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Frequently Asked Questions

Environmental Law Foundation vs. Southern California Gas Company, et. al.

1. What is this lawsuit about?

The Environmental Law Foundation filed suit against Southern California Gas Company ("SoCalGas") the operator of an underground natural gas storage reservoir in Playa del Rey, California. The lawsuit alleges that SoCalGas is discharging "BTEX" chemicals that cause cancer and birth defects into protected aquifers that overlie its natural gas storage reservoir.

Discharges of these chemicals into actual or potential sources of drinking water are strictly prohibited by California's Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65.

ELF is being represented by Rose, Klein & Marias LLP, and Law Office of Sabrina Venskus, both of Los Angeles.

2. What is the goal of this lawsuit?

The goal of this lawsuit is to enforce the law and ensure the SoCalGas stops discharging and releasing BTEX into sources of drinking water.

3. Why is this lawsuit important?

The California Constitution says that private parties cannot own the state's groundwater. Groundwater belongs to everyone and we cannot allow a private party to pollute it for its own purposes. SoCalGas is polluting three different aquifers that lie between the storage reservoir and the surface.

4. What is BTEX?

BTEX is an acronym for chemicals found in petroleum, three of which cause cancer and/or birth defects.[1] The three chemicals this lawsuit is concerned with are Benzene, Toluene and Ethylbenzene – three of the four BTEX chemicals.

[1] OEHHA (2006) Chemicals Known to the State to Cause Cancer or Reproductive Toxicity. http://www.oehha.ca.gov/prop65/prop65_list/files/P65single092906.pdf

5. Why is the SoCalGas storage reservoir a problem?

This storage reservoir is actually a partially depleted oil field. The gas company imports gas from elsewhere and pumps it under high pressure into the ground to store it in the oil field. This reservoir is problematic for several reasons: 1) The oil field leaks. This field was drilled more than 200 times roughly 75 years ago. Many of the wells drilled back then were not adequately abandoned (sealed) and have continued to deteriorate with age. The gas company knows that natural gas and BTEX chemicals are migrating upwards through its leaking wells into the aquifers. It also knows that its storage gas has migrated well beyond the area in which it is permitted to store gas. In fact, the gas company admits it loses millions of cubic feet of gas each year. 2) The BTEX chemicals migrating upward contaminate the protected aquifers and make them unfit for future use. 3) Needless to say, the gas migrating to the surface also threatens the health and safety of residents who live on top of this field.

6. Are other gas storage operations located in urban areas?

Because natural gas facilities are known to have accidents and explosions, they're rarely located in densely populated, seismically active areas. However, whether or not this facility was a good idea in the 1940's, it has now become an environmental menace.

7. How do you know the BTEX is reaching the aquifers?

Internal company documents reveal that there are abandoned wells on twelve specific parcels of land the company wants to sell for residential development. The company recently tested the surface soil on each of these parcels and found BTEX chemicals. Because each of these wells was properly abandoned, BTEX in the soil at the surface indicates that 1) these wells are leaking, and 2) that gases are migrating from the storage reservoir all the way to the surface, passing through and contaminating the underground aquifers en route. BTEX at the surface also signifies that unless these wells are properly repaired, these residential lots will continue to have problems.

ELF sent notices of violation of California to the gas company in the fall of 2006. The company has never responded.

8. Can the gas company clean up its act?

Fortunately, the gas company can do things to clean up its act. It is technically feasible to shore up the reservoir, reduce the operating pressure, properly maintain the equipment, and locate and re-abandon all wells within the influence of its operations. It's simply a question of will and money.

Benzene is known to cause cancer and reproductive effects. Toluene is known to cause reproductive effects. Ethylbenzene is known to cause cancer.

It is time the gas company be held accountable and either operate the reservoir in a safe and effective manner, or close it down.

9. Why does California law protect groundwater aquifers?

It has been said that you don't understand California politics until you understand the history of its drinking water. Mindful of the demands an increasing population would make on limited water resources, California voters by an almost two-to-one margin gave themselves the most stringent drinking water protections in the country when they passed Prop 65, the Safe Drinking Water and Toxic Enforcement Act of 1986.[2]

California law protects all existing and potential sources of drinking water. And it's important to know that even if an aquifer isn't being used now, we protect it now, so we'll have it in the future.

10. Why should we care?

There is no way we should allow BTEX into any source of drinking water. Allowing these chemicals into aquifers destroys their value as sources of drinking water. The presence of these chemicals makes any groundwater aquifer unfit for use as drinking water. And, if the BTEX is coming to the low-lying aquifers, the gas is reaching the surface.

11. What does the lawsuit seek?

The law gives parties who are enforcing it three important rights: (1) The court can issue an injunction against each actual or threatened violation of the law. ELF will ask for court orders on each well to fix them completely, close them down or otherwise change the operations so that the leaks are stopped. Permanently. (2) The Gas company can face penalties of up to $2,500 per violation per day. Since the wells are under constant pressure and are therefore constantly leaking, that's $2,500 per well per day. For just those twelve wells, the total could be $30,000 per day, or $10,950,000 per year until the problem is solved. (3) All of costs and fees incurred by ELF in enforcing the law and stopping the Gas company's knowing violations.

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[2] Many people are familiar with Proposition 65's other provisions, which require warnings to consumers, workers and residents if they are exposed to chemicals "known to the state to cause cancer or reproductive harm." Fewer know that Proposition 65 also absolutely prohibits discharging or releasing those same chemicals into "any source of drinking water."