



DEPARTMENT OF CONSERVATION

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CALIFORNIA DEPARTMENT OF CONSERVATION ISSUES NOTICE OF EMERGENCY REGULATIONS FOR UNDERGROUND INJECTION

SACRAMENTO – The California Department of Conservation (DOC) today gave notice of an emergency rulemaking package to regulate underground injection related to oil and natural gas production. The emergency rulemaking puts in place concrete steps and deadlines agreed to by the U.S. Environmental Protection Agency for the Division of Oil and Gas Resources and the State Water Resources Control Board

“This is a significant step in California’s commitment to ensure that underground injection practices comply with the federal Safe Drinking Water Act (SDWA) and to quickly eliminate risks to California’s precious water resources,” State Oil & Gas Supervisor Dr. Steven Bohlen said.

DOC’s Division of Oil, Gas, and Geothermal Resources (DOGGR) has primary authority through the U.S. EPA to regulate underground injection wells related to oil and gas operations in California. In 2011, DOGGR raised concerns about underground injection, asking for an independent audit and alerting the Legislature and U.S. EPA to the audit’s findings.

It was discovered that some injection was occurring into aquifers that had not been approved (“exempted”) by the U.S. EPA under the terms of the SDWA. That discovery prompted last summer the beginning of an evaluation of all 50,000 injection wells in the state, with an immediate emphasis on those drilled into zones with the highest water quality.

The rulemaking sets in regulation a schedule the three government agencies have established to eliminate all injection into non-exempt aquifers and ensure California oil and gas activities are compliant with the SDWA. The regulations, available on DOC’s website, will be provided to the Office of Administrative Law on April 9 to ensure they are in place no later than April 30.

Under the emergency regulations, the deadline to stop injecting into aquifers that do not naturally contain oil reservoirs and with water quality of less than 3,000 milligrams per liter/total dissolved solids (TDS) is October 15, 2015, or sooner if it appears that water supplies are possibly threatened. Injection into all other non-exempt aquifers with water quality of less than 10,000 TDS must cease by February 15, 2017. Injection into

eleven other specified aquifers with unclear exemption status must cease by December 31, 2016 if the U.S. EPA determines they should remain exempt. The SDWA does not apply to water with TDS greater than 10,000 TDS.

Injection can continue if the state applies for and receives an aquifer exemption from U.S. EPA. Even if an aquifer has very low TDS (the state and federal standard for drinking water is 500 TDS), an exemption may be granted if the water naturally contains oil or high levels of minerals such as arsenic or boron, making the water unfit for either drinking or agricultural use.

“Our agreement with U.S. EPA is to review all injection wells in the state,” Bohlen explained. “Within the next few weeks the high-priority wells will be complete. If they are too close to a beneficial use well, we will issue an order to shut them down. We’ve already closed down 23 injection wells. We understand public concern about their water. To be clear, no contamination has been found related to oil and gas operations, but we’re taking a conservative, cautious approach.

The Office of Administrative Law (OAL) has 10 working days to review the emergency regulations. OAL will consult with DOC before providing any response to comments. If OAL approves the rulemaking package, the interim rules will be in place at the end of the 10-day review. Information about the emergency rulemaking process can be found at http://oal.ca.gov/Emergency_Regulation_Process.htm.

Members of the public wishing to comment on the emergency regulations must do so directly to OAL within five calendar days of the posting of the proposed emergency regulations on the OAL website. Submit comments to:

Mail: OAL Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, California 95814

Fax: (916) 323-6826

E-mail: staff@oal.ca.gov

Those submitting a comment to OAL must also submit a copy to the Department:

Mail: Department of Conservation
801 K Street, MS 24-02
Sacramento, CA 95814
ATTN: Aquifer Exemption Emergency Rulemaking

Fax: (916) 324-0948

E-mail: UIC.regulations@conservation.ca.gov

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