

The Safe Drinking Water Act &  
Aquifer Exemptions: Process and  
Criteria to Protect Underground  
Sources of Drinking Water

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*Lynn Thorp  
National Campaigns Director*



# Clean Water Action Background

- “ Founded 1972 in wake of Clean Water Act passage
- “ Working in 15 states & at national level
- “ Public health and natural resource issues
- “ Focus on water issues & policy innovation
- “ Unique focus on Safe Drinking Water Act implementation and drinking water issues





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# Aquifer Exemptions:



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## Regulating Oil & Gas Activities to Protect Drinking Water:

The Safe Drinking Water Act's Underground Injection Control Program  
— Overview and Concerns



# Aquifer Exemptions

Are provisions and implementation sufficient to meet statutory mandate?

- “ 30 + years
- “ Water resources under stress
- “ 21<sup>st</sup> century water treatment
- “ Increased exploration & extraction
- “ Controversial applications
- “ California program

U.S.

***California Pledges Changes in Protecting Underground Water***



# EXAMPLES of FINDINGS

## Criteria

- " TDS levels
- " Inconsistent application - for example 3,000 - 10,000 TDS - "not reasonably expected"

## Process

- " Substantial v. Non-substantial
- " State and EPA roles

## Oversight

- " No national inventory, apparent lack of records EPA HQ, Regions & States
- " Reliant on Guidance



## RECOMMENDATIONS

- ” National inventory
- ” Update USDW definition and Aquifer Exemption criteria
- ” Are USDWs protected?
- ” Document injection activity to date
- ” Primacy process implications
- ” UIC program funding



What the public expects of a decision this important:

- " Consistent application
- " Transparent process
- " Rigorous oversight
- " Information access

SDWA language:

- " "interfere with or impede"
- " "unless essential"



Lynn Thorp  
National Campaigns Director  
[lthorp@cleanwater.org](mailto:lthorp@cleanwater.org)  
(202) 393 3661

John Noël  
National Oil and Gas Campaigns Coordinator  
[jnoel@cleanwater.org](mailto:jnoel@cleanwater.org)  
(202) 895 0420 x114

Clean Water Action | 1444 I Street NW | Suite 400  
Washington | DC | 20005 | [CleanWater.Org](http://CleanWater.Org)

