

Document 3: May 17, 1985
letter from US EPA to the
Western Oil and Gas
Association Reflecting No
Denials of Exemptions in
Original Primacy Delegation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street
San Francisco, Ca. 94105

RECEIVED

JUN 10 1985

DIVISION OF OIL & GAS
BAKERSFIELD

Mr. Tom Cornwell
Western Oil and Gas Association
727 West 7th Street
Los Angeles, CA 90017

17 MAY 1985

Dear Mr. Cornwell:

The staffs of EPA-Region 9 and the California Division of Oil and Gas (CDOG) have been meeting with members of the Western Oil and Gas Association (WOGA), the California Independent Producers Association (CAIPA), and the Independent Oil Producers Agency (IOPA) to determine how wells injecting specific types of oil field fluids will be regulated under the Underground Injection Control (UIC) program in California. The purpose of this letter is to clarify:

1. how wells injecting filter backwash (diatomaceous earth or multi-media filter backwash), water softener regeneration brine, or air scrubber waste will be classified and regulated under the UIC program in California;
2. the requirements, especially the regulatory deadlines for the submission of permit applications and inventory information for existing wells, for different classes of wells; and
3. which formations identified by CDOG in its primacy application were verified as Underground Sources of Drinking Water (USDW) and exempted and which formations were determined not to be USDWs and did not need to be exempted when primacy for CDOG was approved.

In general, the classification and regulation scheme for wells injecting filter backwash, water softener regeneration brine, or air scrubber wastes under the UIC program in California is:

- ° wells which inject filter backwash are Class II wells and are regulated by CDOG;
- ° wells which inject either water softener regeneration brine or air scrubber wastes for the purpose of enhancing oil or natural gas recovery are Class II wells and are regulated by CDOG; and
- ° wells which inject either water softener regeneration brine

or air scrubber wastes for disposal are either Class I or Class V wells and are regulated by EPA.

Attachment 1 provides: a precise statement about these well classifications; a brief description of each of the fluids being injected; clarification of how wells used to inject commingled fluids will be regulated; and a diagram which outlines how wells injecting the different types of fluids will be regulated and by whom in California.

Some, but not all, of the relevant requirements for Class I, II, and III wells under the UIC program implemented in California are:

- Class I wells - for existing wells (wells in operation prior to June 25, 1984) complete permit applications must be submitted to EPA by June 25, 1985 (40 CFR 144.31[c][1] and 147.251[B])
 - for new wells, permits must be in effect prior to any construction (40 CFR 144.11)
- Class II wells - CDOG has been delegated this portion of the UIC program and regulates this class of wells
- Class V wells - for existing wells, a completed inventory form and the required additional information must be submitted to EPA by June 25, 1985 (40 CFR 144.26[d][1] and 147.251[B])
 - for new wells, a complete inventory form and the required additional information should be submitted to EPA prior to construction.

Complete permit applications for existing Class I wells must be submitted to EPA by June 25, 1985. Considering the delays in classifying wells injecting filter backwash, water softener regeneration brine, or air scrubbing waste, allowances may be made for the submission of additional clarifying information after June 25, 1985. However, allowances can only be considered if an application has been submitted by June 25, 1985 and if the application represents a reasonable and substantial effort toward a complete permit application.

Attachment 2 provides the exact definitions for the different classes of wells and other pertinent definitions in the UIC program. Attachment 3 and 4 are copies of the permit application and Class V Inventory Notification, respectively.

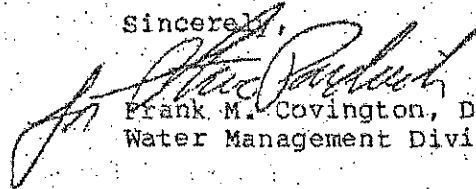
There appears to be some confusion about which formations in oil and gas fields are USDWs and which formations in oil and gas fields are not USDWs under the UIC program. When CDOG submitted

its application for the Class II portion of the UIC program, it submitted information about a large number of formations in oil fields to be considered for aquifer exemptions. These included formations which produced oil or gas and formations which did not produce any oil or gas. After reviewing the information from CDOG supporting the aquifer exemptions requests, all formations which were USDWs and produced oil or gas were exempted but only some of the formations which did not produce any oil or gas were granted aquifer exemptions. These latter formations were not exempted because the supporting information demonstrated that they were not USDWs as defined by the UIC program. They yielded water which had a Total Dissolved Solids concentration greater than 10,000 milligrams per liter.

Maps showing the lateral extent of any formation which was exempted can be found in California Oil and Gas Fields (Volumes I, II, and III) and Appendix B of CDOG's primacy application. They are available for review at the EPA office in San Francisco or at any of the CDOG district offices. A list of those formations, which did not produce any oil or gas and were considered for aquifer exemptions, is provided as Attachment 5. A list of those formations, which did not produce any oil or gas and which were USDWs and exempted, is provided as Attachment 6.

I would like to take this opportunity to thank those of your members who met and worked with us to clarify these points in the UIC program. If you have any further questions or need other points of clarification, please call Pete Uribe of my staff at (415) 974-7285.

Sincerely,



Frank M. Covington, Director
Water Management Division

ATTACHMENTS

- 1 - Well Classification and Regulation Scheme (3 pages)
- 2 - UIC Definitions (3 pages)
- 3 - Permit Application (10 pages)
- 4 - Class V Inventory Notification (7 pages)
- 5 - List of Formations Considered for Exemption (3 pages)
- 6 - List of Formations Exempted (1 page)

cc: M.G. Mefferd, CDOG
J. B. Braden, CAIPA
Les Clark, IOPA
Jim Cornelius, SWRCB
Bill Pfister, CVRWQCB
John Atcheson, EPA HQ