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Gavin Newsom, Governor

California
Department of Conservation

California
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

October 15, 2021

Tomás Torres
Director, Water Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Mr. Torres:

Thank you for your letter of September 16, 2021, regarding the concern the U.S. Environmental Protection Agency, Region 9 (US EPA) expressed of California's pace in fulfilling its obligations specified in the March 2015 compliance plan towards full compliance with the Safe Drinking Water Act (SDWA). We appreciate the US EPA's acknowledgement of the significant progress that has been made to process 21 of the 30 aquifer exemption proposals, an effort that both the California Geologic Energy Management Division (CalGEM) and the State Water Resources Control Board (SWRCB) have prioritized the last six years. US EPA has requested the State submit a revised schedule for submitting the nine outstanding aquifer exemption proposals to US EPA by September 30, 2022.

As your letter acknowledges, the State has identified the need to conduct additional well integrity evaluations (conduit analysis) to identify and remediate potential fluid conduits within a proposed aquifer exemption area that is overlain by beneficial use groundwater aquifers. Six of the nine aquifer exemption application reviews that remain to be completed and submitted to US EPA require a conduit analysis. This analysis will be performed and any identified threats to overlying aquifers will be addressed before submitting these packages to US EPA for review. CalGEM and the SWRCB have made important progress in developing the scope of the analysis to be conducted.

Three of the remaining nine aquifer exemption packages will not require conduit analysis, and one of those, Lynch Canyon—Lanigan Sands, has been submitted to US EPA. California commits to working toward submitting the Sespe aquifer exemption package to the US EPA immediately and the Lompoc package by September 30, 2022.

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For the remaining six aquifer exemption packages that require conduit analysis, CalGEM and the SWRCB expect it will be an extended effort to collect the necessary well data, conduct the newly developed conduit analysis review process, ensure that any conduit wells identified are remediated, and complete the process for state review of an aquifer exemption proposal.

The State is committed to taking immediate and strategic action to identify and address potential risks to overlying beneficial use aquifers. As such, we commit to completing our review of all potential conduits in active areas of injection across the six aquifer exemption areas by September 30, 2022. By this date, we will have identified any problem wells that are at high risk of serving as conduits for existing injection operations and will require operators to remediate them within an aggressive timeframe. Any failure to do so will result in associated operations being shut in by the State Water Board and CalGEM.

In summary, California commits to taking the following by September 30, 2022:

1. Complete and submit the three aquifer exemption packages that do not require conduit analysis to the US EPA, with Sespe being sent to the US EPA immediately;
2. For the six aquifer exemption packages requiring conduit analysis, complete a review and identify problem wells located within active injection areas;
3. Require operator specific work plans for approval by the State at the completion of each conduit analysis addressing identified problem wells on an ambitious timeline, otherwise affected operations will be shut in.

In addition, the State will provide an updated schedule for completing all remaining packages as soon as the conduit analysis scoping is complete, but no later than December 31, 2021. We also will continue to provide monthly updates to the US EPA on progress toward these efforts. The State will continue to work diligently with US EPA to protect California's drinking water aquifers and return California's Class II UIC program to full compliance with the SDWA.

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David Shabazian
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David Shabazian, Director
Department of Conservation

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Eileen Sobeck, Executive Director
State Water Resources Control Board

Cc: Uduak-Joe Ntuk, State Oil and Gas Supervisor, CalGEM
Matt Baker, Deputy Secretary for Energy, California Natural Resources Agency
Wade Crowfoot, Secretary, California Natural Resources Agency
Jonathan Bishop, Chief Deputy Director, SWRCB
Jared Blumenfeld, Secretary, California Environmental Protection Agency

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