To: Albright, David[Albright.David@epa.gov]
From: Tiago, Joseph
Sent: Fri 6/27/2014 3:03:12 PM
Subject: FW: Just heard from CA that they have found EPA correspondence authorizing aquifer exemptions

FYI…

From: Tiago, Joseph
Sent: Friday, June 27, 2014 11:02 AM
To: Clark, Becki
Cc: Tiago, Joseph; Green, Holly; Grevatt, Peter; Bergman, Ronald
Subject: RE: Just heard from CA that they have found EPA correspondence authorizing aquifer exemptions

CA Aquifer Exemptions

Timeline based on OGWDW Staff Review

Question: Did EPA reversed the decision not to exempt 11 formations identified in the MOA in September 28, 1982?

•□□□□□□□□ **September 28, 1982**: MOA is issued including aquifer exemptions for hydrocarbon and non-hydrocarbon formations, excluding 11 non-hydrocarbon formations from exemption

•□□□□□□□□ **September 29, 1982**: R9 RA recommends approval of CADOG primacy for Class II portion of UIC Program

•□□□□□□□□ **October 8, 1982**: Transmittal memo to the EPA Administrator for approval

•□□□□□□□□ **March 14, 1983**: EPA delegated SDWA 1425 primacy to CA becomes effective in the *Federal Register* (published *Federal Register/Vol. 48, No. 30/Friday, February 11, 1983/Rules and Regulations*)

- A copy of the *Federal Register Notice* has been found and reviewed

- The FRN does not include the MOA - The list of formations exempted is only available in the MOA

•□□□□□□□□ **April 5, 1983**: DOG issued a letter to industries affected by the 11 formations previously non-exempted mentioning their intend to appeal the EPA decision to exclude 11 formations

•□□□□□□□□ **June 16, 1983**: DOG sent another letter to industries affected by the 11 formations previously non-exempted announcing that EPA decision was overturned

•□□□□□□□□ **May 17, 1985**: EPA issued a letter to *clarify*

- How wells will be classified

- Requirements and regulatory deadlines for submitting permit applications

- Formations identified by CDOG in its primacy application, non-USDWs formations which were not exempted, and USDWs formations which were exempted. The list of exempted aquifers in the attachment to this letter now includes all 11 formations previously non-exempted

Missing Pieces

•□□□□□□□□ No records can be found on EPA's decision to exempt the 11 previously non-exempted formations

Recommendations

•□□□□□□□□ Engage with CDOG to attempt to find any records of decision issued between April 5, 1983 and June 16, 1983 overturning EPA decision not to exempt the 11 formations

•□□□□□□□□ Engage with Region 9 in determining whether there was any revision to the MOA issued September 28, 1982 which suggested inclusion of the 11 previously exempted aquifers, and determine whether there was additional AE application from CDOG between 1982 and 1985 related to the 11 formations

•□□□□□□□□ Engage further in understanding the potential impact on the current injection activities on the nearest surrounding drinking water wells and make recommendations on remediation or corrective actions