

# AB 356 (Williams)

## Groundwater Protection and Underground Injection Control Program Reform

### SUMMARY

AB 356 requires that the State Water Resources Control Board (SWRCB) provide written concurrence prior to aquifer exemption proposals being submitted by the Division of Oil, Gas, and Geothermal Resources (DOGGR) to U.S. EPA. Additionally, AB 356 requires that underground injection project operators submit a groundwater management monitoring plan prior to project approval or through the annual review process.

### BACKGROUND

Groundwater resources play a vital role in maintaining California's economic and environmental sustainability. California's 515 alluvial groundwater basins and sub-basins provide close to 40 percent of the state's water supply in an average year. In some regions of the state, groundwater accounts for as much as 60 percent of the supply during dry or drought years. Many municipal, agricultural, and disadvantaged communities rely on groundwater for up to 100 percent of their water supply needs. Nine out of ten public water systems rely on groundwater for at least a portion of their supply. Contaminated groundwater often results in treatment, well closures, or new well construction, which increases costs for consumers.

In 1974 the Safe Drinking Water Act gave the US Environmental Protection Agency (USEPA) the authority and responsibility to control underground injection to protect underground drinking water sources. In 1982 a primacy agreement was signed that allowed DOGGR to implement the USEPA's Underground Injection Control (UIC) program for oil and gas wells in California. It has recently been discovered that there were two versions of this agreement, one allowing exemptions for 11 aquifers with high water quality and another denying those exemptions. DOGGR's UIC permitting decisions have been based on the assumption that these exemptions were granted for the 11 aquifers in question.

A 2011 USEPA audit of DOGGR's UIC program implementation concluded that DOGGR was misclassifying underground sources of drinking water and doing an insufficient job with monitoring the program. In June 2014 it was discovered that DOGGR was approving injection wells in nonexempt aquifers. At this time the US

Governmental Accountability Office released a report on the UIC program that determined the USEPA was not consistently conducting key oversight and enforcement activities and that California regulations have limited chemical reporting requirements for injection fluid composition.

### NEED FOR THE BILL

There are currently almost 2,500 injection wells operating in non-exempt aquifers. These injections into protected aquifers violate federal law and fail to protect groundwater that could be used for drinking water or other beneficial uses. So far, the state has shut down 24 injection wells because they were injecting into aquifers that could be suitable for drinking water.

Previous legislation and current groundwater quality monitoring does not and will not provide oversight and assurances that underground sources of drinking water are protected within the UIC program. SB 4 (Pavley, 2013) requirements for groundwater monitoring plans only apply to oil and gas well stimulation. Groundwater management legislation passed in 2014 (SB 1168, SB 1319, and AB 1739) will likely not provide the necessary aquifer monitoring data. SWRCB currently does have a program that collects groundwater quality data, but this program does not provide the specific data necessary for effective underground injection oversight.

Specifically, this bill will:

1. Ensure that aquifer exemptions are thoroughly vetted by DOGGR and SWRCB with public input prior to submitting them to the U.S EPA.
2. Require that injection projects are regularly reviewed to ensure compliance with federal and state rules.
3. Ensure oil and gas operators' injection projects utilize appropriate aquifers.
4. Require monitoring plans to ensure underground injection does not pollute water that could be used for drinking water or other beneficial uses and that injections do not migrate into nearby protected aquifers.

AB 356 enhances oversight and accountability within the UIC program and will provide the data necessary for the long-term protection of a valuable public resource. As

California deals with the fourth year of drought conditions, protecting groundwater has become more important than ever.

## **SUPPORT**

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- Clean Water Action
- Environmental Working Group
- Natural Resources Defense Council

## **OPPOSITION**

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- None on file

## **FOR MORE INFORMATION**

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