

ASSEMBLY BILL

No. 1882

**Introduced by Assembly Member Williams
(Coauthor: Assembly Member Mark Stone)**

February 11, 2016

An act to amend Section 3130 of, and to add Section 3133 to, the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as introduced, Williams. Oil and gas: groundwater monitoring.

Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production. Existing law authorizes the supervisor to require a well operator to implement a monitoring program, designed to detect releases to the soil and water, for aboveground oil production tanks and facilities.

The federal Safe Drinking Water Act regulates certain wells as Class II wells. Under existing federal law, the authority to regulate Class II wells in California is delegated to the Division of Oil, Gas, and Geothermal Resources. Under existing regulations, a well operator is required to obtain approval from the supervisor or a district deputy for a subsurface injection or disposal project, including Class II wells, or any change in a project, as provided.

This bill would require the division to provide an opportunity and the information necessary for the State Water Resources Control Board and the appropriate regional water quality control board to review, comment on, and propose additional requirements for Class II

underground injection well projects. The bill would require the state board or the appropriate regional water quality control board to review, comment on, and propose additional requirements it deems necessary for those projects to ensure that the injection of fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use. The bill would prohibit the division from approving those projects without written concurrence from the state board or the appropriate regional water quality control board and would require the written concurrence to describe the rationale for the concurrence and explanation as to why additional requirements were or were not required for those projects.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3130 of the Public Resources Code is
- 2 amended to read:
- 3 3130. For purposes of this article, the following terms mean
- 4 the following:
- 5 (a) “Beneficial use” has the same meaning as set forth in
- 6 subdivision (f) of Section 13050 of the Water Code.
- 7 (b) “Class II well” has the same meaning as set forth in Section
- 8 144.6 of Title 40 of the Code of Federal Regulations.
- 9 (c) “Exempted aquifer” has the same meaning as set forth in
- 10 Section 144.3 of Title 40 of the Code of Federal Regulations.
- 11 (d) “Project” means an underground injection or disposal
- 12 project that uses a Class II well.
- 13 (e) “Regional board” means a California regional water quality
- 14 board.
- 15 ~~(f)~~
- 16 (f) “State board” means the State Water Resources Control
- 17 Board.
- 18 ~~(g)~~
- 19 (g) “Underground Injection Control Program” means a program
- 20 covering Class II wells for which the division has received primacy
- 21 from the United States Environmental Protection Agency pursuant
- 22 to Section 1425 of the federal Safe Drinking Water Act (42 U.S.C.
- 23 Sec. 300h-4).

1 SEC. 2. Section 3133 is added to the Public Resources Code,
2 to read:

3 3133. (a) The division shall provide an opportunity and the
4 information necessary for the state board and the appropriate
5 regional board to review, comment on, and propose additional
6 requirements, including groundwater monitoring, for a new project
7 or a project under review as of January 1, 2017.

8 (b) The state board or the appropriate regional board shall
9 review, comment on, and propose additional requirements it deems
10 necessary, including groundwater monitoring, for a new project
11 or a project under review to ensure that the injection of fluids will
12 not affect the quality of water that is, or may reasonably be, used
13 for any beneficial use.

14 (c) The division shall not approve a new project, approve any
15 modification or revision to an existing project, or finalize a
16 comprehensive review of an existing project without written
17 concurrence from the state board or the appropriate regional board
18 that the injection of fluids will not affect the quality of water that
19 is, or may reasonably be, used for any beneficial use.

20 (d) If written concurrence is provided by the state board or the
21 appropriate regional board, the written concurrence shall describe
22 the rationale for concurrence and an explanation of why conditions,
23 such as groundwater monitoring, were or were not required for
24 the project at issue.