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CALIFORNIA ADOPTS INTERIM REGULATIONS FOR UNDERGROUND INJECTION RELATED TO OIL AND GAS

SACRAMENTO – Interim regulations to bring California’s underground injection program into compliance with the federal Safe Drinking Water Act have been adopted and are now in effect. The Office of Administrative Law has approved the rulemaking package for oil and gas production put forth by the Department of Conservation (DOC) on April 2.

“We now have a firm plan and schedule – achieved with the input and cooperation of other regulatory agencies, including the U.S. Environmental Protection Agency -- to bring all of the state’s injection wells into compliance with the federal Safe Drinking Water Act,” State Oil & Gas Supervisor Dr. Steven Bohlen said.

“Our primary goals are to protect public health and the state’s groundwater resources, especially during this time of unprecedented drought. We believe this rulemaking is the most efficient way to achieve those goals while at the same time avoiding the closure of operations that do not pose a threat to potential sources of drinking water. No evidence has been found that underground injection has damaged sources of potential drinking water. However, the State’s review of injection wells is ongoing, and regulators will order the closure of any wells where a threat is found.”

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 Safe Drinking Water Act (SDWA). Last summer, DOC and the State Water Resources Control Board began 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. So far, 23 wells have been closed because they were injecting waste fluid too close to beneficial-use wells.

The rulemaking sets in regulation a schedule that DOC and fellow regulators established to eliminate all injection into non-exempt aquifers and ensure that California oil and gas activities are compliant with the SDWA. The regulations are available on DOC’s website.

Here are the relevant deadlines:

◆ Injection into non-exempt aquifers that do not naturally contain oil reservoirs and with water quality of less than 3,000 milligrams per liter/total dissolved solids (TDS) must cease by October 15, 2015, or sooner if it appears that beneficial-use water supplies are possibly threatened.

◆ Injection into all other non-exempt aquifers with water quality of less than 10,000 TDS must be halted by February 15, 2017.

◆ Injection into eleven other specified aquifers must cease by December 31, 2016 unless U.S. EPA determines that the aquifer meets the criteria for exemption.

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 for currently non-exempt aquifers. 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.

“We are working on the rulemaking package for the permanent adoption of these regulations, with the goal of noticing that rulemaking by the end of May,” Bohlen said. The “emergency” regulations will expire on October 20, 2015.

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.

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