

Calif. issues emergency rules for wastewater injection

Debra Kahn, Environment & Energy Publishing, 4-3-14

California regulators yesterday issued emergency rules designed to determine how many oil and gas drilling operations will have to stop depositing their wastewater into drinkable groundwater aquifers.

Officials with the state Department of Conservation disclosed in February that they had been approving injection of wastewater into federally protected aquifers for decades. Oil drillers were injecting wastewater from drilling operations into more than 2,500 wells that were near drinkable groundwater, violating the Safe Water Drinking Act.

The agency's rules set deadlines for when well operators need to apply for exemptions from federal law in order to continue operating. By Oct. 15, oil companies will have to stop injecting into the cleanest aquifers, containing water with less than 3,000 parts per million dissolved solids, unless they are in an oil-producing zone or have received exemptions.

The rules also define the boundaries of 11 aquifers in Kern County at the southern end of the Central Valley that had been improperly classified as exempt from the safe drinking water law due to two conflicting state policies that dated back to 1982 and 1983. Wastewater injection into those aquifers must cease by the end of 2016 unless well operators receive exemptions from U.S. EPA.

Environmentalists reacted negatively to the regulations, saying the illegal injection wells should be shuttered immediately. The state has issued cease-and-desist orders to 35 of them so far, due to their proximity to potential drinking water supplies. Under the emergency regulations, the rest of the wells that are injecting into drinkable water -- containing 10,000 ppm dissolved solids or less -- have to stop operations by Feb. 15, 2017, unless they obtain an exemption from the state.

"Everyone agrees -- DOGGR admits, EPA admits -- these injections violate state and federal law," said Vera Pardee, a senior attorney with the Center for Biological Diversity. "This agency completely has it in its power to stop the illegal injections right now." She referenced the state's historic drought, which prompted Gov. Jerry Brown (D) earlier this week to order residents to cut their water use by 25 percent.

"It is incredible that while water is being cut back for the rest of us, we don't want to inconvenience the oil industry because they might have transaction costs if they have to stop injecting their toxic water into our water sources," Pardee said. She said CBD was "seriously considering" suing over the rules.

A bill, A.B. 356, introduced in the state Legislature this session by Assemblyman Das Williams (D) would give the State Water Resources Control Board the authority to monitor groundwater near oil and gas wastewater injection wells, in addition to current rules that provide for monitoring near wells that are being hydraulically fractured or otherwise stimulated. That bill is expected to be heard in committee by the end of the month, a spokeswoman said.

"I'm pleased the department is working with U.S. EPA to come into compliance with the Safe Drinking Water Act," Williams said in a statement. "However, I've been on record as saying this isn't enough and still believe there's more to be done. This means stopping all injections in wells that did not have proper aquifer exemptions until they are exempted by U.S. EPA."

The regulations will be filed with the state's Office of Administrative Law on April 9, officials said, and are due to take effect April 20.