

**State of California
Office of Administrative Law**

In re:
Department of Conservation

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 1760.1, 1779.1

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2015-1009-03

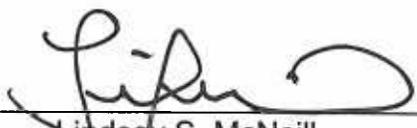
OAL Matter Type: Emergency Readopt (EE)

This emergency readopt action by the Department of Conservation (DOC) readopts sections 1760.1 and 1779.1 in title 14 of the California Code of Regulations to provide an aquifer exemption compliance schedule for the oil and gas industry. This rulemaking action establishes deadlines for the oil and gas industry to obtain aquifer exemptions in an effort to bring California's Class II Underground Injection Control program into compliance with the federal Safe Drinking Water Act.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/20/2015 and will expire on 1/20/2016. The Certificate of Compliance for this action is due no later than 1/19/2016.

Date: October 19, 2015



Lindsey S. McNeill
Attorney

For: DEBRA M. CORNEZ
Director

Original: David Bunn
Copy: Justin Turner

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-1009-03E8
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For use by Office of Administrative Law (OAL) only

2015 OCT -9 A 9:20

OFFICE OF ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 19 2015

2:13 pm

AGENCY WITH RULEMAKING AUTHORITY Department of Conservation	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Aquifer Exemption Compliance Schedule Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-0409-02E
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1760.1, 1779.1
	AMEND
	REPEAL
TITLE(S) 14	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) October 20, 2015
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Justin Turner	TELEPHONE NUMBER 916-322-2405	FAX NUMBER (Optional) 916-324-0948	E-MAIL ADDRESS (Optional) justin.turner@conservation.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 10/7/15
TYPED NAME AND TITLE OF SIGNATORY David Bunn, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 19 2015

Office of Administrative Law

AQUIFER EXEMPTION COMPLIANCE SCHEDULE REGULATIONS

PROPOSED TEXT OF REGULATIONS

CHAPTER 4. DEVELOPMENT, REGULATION, AND CONSERVATION OF OIL AND GAS RESOURCES Subchapter 2. Environmental Protection

THE FOLLOWING SECTIONS ARE ADDED TO SUBCHAPTER 2:

Article 2. Definitions

1760.1. Definitions.

(a) The following definitions are applicable to this subchapter:

(1) "Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

(2) "Aquifer exemption" means an aquifer exemption proposed by the Division and approved pursuant to the Code of Federal Regulations, title 40, section 144.7.

(3) "Hydrocarbon producing zone" means the portion of an aquifer that is hydrocarbon producing, or can be demonstrated to the Division's satisfaction to contain hydrocarbons that considering their quantity and location are expected to be commercially producible.

(4) "TDS" means milligrams per liter of total dissolved solids content.

NOTE: Authority cited: Section 3013, Public Resources Code. Reference: Section 3106, Public Resources Code; 40 C.F.R. 144.7.

Article 3. Requirements

1779.1. Deadlines for Obtaining Aquifer Exemption.

(a) An underground injection project approved by the Division for injection into an aquifer that has not received an aquifer exemption is subject to the following restrictions:

(1) If the portion of the aquifer where injection is approved is not a hydrocarbon producing zone and the groundwater has less than 3,000 TDS, then injection shall cease by October 15, 2015, unless and until there is an aquifer exemption for the aquifer or the portion of the aquifer where injection is occurring.

(2) If the portion of the aquifer where injection is approved is not a hydrocarbon producing zone and the groundwater has between 3,000 and 10,000 TDS, then

injection shall cease by February 15, 2017, unless and until there is an aquifer exemption for the aquifer or the portion of the aquifer where injection is occurring.

(3) If the portion of the aquifer where injection is approved is a hydrocarbon producing zone and the groundwater has less than 10,000 TDS, then injection shall cease by February 15, 2017, unless and until there is an aquifer exemption for the aquifer or the portion of the aquifer where injection is occurring.

(b) For any underground injection project approved by the Division for injection into one of the 11 aquifers listed in subdivision (b)(1), injection shall cease by December 31, 2016, unless and until the U.S Environmental Protection Agency, subsequent to April 20, 2015, determines that the aquifer or the portion of the aquifer where injection is occurring meets the criteria for aquifer exemption.

(1) The following are the 11 aquifers subject to this subdivision:

- (A) The Pico formation within the boundaries of the South Tapo Canyon field;
- (B) The Tumey formation within the boundaries of the Blackwell's Corner field;
- (C) The Kern River formation within the boundaries of the Kern Bluff field;
- (D) The Santa Margarita formation within the boundaries of the Kern Front field;
- (E) The Chanac formation within the boundaries of the Kern River field;
- (F) The Santa Margarita formation within the boundaries of the Kern River field;
- (G) The Walker formation within the boundaries of the Mount Poso field;
- (H) The Olcese formation within the boundaries of the Round Mountain field;
- (I) The Walker formation within the boundaries of the Round Mountain field;
- (J) All aquifers within the Bunker Gas field that are not in a hydrocarbon producing zone and that have groundwater that has less than 10,000 TDS; and
- (K) All aquifers within the Wild Goose field that are not in a hydrocarbon producing zone and that have groundwater that has less than 10,000 TDS.

(2) For the purposes of this section, the boundaries of the fields listed in subdivision (b)(1) are defined by Division of Oil, Gas, and Geothermal Resources Field Boundary Specifications 1 through 9, dated April 1, 2015, hereby incorporated by reference (publicly available at [ftp://ftp.consrv.ca.gov/pub/oil/UIC Files/Boundary Maps/DOGGR Field Boundary Specifications 1 through 9.pdf](ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/Boundary%20Maps/DOGGR%20Field%20Boundary%20Specifications%201%20through%209.pdf)).

(c) Notwithstanding subdivisions (a) and (b), approval of an underground injection project, rescission of an approval of an underground injection project, and restriction of an approval of an underground injection project are all at the discretion of the Division.

(d) Any person who violates this section is subject to a minimum civil penalty of \$20,000 for each well for each day injection occurs. The Division may impose a greater civil penalty based on consideration of the extent of harm, persistence, pervasiveness, and prior occurrences of the violation, but in no case shall the civil penalty be greater than \$25,000 for each well for each day injection occurs.

NOTE: Authority cited: Section 3013, Public Resources Code. Reference: Sections 3106, 3220, 3222 and 3236.5, Public Resources Code; 40 C.F.R. 144.3 and 144.7.

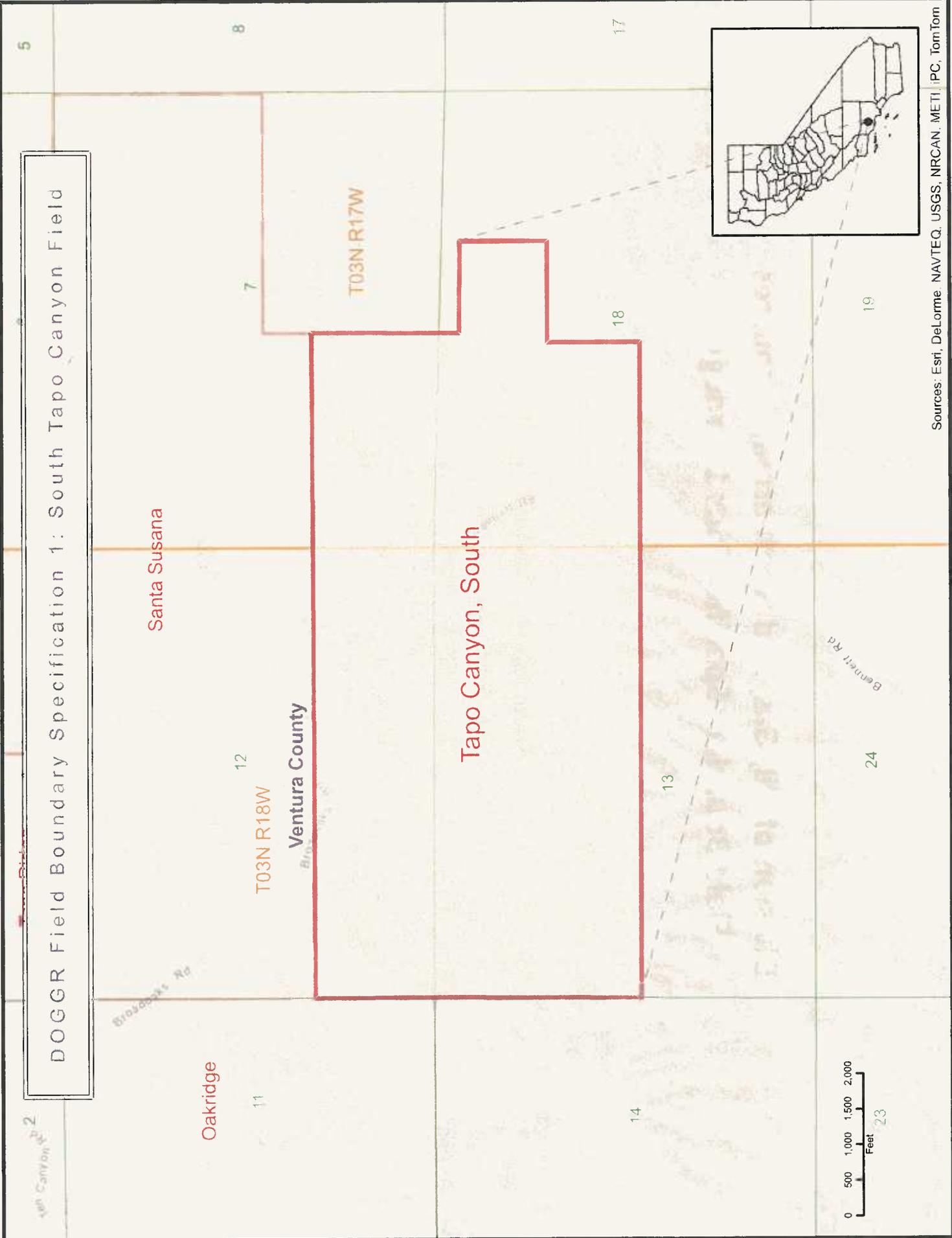
Division of Oil, Gas, and Geothermal Resources

Field Boundary Specifications 1 through 9

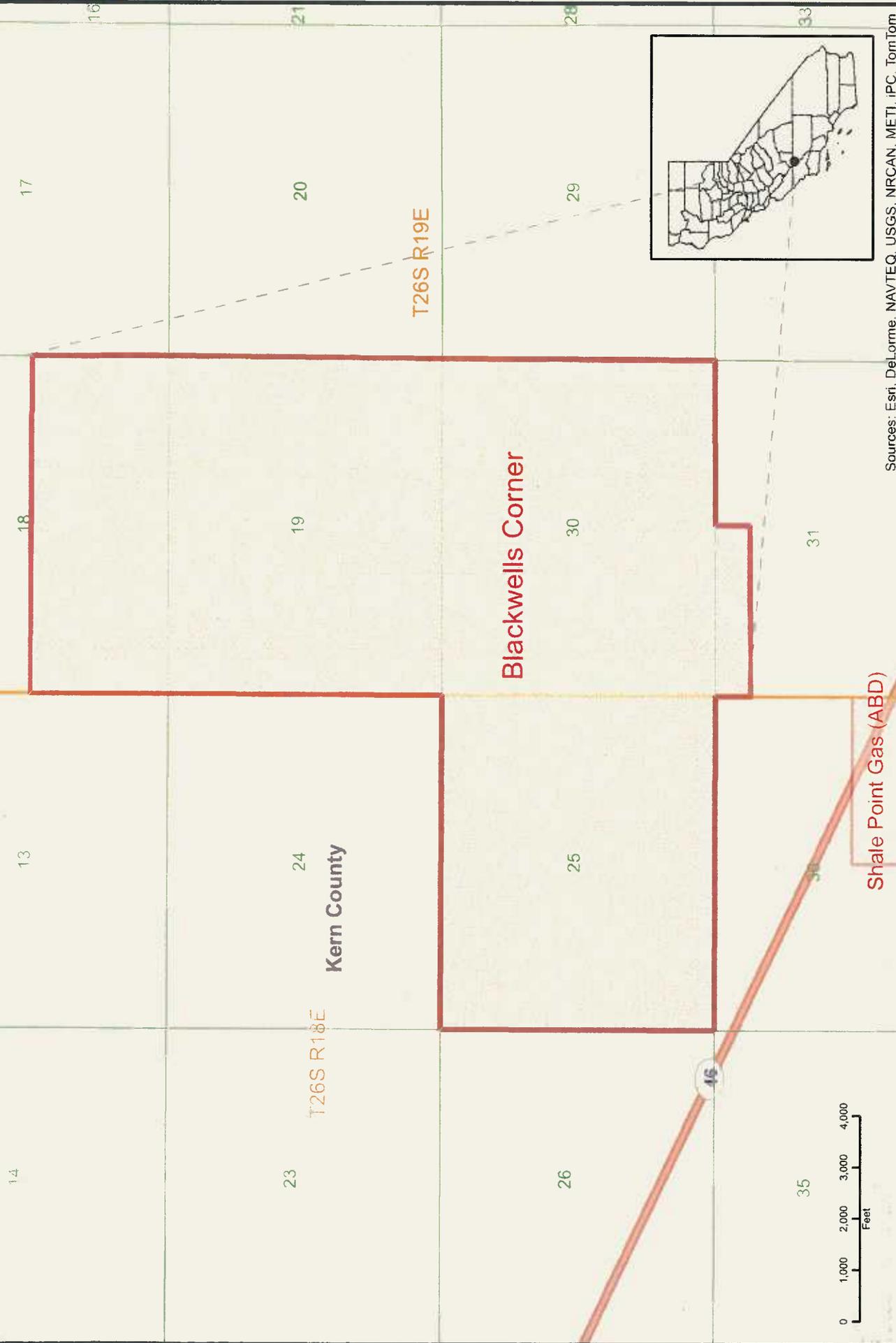
April 1, 2015

South Tapo Canyon field
Blackwell's Corner field
Kern Bluff field
Kern Front field
Kern River field
Mount Poso field
Round Mountain field
Bunker Gas field
and
Wild Goose field

DOGGR Field Boundary Specification 1: South Tapo Canyon Field



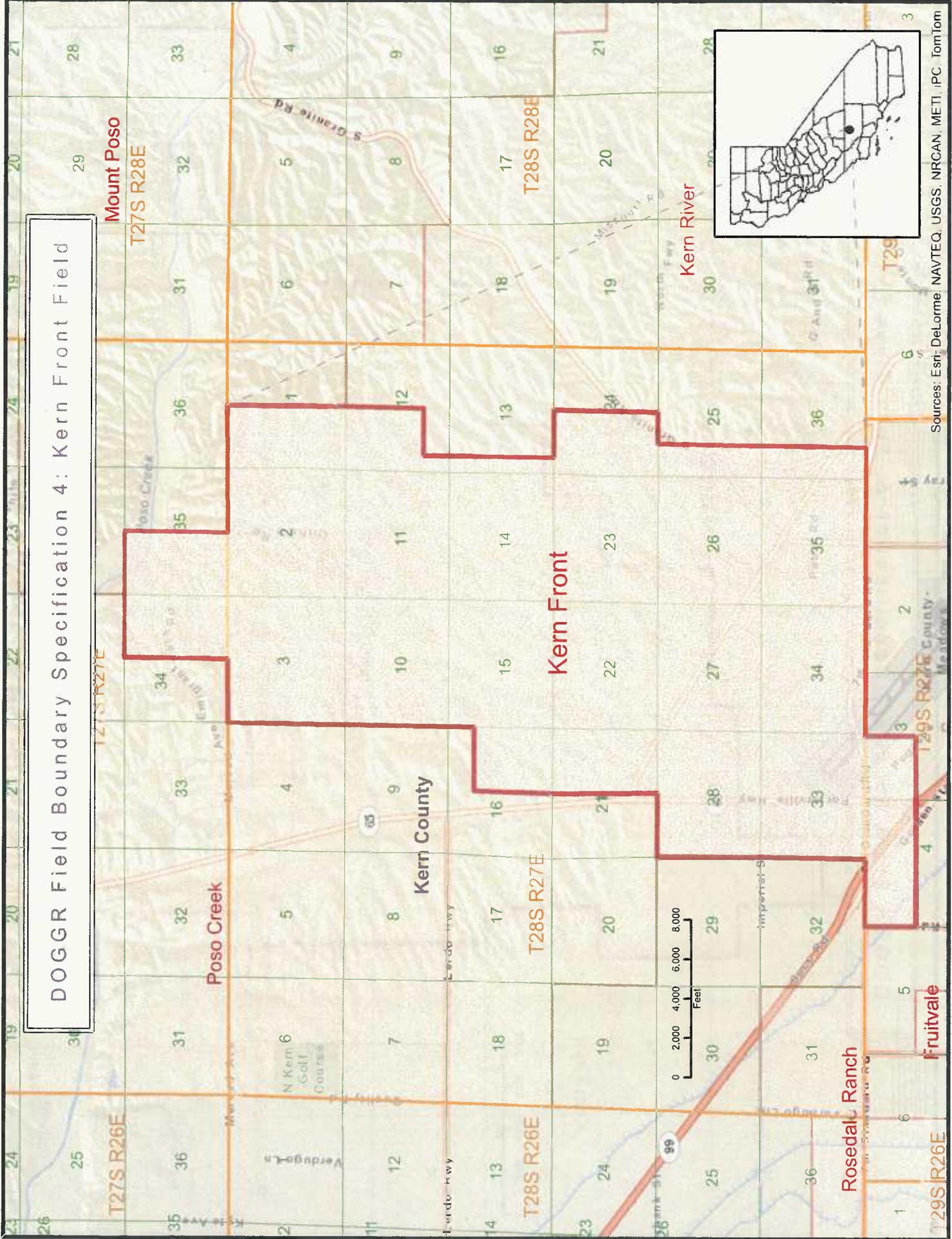
DOGGR Field Boundary Specification 2: Blackwell's Corner Field



Shale Point Gas (ABD)

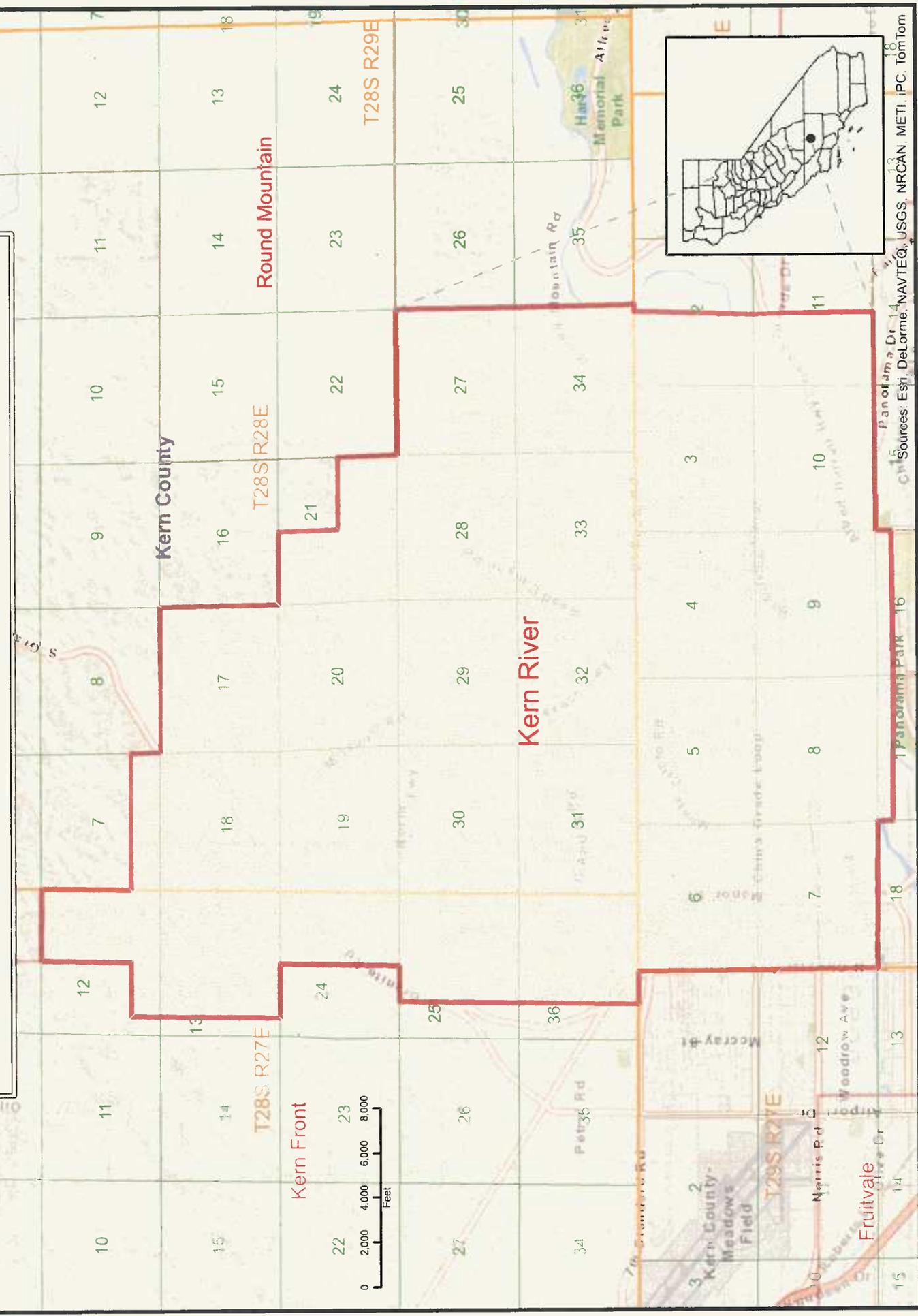
Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom

DOGGR Field Boundary Specification 4: Kern Front Field



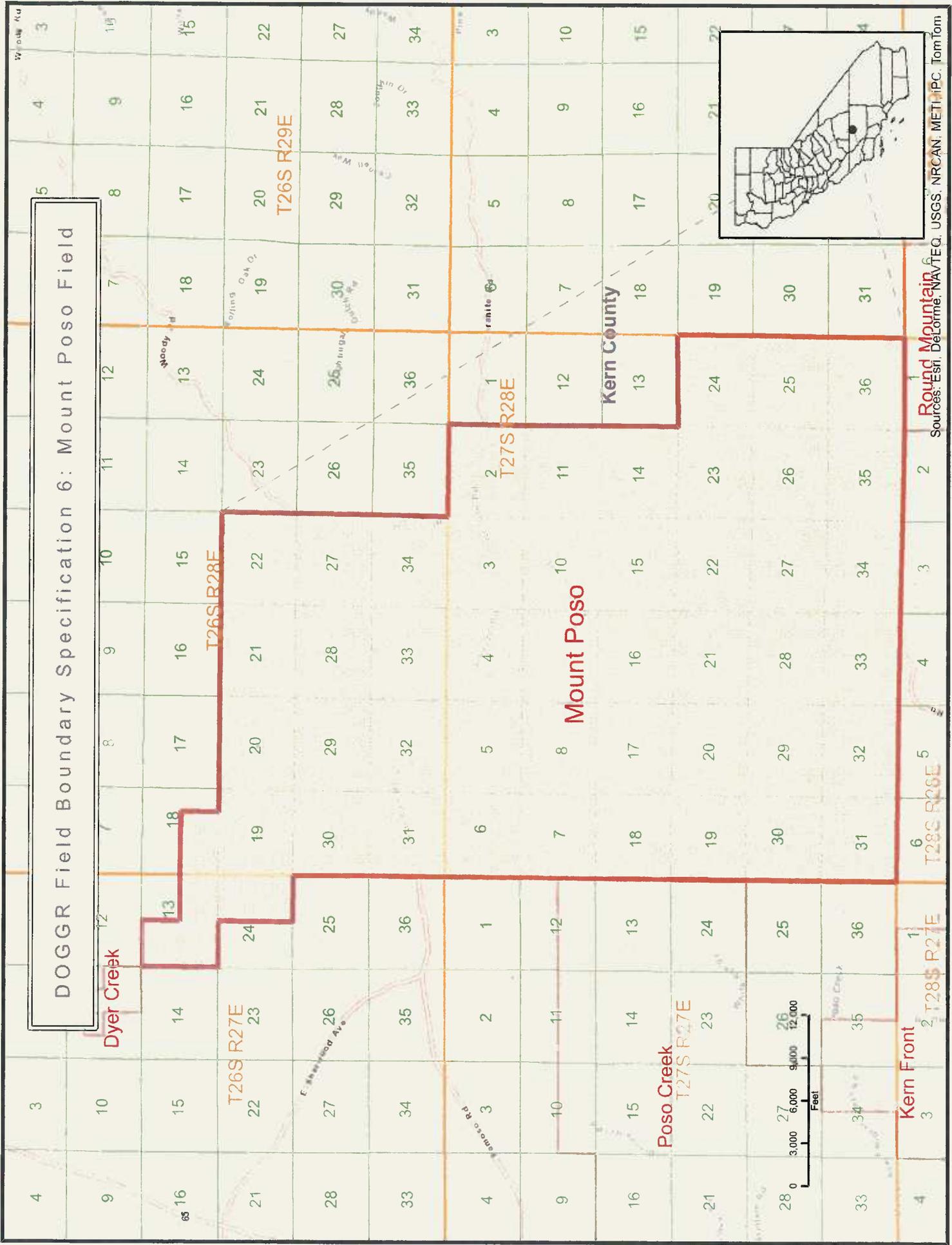
Sources: Esri; DeLorme; NAVTEQ; USGS; NRCAN; METI; PC; TomTom

DOGGR Field Boundary Specification 5: Kern River Field



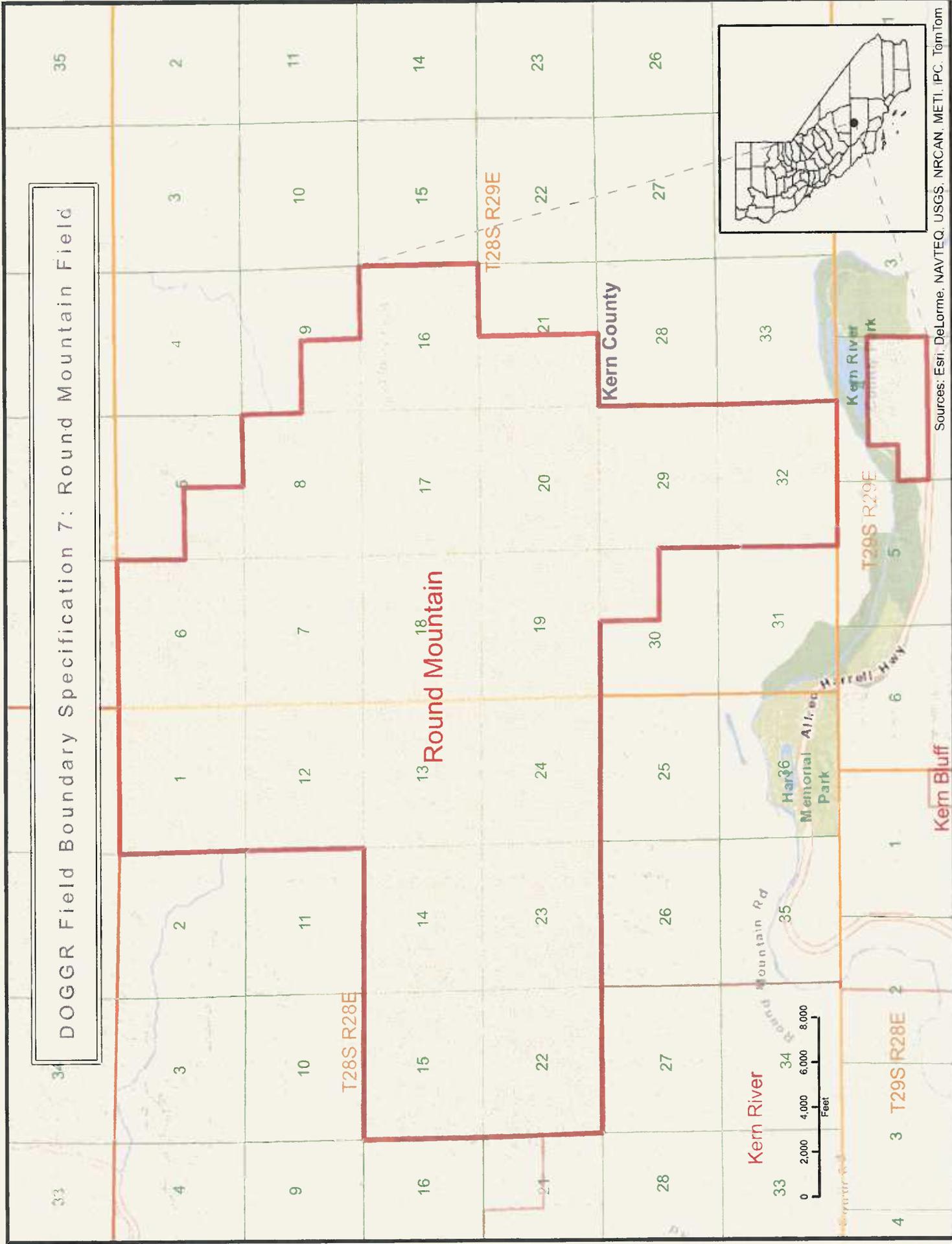
Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom

DOGGR Field Boundary Specification 6: Mount Poso Field

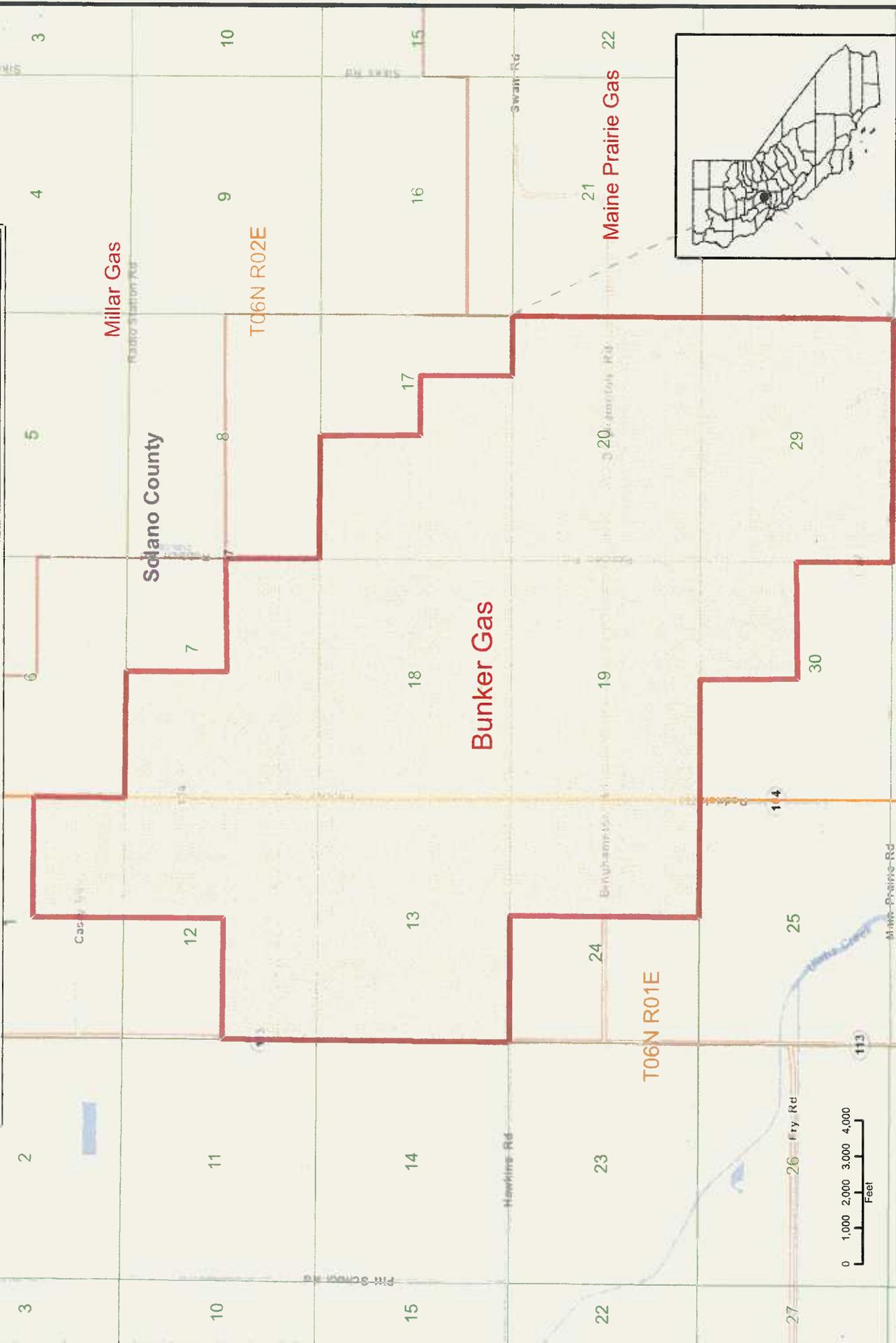


Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom

DOGGR Field Boundary Specification 7: Round Mountain Field



DOGGR Field Boundary Specification 8: Bunker Gas Field



Sources: Esri, DeLorme, NAVTEQ, USGS, INRCAN, METI, IPC, TomTom

DOGGR Field Boundary Specification 9: Wild Goose Gas Field

Colusa County

Butte County

Wild Goose Gas

Butte
Sutter
Sutter County

T17N R01E

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T17N R01W

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