To: Montgomery, Michael[Montgomery.Michael@epa.gov]
From: Ex. 6 - Personal Privacy
Sent: Fri 3/18/2016 12:22:22 AM
Subject: Keep oil waste out of California's aquifers!

On Feb. 8, 2016 California's Division of Oil, Gas and Geothermal Resources (DOGGR) recommended an aquifer exemption for Class II injection wells in the Arroyo Grande oilfield operated by Freeport McMoRan. But under the Safe Drinking Water Act, the EPA must approve this exemption before it is valid. That's why I'm writing to urge you and the EPA to deny this aquifer exemption.

Neither Freeport McMoRan nor DOGGR has shown that the aquifer meets federal or state criteria for exemption, and neither has shown that the aquifer cannot be used for beneficial or domestic purposes, or that it is hydraulically isolated from other similarly classed water sources for current or future beneficial use.

Major reasons supporting a denial of this aquifer exemption include:

-- The presumption is in favor of protecting groundwater.

-- The EPA must consider DOGGR's failure to effectively administer the Underground Injection Control program in California, as well as current technology and climate conditions, in weighing that presumption against Freeport McMoRan's and DOGGR's burden to demonstrate the aquifer meets exemption criteria.

-- Freeport McMoRan and DOGGR have failed to demonstrate that the aquifer is not currently being used for, or affecting, domestic or beneficial use water. They have also failed to demonstrate that the aquifer will not be used for, or affecting, domestic or beneficial use water in the future.

--DOGGR has ignored the need for groundwater models under current and future conditions and failed to require Freeport McMoRan to address concerns about the effects of seismic activity and subsidence on this aquifer.

Importantly, Freeport McMoRan's application also fails to mention the company's plans to dramatically expand operations in this same oilfield. The company aims to drill up to 350 new wells (including injection wells) to achieve a 10-fold increase in daily oil production. That would likely result in a major increase in wastewater production. The analysis of the aquifer exemption is based on current water extraction and injection, and nowhere does the application mention that the company is pursuing this expansion project. In short, there is no analysis of what will happen to the aquifer if that expansion proceeds -- including possible changes in pressure, potential for inducing fractures, the water quality/chemicals that will be used, etc.

This application to EPA is DOGGR's first submission of an aquifer exemption intended to legitimize illegal Class II well injection activity in California. For the reasons set forth above, however, DOGGR has clearly failed to demonstrate that the aquifer meets federal and state criteria for exemption.

California's historic drought and need for water call into question the antiquated criteria used to determine whether groundwater should be sacrificed to the oil industry. That's why EPA must protect the health and environment of Californians, especially those living near the Arroyo Grande oilfield, and deny this exemption.

Sincerely,

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