To: Montgomery, Michael[Montgomery.Michael@epa.gov]
From: Albright, David
Sent: Wed 6/29/2016 3:33:54 PM
Subject: FW: CA TPs for meeting tomorrow

Hi Mike,

Wanted to loop you in on 2 matters below. First, see the CA-related talking points that OGWDW will be using in their meeting with NRDC and other petitioners tomorrow. As noted, I will call in to listen. Second, note the FOIA request we received from Lustgarten/ProPublica. I also gave Keener in OPA a heads-up about the request. Let me know if you have questions about the HQs meeting or the FOIA. Thanks, David

From: Albright, David
Sent: Wednesday, June 29, 2016 8:17 AM
To: Green, Holly <Green.Holly@epa.gov>
Subject: RE: CA TPs for meeting tomorrow

Hi Holly, sorry I did not get back to you on the meeting. I will be calling in, but I may not make it at 6am on the dot. The talking points look good!

As an aside, I wanted to mention that we received a FOIA request from Abrahm Lustgarten (ProPublica), asking for documents (Jan 2012 to present) pertaining to 1) aquifer exemptions – the process, specific applications, etc. and 2) CA compliance with the UIC program. We are initially sharing with him a prior FOIA release we did for an early 2015 CBD request, which has quite a bit of overlap, and will then produce any other records from early 2015 to the date of his request. Just wanted you to be aware, given his national profile on UIC/aquifer exemption issues. Let me know if you have any questions about the FOIA request.

Thanks,

David

From: Green, Holly
Sent: Wednesday, June 29, 2016 7:55 AM
To: Albright, David <Albright.David@epa.gov>

Subject: CA TPs for meeting tomorrow

Hi David,

Hopefully you got the invite for tomorrow's AE meeting. Apologies that this is not west-coast friendly. Wanted to let you know that I will be speaking about CA a little during the opening as part of EPA's ongoing efforts on AEs. Here are the TPs – we took from documents already blessed, I believe, but just in case, take a look and let me know if anything needs correction.

Thanks!

Holly

•□□□□□□ **In California**, EPA and the state identified a substantial number of Class II wells permitted to inject into non-exempt aquifers.

o Since this discovery, EPA Region 9 has worked diligently with the CA Division of Oil and Gas and the State's Water Board to address the situation, developing and now implementing a 2-year plan to bring the state's Class II injection program back into compliance.

o The Plan includes identifying all non-compliant injection wells, prioritizing the wells by the relative risk posed to existing water sources, and taking action to shut down potentially endangering wells. The Plan also provides a timetable that CA will seek aquifer exemption approval from EPA for those formations that meet federal exemption criteria and then halt any injection into formations that do not meet the criteria for exemption.

o To ensure implementation of specific compliance deadlines, the state promulgated emergency rules incorporating the Plan's key timeframes for action into their UIC regulations.

o In March, 2015, EPA Region 9, along with CA's DOGGR and State Water Board, held multiple workshops to train state staff as well as Class II operators on how to apply for an aquifer exemption and the data requirements needed to evaluate an aquifer exemption request.

o During these workshops EPA Region 9 discussed the AE checklist and CA is now using this checklist to prepare the aquifer exemption requests.

o There is undoubtedly a significant workload ahead to fully remedy this situation in CA. However, implementation of the state's compliance plan, with careful oversight by EPA, will

ensure compliance with the Safe Drinking Water Act and lead to improved protection of the state's vital groundwater resources.

Holly Sage Green

Acting Chief, Prevention Branch

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