20.

[63] *Id.* at p. 10.

[64] *Id.* at pp. 16-17, 20.

[65] *Id.* at pp. 17, 22.

[66] Ballotpedia, *San Joaquin Basin* <https://tinyurl.com/4cmurbze> (as of Oct. 17, 2022); San Joaquin Council of Governments California, *Demographics Chart and Overview* <https://tinyurl.com/549pa3fv> (as of Oct. 17, 2022).

[67] San Joaquin Valley Air Pollution Control Dist., *Ambient Air Quality Standards & Valley Attainment Status* <https://tinyurl.com/mrxwnzft> (as of Oct. 17, 2022).

the Valley to the risk of dangerous methane leaks.[68] Earlier this year, over 40 idle wells in Bakersfield leaked explosive levels of methane and associated air toxics near homes, schools, a hospital, a public park, and a day care center.[69] A similar episode took place in the nearby city of Arvin.[70]

Many of the worst consequences of neighborhood drilling fall on disadvantaged communities that have "high[er] proportions of the poor and unemployed, persons with low education attainment," and "greater exposure to environmental hazards and the attendant health risks, as compared to the general population."[71] For example, in the Wilmington neighborhood of Los Angeles where the Warren E&P Drill Site is located, over 90% of the more than 50,000 residents are people of

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[68] Los Angeles Times, *California Oil Regulator Confirms Methane Leak at Idle Oil Wells in Bakersfield* (May 22, 2022) <https://tinyurl.com/2w7cd9t3> (as of Oct. 17, 2022).

[69] FracTracker, *FracTracker Finds Widespread Hydrocarbon Emissions from Active and Idle Oil and Gas Wells and Infrastructure in California* (Aug. 22, 2022) <https://tinyurl.com/3s6h6rut> (as of Oct. 17, 2022); CalGEM, *Leaking Wells in Bakersfield* <https://tinyurl.com/3n3dh7wu> (as of Oct. 17, 2022) (ArcGIS Map showing leaking wells in Bakersfield).

[70] 23 ABC News Bakersfield, *Arvin Mayor Gurrola Takes Stance Against Oil, Gas Companies* (Jun. 26, 2018) <https://tinyurl.com/mumt73u9> (as of Oct. 17, 2022).

[71] *Drilling Down*, *supra*, at p. 7.

color.[72] In many census tracts in Wilmington, a higher percentage of families live in poverty than in over 70% of other census tracts in California, and pollution burden levels are higher than in over 90% of other census tracts in the state.[73] Typical of communities with nearby oil drilling, Wilmington residents are also saddled with pollution from other sources, including the Port of Los Angeles and nearby oil refineries, which makes them more susceptible to risks of developing respiratory disease and cancer.[74]

Further, a growing body of literature has shown that the most severe harms from climate change, such as those relating to air quality, extreme temperature, and coastal flooding, also fall disproportionately upon already overburdened and underserved

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[72] Herr, et al., *California's Dirty Little Secret: Oil Wells in the Backyard*, Grist News (Oct. 13, 2021) <https://tinyurl.com/2p94cux8> (as of Oct. 17, 2022).

[73] Cal. Off. of Environmental Health Hazard Assessment, CalEnviroScreen 4.0 <https://tinyurl.com/ya6mt23y> (as of Oct. 17, 2022) (See, e.g., Poverty and Pollution Burden indicators for Census Tracts 6037294701, 6037294610, 6037294520, and 6037294510).

[74] Wilmington is consistently in the top 10% of pollution-burdened census tracts in California. CalEnviroScreen 4.0 (analyzing the pollution burden for census tracts within zip code 90744). (See S. Coast Air Quality Mgmt. Dist., *Multiple Air Toxics Exposure Study in the South Coast Air Basin V* (Aug. 2021), at p. 4-28 <https://tinyurl.com/2a7p2e6h> (as of Oct. 17, 2022) [finding Wilmington hosts "78 facilities in the U.S. EPA Title V program, 54 facilities in the AB 2588 Air Toxics Hot Spots program, 43 miles of freeways, 9 rail yards, and 2 major marine ports"].)

communities least able to prepare for and recover from such impacts.[75] Thus, the harms from oil drilling are additive in environmental justice communities, who suffer the most from both the localized pollution impacts and the climate impacts.

II. Local governments play a critical role in safeguarding environmental justice communities from the harms of oil drilling

The localized impacts of oil production result in community-specific concerns that local governments are uniquely positioned to address because of their intimate knowledge of the socioeconomic, health, and environmental burdens their constituents face. Political and regulatory processes at the local level can also provide the best forum for frontline communities—often lacking the resources to participate in political processes at the state or national level—to have their voices heard.

Municipalities around the state have used their long-established police powers to play a critical role in limiting the community impacts of oil drilling. Striking down Measure Z on preemption grounds could hinder this local momentum and slow down the adoption of stronger regulations that would protect against the impacts of oil drilling, promote public health, and create a more just community.

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[75] U.S. Environmental Protection Agency, *Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts* (Sept. 2021) at p. 4 <https://tinyurl.com/sfaanwvm> (as of Oct. 17, 2022).

A. Local governments are well-equipped to respond to community-specific needs and concerns regarding oil and gas development

Local governments are intimately familiar with the unique social history and demographics of their communities, as well as the environmental and health burdens their constituents face. An important aspect of local government planning processes is community engagement. In fact, new environmental justice-focused laws like Senate Bill (SB) 1000[76] *require* municipalities to include an "environmental justice element" in their general plan, and, as part of that process, to engage community members in decision-making relating to land use development and community planning.[77] To fulfill this obligation, local governments must invest in robust community engagement and develop tools to identify and improve quality of life in disadvantaged communities.[78]

Accordingly, local government processes often provide one of the few forums in which members of environmental justice communities may engage rigorously and be heard. Local government meetings such as planning commission hearings, city council meetings, and county board of supervisor hearings offer accessible opportunities for frontline residents to advocate for themselves against harmful land use decisions, suggest improvements to proposed projects, and educate local decision-

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[76] SB 1000 is codified at Government Code section 65302, subdivision (h).

[77] Gov. Code, § 65302, subd. (h).

[78] *Ibid.*

makers about the health and safety hazards associated with oil drilling.

These local channels are particularly valuable because, while the state shares with local governments the responsibility of approving permits for oil drilling operations, local governments are generally tasked with customizing and applying safeguards to mitigate drilling-related harms in each community. For example, the City of Los Angeles has recognized that "[p]eople living and working within the land use and environmental impact range of oil and gas operations and activities have a substantial interest in participating in a public hearing"[79] and receiving proper notice for oil drilling approvals. The City therefore requires regular public hearings prior to any plan approval or condition modification.[80] In addition, the City requires oil operators to file an application with the Department of City Planning for any drilling, deepening, or maintenance of oil wells before the operator can seek state approval for its drilling permit.[81]

The City of Los Angeles's approval process—which was strengthened in response to community concerns regarding lack of community engagement and operators' failure to ensure

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[79] City of Los Angeles Off. of Zoning Admin., *Zoning Administrator Memorandum No. 133* (Sept. 19, 2016) at pp. 2, 4 <https://tinyurl.com/2rsxe65b> (as of Oct. 17, 2022).

[80] *Id.* at p. 10.

[81] Los Angeles Municipal Code (LAMC) § 13.01 H, I.

environmental review in environmental justice communities[82]—now places additional conditions on oil operations to protect community health and the environment and to achieve compliance with the California Environmental Quality Act. This kind of local government review and intervention is critical for community members living near oil production facilities, many of which are poorly maintained and rarely inspected.[83]

B. Local governments have played a critical role in responding to community concerns and limiting the impacts of oil drilling

Working closely with affected community members, municipalities around the state have used their long-established police powers to play a critical role in limiting the harms of oil drilling.

For instance, local governments have passed ordinances and planning or zoning code amendments to end neighborhood oil drilling. Earlier this year, the City of Brentwood in Contra Costa County passed a moratorium on new oil drilling following

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[82] See *Youth for Environmental Justice v. City of Los Angeles* (Cal. Ct. App. 2019), 2019 WL 642452.

[83] *Drilling Down*, *supra*, at pp. 16, 20.

mounting public demands for the City to prioritize public health and local climate concerns over oil industry profits.[84]

In October 2021, Culver City adopted an Oil Termination Ordinance[85] that bans new oil drilling as of November 2021 and initiates a process to phase out existing drilling by 2026. Culver City's powerful public health measures were not accomplished overnight. Rather, they resulted from years of community and legal advocacy. Residents joined together to urge Culver City to end neighborhood oil drilling. And legal advocates supported the residents' demands by emphasizing that reasonable regulations that phase out oil operations to defend public health and safety are a valid exercise of local police powers.

Los Angeles County has also recently addressed community concerns about neighborhood oil drilling. Following the model of Culver City, this year the Los Angeles County Board of Supervisors instructed the Department of Regional Planning to prepare an Oil Well Ordinance that will amend the County's Land Use and Zoning Code to prohibit new oil and gas drilling and designate existing oil production a non-conforming land

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[84] City of Brentwood City Council, *An Interim Urgency Ordinance Implementing a Moratorium on New Oil and Gas Development in the City of Brentwood, Pending a Study of the Effects of Such Activities and the City's Long-Term Plan for Regulation* (Apr. 12, 2022) <https://tinyurl.com/422ct2dt> (as of Oct. 17, 2022).

[85] Culver City Municipal Code, § 17.610.010, subd. (D) (amended by Culver City Oil Well Ordinance, Culver City Zoning Code Amendment P2021-0036-ZCA).

use.[86] The Board of Supervisors also directed several County agencies to establish a process to clean up and remediate oil drilling sites, and to develop a strategy for a just transition away from fossil fuels.[87] The development of the Los Angeles County Oil Well Ordinance illustrates why municipal authority over oil drilling is key to addressing community impacts and concerns. Originally the County's proposed update to its Land Use and Zoning Code only required that new oil drilling operations be set back from residences by 500 feet.[88] However, impacted residents, community-based organizations, and environmental nonprofits conducted exhaustive community outreach and listening sessions, compiled technical research, and drafted legal memoranda to inform the County about the harms of neighborhood oil drilling. In response, the County strengthened its ordinance to prohibit

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[86] Los Angeles County Dept. of Regional Planning, *Report to the Regional Planning Commission* (May 26, 2022) at p. 2 <https://tinyurl.com/4huzxbyj> (as of Oct. 17, 2022); Los Angeles County Dept. of Regional Planning, *May 2022 Draft Title 22 Oil Well Ordinance* (May 5, 2022) <https://tinyurl.com/4bdmb7ux> (as of Oct. 17, 2022).

[87] *Report to the Regional Planning Commission*, *supra*, at p. 2; Los Angeles County Bd. of Supervisors, *Statement of Proceedings for the Regular Meeting* (Sept. 15, 2021) at p. 33 <https://tinyurl.com/2p9fevhx> (as of Oct. 17, 2022); Revised motion by Supervisors Mitchell and Hahn, *Developing a Comprehensive Strategy for a Just Transition Away from Fossil Fuels in Los Angeles County* (Sept. 15, 2021) <https://tinyurl.com/bdewvnbt> (as of Oct. 17, 2021).

[88] Los Angeles County Dept. of Regional Planning, *April 2020 Draft Title 22 Oil Well Ordinance* (April 13, 2020) at p. 9 <https://tinyurl.com/2dbu3ded> (as of Oct. 17, 2022).

new oil drilling, phase out existing drilling countywide, and support a transition away from fossil fuels countywide.[89]

On the heels of Los Angeles County's actions, the City of Los Angeles also passed a motion to phase out oil drilling[90] and, in August 2022, released a corresponding draft Oil and Gas Drilling Ordinance.[91] Like in Los Angeles County, what began as a campaign to create and implement buffer zones between oil operations and sensitive areas[92] evolved into a larger demand to declare oil and gas extraction activities a non-conforming land

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[89] Compare *April 2020 Draft Title 22 Oil Well Ordinance*, *supra*, with *May 2022 Draft Title 22 Oil Well Ordinance*, *supra*.

[90] Los Angeles City Council Official Action, Council File No. 17-0447 (Jan. 27, 2022), <https://tinyurl.com/2nah9t3y> (as of Oct. 17, 2022) (Oil and Gas Drilling motion unanimously adopted by Los Angeles City Council and signed by Los Angeles Mayor).

[91] Los Angeles City Planning Com., *Draft City of Los Angeles Oil and Gas Drilling Ordinance, CPC 2022 4864, Council File No. 17-0447* (Aug. 2022) <https://tinyurl.com/4r4p27sw> (amended in September 2022 <https://tinyurl.com/n67bsxkp>) (as of Oct. 17, 2022).

[92] UCLA School of Law, *Letter to the City of Los Angeles re: Los Angeles City Authority for Setback from Oil and Gas Operations* (Dec. 17, 2019) <https://tinyurl.com/2wydbxpb> (as of Oct. 17, 2022) (discussing City of Los Angeles' proposed setback ordinance establishing a 2,500-foot buffer zone between sensitive areas and oil drilling operations).

use, to prohibit new drilling, and to phase out oil drilling citywide.[93]

The recent passage of Senate Bill 1137 (SB 1137), which establishes a mandatory 3,200-foot setback distance for new oil drilling and places other restrictions on oil and gas operations,[94] does not diminish the importance of local action. Indeed, SB 1137 itself recognizes the value of local regulations and contains an unequivocal savings clause, which makes clear that the Legislature did not intend to preempt stronger limits on oil and gas development adopted by local authorities.[95] Such limits are necessary to address the regional harms of oil and gas activities that extend beyond the setback distance. (See *supra* Section I.A.) Furthermore, local action is still necessary to address *existing* oil production because SB 1137's setback requirement applies only to *new* drilling applications.[96] In short, SB 1137 complements local power to address the harms from oil drilling and reaffirms the Legislature's view that such authority is not preempted by state law.

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[93] City of Los Angeles Energy, Climate Change, and Environmental Justice Committee, *Report Relative to the Feasibility of Amending Current City Land Use Codes in Connection With Health Impacts at Oil and Gas Wells and Drill Sites* (Dec. 20, 2020) <https://tinyurl.com/yxb2p678> (as of Oct. 11, 2022).

[94] Sen. Bill No. 1137, Ch. 365, § 2, to be codified at Pub. Resources Code, Art. 4.6, §§ 3280-3282 (2022).

[95] *Id.* at § 3289 (b).

[96] See *ibid.*

C. Invalidating Measure Z could impede local government actions that are important for safeguarding environmental justice communities from the harms of oil drilling

Local governments in California have taken stock of oil operations' toxic toll on communities and are cautiously moving forward to eliminate neighborhood oil drilling. However, the vacatur of Measure Z threatens to stall local efforts to regulate oil production and undo much-needed progress within environmental justice communities after decades of community advocacy.

A decision to invalidate Measure Z would be at odds with a century of well-settled caselaw about local ordinances regulating oil and gas operations.[97] Even if such a decision were crafted in narrow terms, the uncertainty resulting from the vacatur of Measure Z could cast a chilling effect over local government officials, many of whom have already expressed hesitancy about oil and gas regulations in light of the ongoing Measure Z litigation. For instance, an April 2022 Contra Costa County Planning Commission staff report noted that although the County has "received numerous requests" to ban new oil and gas

[97] See, e.g., *Beverly Oil Co. v. City of Los Angeles* (1953) 40 Cal.2d 552, 558 (affirming a locality's police power to prohibit the drilling of new oil wells or redrilling of existing wells); *Pacific P. Assn. v. Huntington Beach* (1925) 196 Cal. 211, 216-217 ("The City of Huntington Beach has the unquestioned right to regulate the business of operating oil wells within its city limits, and to prohibit their operation within delineated areas and districts, if reason appears for so doing.").

wells and phase out existing drilling operations, "it will be appropriate to revisit this issue once the California Supreme Court rules on the [Measure Z] case."[98]

Local governments' reservations about limiting oil production are understandable given the oil industry's aggressive pushback against regulations. To date, oil industry representatives continue to question scientific studies that clearly establish the harms of oil drilling to nearby communities. For example, on August 30, 2022, an environmental chemist hired by Matrix Oil Corporation testified during a Los Angeles City Planning hearing that oil production is "unbelievably clean," and claimed that no stage of oil production is harmful to human health.[99]

Oil industry representatives have also formally threatened litigation. For instance, weeks before the Los Angeles City Council's final vote to pass its historic oil and gas drilling phase-out motion, industry representatives threatened to sue, in part on

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[98] Contra Costa County Dept. of Conservation and Development, County Planning Commission, *Staff Report* at pp. 6-7 (May 11, 2022) <https://tinyurl.com/bddducut> (as of Oct. 17, 2022) (discussing ongoing requests to prohibit new oil and gas drilling and phase out existing drilling as part of its general plan update); see also City of Antioch City Council, *Meeting Minutes* (May 11, 2021) at p. 12 <https://tinyurl.com/yc6p2ydn> (as of Oct. 17, 2022) (regarding drafting a resolution to urge Contra Costa County to ban oil and gas drilling).

[99] Remarks of Matrix Oil Corporation, *Los Angeles City Planning Hearing, August 30, 2022 Testimony* at 1:38:00 <https://tinyurl.com/yx3939bd> (as of Oct. 17, 2022).

preemption grounds, after which numerous City Council members voiced concern about the impact of the Measure Z litigation.[100]

Industry representatives raised similar objections during a June 2021 Culver City Council hearing. Representatives from Sentinel Peak Resources (SPR), a company focused on heavy oil development in California, testified that Culver City's legislation to phase out oil drilling was "illegal" and urged the City Council to work with SPR "on a better solution."[101] A City Council member then moved "to take SPR up on their offer to negotiate an agreement"[102] rather than proceed with adopting the City's phase-out ordinance. SPR continues to negotiate an alternative, even though the City Council ultimately adopted the ordinance.[103]

This Court should put these deterrents to rest and reaffirm local governments' authority to ban oil production activities. The science is clear that oil and gas extraction has no place near communities. Banning or limiting oil operations at the local level

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[100] Los Angeles City Attorney, *Letter to City Clerk regarding Threat of Litigation for CF 17-0447-S1- Oil and Gas Extraction Motion* (Nov. 22, 2021) <https://tinyurl.com/374db3n9> (as of Oct. 17, 2022).

[101] Culver City Council, *Special Meeting Transcript* (Jun. 17, 2021) at pp. 14-15 <https://tinyurl.com/59ahbpd2> (as of Oct. 17, 2022).

[102] *Id*. at p. 16.

[103] Culver City Observer, *Culver City Extends Tolling Agreement with Sentinel Peak Relating to Oil Termination Ordinance* (June 16, 2022) <https://tinyurl.com/y8aj5vhb> (as of Oct. 17, 2022).

serves as a crucial step towards neutralizing the harmful effects of drilling on low-income communities and communities of color that have already borne the brunt of these and other harmful land uses.

CONCLUSION

This Court should reverse the Court of Appeal's decision and remand for further proceedings. State law does not preempt Measure Z. Rather, this Court should reaffirm local police powers to ban oil production activities—powers necessary for reducing the harms of oil production on environmental justice communities across the state.

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CERTIFICATE OF WORD COUNT

The undersigned counsel hereby certifies pursuant to rule 8.520(c) of the California Rules of Court that the enclosed brief contains 6,715 words, fewer than the total allowed by the rules.

Dated: October 17, 2022

Respectfully submitted,

By:

/s/ Julia K. Forgie
Julia K. Forgie

CERTIFICATE OF SERVICE

Chevron U.S.A., Inc., et al. v. County of Monterey, et al.
Supreme Court Case No. S271869; Court of Appeal Case No. H045791

I, Julia K. Forgie, declare:

I am over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1314 Second Street, Santa Monica, CA 90401.

On October 17, 2022, I caused true copies of the foregoing **Application of Communities for a Better Environment, Natural Resources Defense Council, San Francisco Baykeeper, and Center on Race, Poverty & the Environment to File as Amici Curiae and Proposed Brief of Amici Curiae in Support of Intervenors and Appellants** to be served on interested parties in this action included on the Service List, as follows:

- By electronic transmission via TrueFiling: I electronically filed the foregoing document with the Clerk of the Court by using the TrueFiling system. Participants in the case who are registered TrueFiling users will be served by the TrueFiling system.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 17, 2022, at Los Angeles, California.

/s/ Julia K. Forgie
Julia K. Forgie

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Supreme Court Case No. S271869; Court of Appeal Case No. H045791

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STATE OF CALIFORNIA
Supreme Court of California

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Supreme Court of California

Case Name: **CHEVRON U.S.A. v. COUNTY OF MONTEREY (PROTECT MONTEREY COUNTY)**
Case Number: **S271869**
Lower Court Case Number: **H045791**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **jforgie@nrdc.org**

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/17/2022

Date

/s/Julia Forgie

Signature

Forgie, Julia (304701)

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