

January 23, 2017

Edmund G. Brown Jr
Governor
State of California
c/o State Capitol, Suite 1173
Sacramento, CA 95814



**RE: STOP STATE AGENCY INTERFERENCE WITH MONTEREY COUNTY LAND USE
REGULATION RESTRICTING WASTEWATER INJECTION --
(CANCEL FEBRUARY 9 AQUIFER EXEMPTION HEARINGS)**

Dear Governor Brown:

On November 8, 2016 Monterey County voters overwhelmingly passed Measure Z into law with 56% voting in favor. Measure Z amends County land use regulations to limit and except in certain circumstances eventually prohibit certain land uses associated with dangerous oil industry practices, including the disposal of toxic wastewater produced in oil operations by injection into deep groundwater aquifers. Currently, oil producers dump more than 12.8 million gallons of toxic wastewater into our aquifers every day.

Measure Z prohibits new toxic wastewater injection operations and phases out existing operations over a five year period. **Measure Z is the law in Monterey County.** It is absolutely essential to the future health and safety of the people of Monterey County and for protection of our future water supply. But incredibly, state agencies involved in the regulation of oil and gas exploration have decided to sabotage implementation of Measure Z and are actively pursuing actions to substantially and unlawfully interfere with this important local land use regulation.

The principal California agencies responsible for interfering with implementation of Measure Z are the Division of Oil, Gas and Geothermal Resources (DOGGR) of the Department of Conservation and the State Water Resources Control Board (SWRCB). They are currently processing and have preliminarily approved oil industry applications for exemptions in Monterey County from the federal Safe Drinking Water Act prohibition against toxic wastewater injection into groundwater aquifers. These pending exemptions include the Lombardi and Aurignac Sands aquifers and cover more than 110 square miles of intended surface operations near San Ardo in Monterey County.

Once these aquifer exemptions for toxic waste dumping are approved, DOGGR intends to approve new permits for wastewater injection (production and disposal) wells: *“[s]ubject to approval by the US EPA, the proposed aquifer exemption expansion would allow the State, in compliance with the federal Safe Drinking Water Act, to allow Class II [wastewater] injection into the Lombardi and Aurignac Sands within the proposed area.”* (DOGGR, Statement of Basis for the Expansion of the Aquifer Exemption at the San Ardo and McCool Ranch Oil Fields, January 11, 2017.)

Local land use regulations like Measure Z may restrict operations in support of oil and gas exploration and production. Such local control over land use is guaranteed by Article XI, Section 7 of the California Constitution. DOGGR interference with this constitutional right of local land use control is absolutely prohibited by Section 3690 of the Public Resources Code.

Moreover, the Monterey County land use regulation embodied in Measure Z is consistent with longstanding and entirely lawful Monterey County land use policy governing oil operations. In 1986, reflecting deep public concern and consideration of the adverse environmental effects of offshore oil and gas exploration, the County adopted land use regulations to restrict offshore oil production by prohibiting any onshore land uses in support of offshore exploration and production unless approved on a project-by-project basis by majority vote of the people in a County wide referendum. (Chapter 16.55 of the Monterey County Code: *Onshore Facilities Supporting Offshore Oil and Gas Exploration and Development*.)

Governor, you are compiling an impressive record of progressive environmental protection policy in California. But that record is belied by DOGGR interference with Measure Z and would be severely tarnished if that interference results in absolute sabotage of this local land use regulation when DOGGR is allowed to complete its announced course of approving the new and expanded Lombardi and Aurignac Sands aquifer exemptions and grant new permits for toxic wastewater injection into these aquifers.

The people overwhelmingly mandated this local land use regulation protecting our water, environment, and the health and safety of all in Monterey County. Please do not stand idly by as state agencies acting under your direction and control unlawfully seek to undermine and defeat Measure Z at the behest of giant global oil corporations. Please direct DOGGR to immediately cancel the February 9 aquifer exemption hearing and terminate all efforts to approve new and expanded aquifer exemptions and new wastewater injection wells in Monterey County.

Thank you for your immediate and anticipated favorable consideration.

Sincerely,



James Eggleston
PROTECT MONTEREY COUNTY

cc: Monterey County Board of Supervisors