California Judge Denies CBD's Request To Bar Wastewater Injections

ALAMEDA, CA.–A California judge has denied a request by an anti-development group for a preliminary injunction to stop wastewater injection in 2,500 wells across the state.

Ruling in *Center for Biological Diversity v. California Department of Conservation* in California Superior Court in Alameda County, Superior Court Judge George Hernandez says the wells have not demonstrated any threat to public health by contaminating aquifers, but economic harm would occur if the wells were shut in.

According to the California Independent Petroleum Association, CDB filed the lawsuit against the Division of Oil, Gas and Geothermal Resources, claiming injections into permitted underground injection wells were unlawful and dangerous. The association successfully filed to intervene in the case.

The judge stated he found no evidence of risk of imminent harm to protected nonexempt aquifers, saying the plaintiff's evidence–generalized admissions by DOGGR that it had not effectively enforced laws and statements concerning actual harm which he said were, at best, ambiguous–was unpersuasive, CIPA quotes.

CIPA says the ruling allows DOGGR to begin working with the U.S Environmental Protection Agency to resolve issues surrounding aquifer classifications. Under the Safe Drinking Water Act, an aquifer may be exempted from the UIC program if it is not being used as a drinking water source and will not be used, or if it has a high total dissolved solids content, the association says.

DOGGR plans to conduct a preliminary assessment of whether disputed aquifers that it historically has treated as exempt meet the federal criteria for SDWA exemption, CIPA reports. The agency's preliminary assessment is that some of those aquifers may not meet the exemption criteria, but there are residual water quality questions to be resolved that may support exemptions, CIPA says.

In his testimony for several oil and gas companies that intervened in the case, attorney Jeffrey Dintzer pointed out that imposing an injunction on injection wells would immediately stop 17 percent of the state's oil production, and force the state's refineries to secure crude from out-of-state sources.

The end result would be an increase in gasoline prices for California drivers, Dintzer predicted, adding a second direct result of an injunction would be the loss of thousands of oil and gas jobs in California. ❐

Charles Moncla Jr. Selected As 2015 LAGCOE Looey

LEON CHARLES MONCLA JR.

LAFAYETTE, LA.–The Louisiana Gulf Coast Oil Exposition has selected Leon Charles Moncla Jr. as its 2015 LAGCOE Looey in recognition of his 45-plus years of industry service, announces 2015 LAGCOE Chairman Steve Maley.

Moncla is chairman and chief executive officer of Platinum Energy Solutions Inc. He founded Moncla Well Service Inc. in 1984 and served as its president until the company was sold to Key Energy Services in 2007. Moncla also served as president of Moncla Companies LLC, and founded Moncla Marine, Brothers Oilfield Service, and Tri Energy Services.

Maley, operations manager at Badger Oil Corp., says LAGCOE Looey recipients have shaped the oil and gas industry through years of devoted hard work while continuously giving back to their communities. This year's recipient is no different.

"LAGCOE Looey 2015 epitomizes the qualities of a true Southwest Louisiana oilman: entrepreneurial risk-taking, perseverance during tough times, and enjoying life to the fullest," Maley comments. "In the end, you pay it forward by giving back to the community and bringing the next generation along. These are the values of LAGCOE, and these are marks of the character of Charlie Moncla." ❐

Colorado Fracture Bans Sent To Supreme Court

DENVER–Declaring the issue to be of "significant public interest," the Colorado Court of Appeals in August referred two cases seeking to overturn local hydraulic fracturing bans to the state Supreme Court.

Citing bans on fracturing in other Colorado towns, the Appeals Court stated that lawsuits against Longmont and Fort Collins were "test cases for determining whether county and local government may regulate or prohibit fracturing and related activities," and as a result the issue is, "appropriate for the Supreme Court to decide," according to the Appeals Court motion filed Aug. 17.

Shortly after voters in Longmont approved a ban on fracturing in 2013, the city was sued by the Colorado Oil & Gas Association. The state Oil & Gas Conservation Commission and TOP Operating Company later joined the suit as plaintiffs. The Longmont ban was overturned by a district court judge who cited the "operational conflict" doctrine under which state law pre-empts a local jurisdiction (*AOGR*, Sept. 2014, pg. 183).

The second case referred by the Appeals Court involves COGA's lawsuit against a voter-approved, five-year moratorium in Fort Collins. A district court overturned the moratorium under the same pre-emption doctrine applied in the Longmont case.

In both cases, there is strong disagreement over the pre-emption issue, with Longmont arguing that the case is "as much about the principles of pre-emption as about minerals or public health," the Appeals Court motion notes. Longmont also argued that industry practices have changed so dramatically since a 1992 Supreme Court ruling upheld state pre-emption that the basis for the court's decision was no longer valid.

A portion of Fort Collins' appeal questions whether the pre-emption doctrine applies to a moratorium rather

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than a total ban, notes the Appeals Court.

In either case, because the Appeals Court is bound by precedent and only the Supreme Court can overturn its own rulings, the high court is "best suited" to rule on the issue, the motion states.

COGA responded to the Appeals Court decision by noting the action did not legitimize local bans and that thus far, "every Colorado court has declared bans and moratoria on hydraulic fracturing illegal."

Meanwhile, the Erie, Co., Planning Commission approved new rules for oil and gas development in August, according to published reports. The rules, which designate operator plans as "type A, B or C," depending on adherence to the town's guidelines, were protested in letters from COGA and Anadarko Petroleum Corp.

The protest letters charge Erie's guidelines with overstepping state law and exposing the town to possible litigation, according to reports. ❐