

February \_\_, 2017

**VIA Electronic Mail [comments@conservation.ca.gov]**

Department of Conservation  
801 K Street, MS 24-02  
Sacramento, CA 95814  
ATTN: Aquifer Exemption

**Re: Proposed Expansion of Aquifer Exemption for the San Ardo and  
McCool Ranch Oil Fields**

To Whom it May Concern:

The County of Monterey (“County”) submits these comments in response to the Notice of Proposed Aquifer Exemption (“Notice”) published by the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (“Division”) on January 11, 2017. According to the Notice, the Division is considering a proposal (“Proposal”) “to expand the current aquifer exemption designation for the Lombardi and Aurignac Sands of the Monterey Formation to the geologic limits of each unit in and around the San Ardo and McCool Ranch Oil Fields located about 2 miles southeast of the town of San Ardo, CA along Highway 101 at Alvarado Rd.” If the Division and other regulatory agencies approve the Proposal, the resulting exemption “would allow the State, in compliance with the federal Safe Drinking Water Act, to approve Class II injection into the identified area for enhanced oil recovery or for injection disposal of fluids associated with oil and gas production.”

The federal Safe Drinking Water Act and state law require the protection of underground sources of drinking water. Underground sources of drinking water are defined broadly in federal regulations to include any aquifer that supplies or contains a sufficient quantity of groundwater to supply a public water system and that has a total dissolved solids composition of less than 10,000 mg/l. (40 C.F.R. § 144.3). As the Division’s Statement of Basis concludes, the area subject to the Proposal meets this definition of an underground source of drinking water that is required to protection.

If certain criteria are met, underground sources of drinking water may be exempted from protection such that Class II injection into the underground source may be permitted. Among other criteria, the underground source must not currently serve as a source of drinking water or cannot now and will not in the future serve as a source of drinking water for specified reasons. (40 C.F.R. § 146.4). In addition, injection into the source must not affect the quality of water that is, or may reasonably be, used for any beneficial use. (Public Resources Code § 3131.)

The County requests that the Division carefully consider whether the Proposal satisfies the requirements for an exemption and whether this is an appropriate instance in which the Division should use its discretion to permit the disposal of fluids associated with oil and gas production into this particular underground source. Citizens of Monterey County have long expressed concern about the public health and safety issues associated with the injection of fluids into the County's groundwater. In November of 2016, the voters in Monterey County approved Measure Z, an initiative that amends the County's General Plan and related land use documents to create land use prohibitions associated with oil and gas land uses. Measure Z contains several findings that address the relationship between Class II injections and groundwater quality in the County, including, but not limited to, impacts to beneficial uses. These findings suggest that the criteria for an exemption from the federal Safe Drinking Water Act's protection of this underground source of drinking water may not be warranted. The Division should carefully consider these findings as part of its assessment of the Proposal.

On behalf of its residents, the County is concerned that the Proposal may negatively impact public health and safety as expressed in Measure Z. The County believes that the Division should not approve the Proposal unless it can demonstrate to the residents of the County that these public health and safety impacts, including impacts to beneficial uses, will not occur.

Sincerely,

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