

Enviros sue to keep oil wastewater out of aquifer

Ellen M. Gilmer, *Environment & Energy Publishing*, 8-4-16

A plan to allow oil and gas wastewater disposal in a central California aquifer violates state law, environmentalists argued in a lawsuit filed yesterday.

The Center for Biological Diversity says state regulators ignored the California Environmental Quality Act when they signed off on an "aquifer exemption" for permanent wastewater disposal in the Arroyo Grande Aquifer in San Luis Obispo County. According to CBD, the site is within a mile of at least 100 water supply wells used for drinking water and agriculture.

"Oil regulators are disturbingly determined to turn this aquifer into an oil industry waste dump, but they can't just shrug off California's environmental laws," CBD attorney Maya Golden-Krasner said in a statement, adding that an aquifer exemption is particularly risky during the region's ongoing drought.

CBD's lawsuit, filed in Superior Court in San Luis Obispo, alleges that the state Division of Oil, Gas and Geothermal Resources rubber-stamped the exemption, which is also subject to U.S. EPA approval, without considering the environmental impacts of increased disposal and related oil production in the area.

"DOGGR and the [State Water Resources Control Board] had a clear responsibility under CEQA to disclose, analyze, and mitigate or avoid the effects of this decision — and of the future development that will follow as a result of this decision — before deciding to eliminate the possibility that the Arroyo Grande Aquifer could ever be used for drinking water or other beneficial purposes in the future," the suit says.

The dispute follows the controversial revelation last year that state officials had for decades improperly approved wastewater disposal into formations containing water considered "drinkable" under federal law. In an agreement with EPA, the state has spent the past year and a half overhauling its oversight of oil and gas wastewater disposal (*Greenwire*, April 3, 2015).

Don Drysdale, spokesman for the Department of Conservation, which includes DOGGR, said he could not comment on pending litigation but noted that the state is "on track" with its EPA-approved plan for Safe Drinking Water Act compliance.