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MUNICIPAL ORDINANCE - CALIFORNIA

Chevron U.S.A., Inc. v. County of Monterey

Court of Appeal, Sixth District, California - October 12, 2021 - Cal.Rptr.3d - 2021 WL 4743024 - 21 Cal. Daily Op. Serv. 10,548 - 2021 Daily Journal D.A.R. 10,699

Mineral rights holders brought action for declaratory and injunctive relief challenging validity of county ordinances banning land uses in support of new oil and gas wells and land uses in support of wastewater injection in unincorporated areas of county.

The Superior Court entered judgment striking down the ordinances. County appealed.

The Court of Appeal held that state law governing oil and gas operational methods and practices preempted county ordinances.

County ordinances banning land uses in support of new oil and gas wells and land uses in support of wastewater injection in unincorporated areas of county were preempted as conflicting with Public Resources Code section giving the state oil and gas supervisor authority to supervise and permit oil and gas operational methods and practices throughout state, where Code permitted and encouraged drilling of new wells and use of wastewater injection and explicitly vested in the state the authority to permit that conduct, even though ordinances did not regulate many of the technical aspects of oil drilling operations addressed by voluminous state statutes and regulations.