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Dedicated to protecting our nation's ground water

Date: September 23, 2022

To: Federal Emergency Management Agency
Docket ID FEMA-2022-0023, via the Federal eRulemaking Portal: <http://www.regulations.gov>.

Subject: Comments on the 2022 update to the Hazard Mitigation Assistance (HMA) Program and Policy Guide (formerly 2015 HMA Guidance and Addendum), Docket ID FEMA-2022-0023

The Ground Water Protection Council (GWPC) appreciates the opportunity to provide comments and feedback to the Federal Emergency Management Agency (FEMA) on the 2022 update to the Hazard Mitigation Assistance (HMA) Program and Policy Guide, Document—Federal Register Citation: 87 FR 52016, Page: 52016-52018, Docket ID FEMA-2022-0023.

The GWPC's membership consists of representatives of state groundwater and underground injection control (UIC) regulatory agencies that mutually work toward the protection of groundwater nationwide. Our focus is specifically on protecting groundwater supplies, conserving groundwater resources for all Beneficial uses, and recognizing groundwater as a critical component of the ecosystem. The GWPC is unique among state associations in that its members are the state officials who set and enforce regulations on groundwater protection and underground injection control.

GWPC notes that some types of Aquifer Storage and Recovery (ASR) projects discussed in the guide, would be regulated under the Safe Drinking Water Act UIC Program as Class V injection wells. Our comments are intended to broadly address the ASR related sections of *Hazard Mitigation Assistance Program and Policy Guide Hazard Mitigation Grant Program, Hazard Mitigation Grant Program Post Fire, Building Resilient Infrastructure and Communities, and Flood Mitigation Assistance August 2022 – Draft*, the FEMA Fact Sheet on *Climate Resilient Mitigation Activities Aquifer Storage and Recovery*, and the *Information for Hazard Mitigation Assistance Reviews JOB AID: AQUIFER STORAGE AND RECOVERY*. These comments do not necessarily reflect the individual GWPC member state positions or their concerns.

Comments:

The text regarding ASR projects in all three documents is well written and contains generally comprehensive information on this topic.

The GWPC supports the FEMA position stated on lines 10288-10291 that "Aquifer storage and recovery projects serve primarily as a drought management tool, but they can also be used to reduce flood risk, mitigate saltwater intrusion and restore aquifers that have been subject to overdraft."

On lines 10329-10337, FEMA states that potential contaminants to the underground water supply is another challenge that must be addressed in the project application, and that information should be provided for FEMA to ensure compliance with environmental requirements. The text goes on to state that methods and measures should be in place to preserve water quality standards.

GWPC requests that the text in B.5.3.4.2 and the *JOB AID: AQUIFER STORAGE AND RECOVERY* be revised to contain more detail regarding where information on compliance with methods and measures to preserve water quality standards can be found. In some cases, implementation of the federal Environmental Protection Agency's UIC program has been delegated to the states, territories, or tribes. The project application should also address delegated program requirements, some of which may be more stringent than the EPA's UIC requirements. States (regardless of their delegation status) may also have additional requirements for obtaining a permit or authorization to inject. FEMA should also require the project application to discuss not only if the project is compliant with federal requirements, but also with those that may be imposed by the states, territories, or tribes.

Lines 10561-10568. GWPC agrees and supports the discussion of issues and methods to monitor and protect the stored water from potential contaminants including the impacts, if any, of the injected water on native water quality and potential sources of contamination from injected water or from chemical reactions between the aquifer matrix and the injected water. For ASR projects, FEMA should ensure that water quality issues are addressed in the project—especially when potentially lower quality water (such as untreated stormwater) is mixed with other recharging water and injected into an underground source of drinking water.

Lines 10569-10573. We concur that FEMA should consult with appropriate federal and state agencies to ensure compliance with the EHP. However, there is also the need to consult with states, territories and tribes that may have additional regulations but do not have delegation under the EPA's UIC program. We recommend the paragraph be revised to make that requirement clear.

Starting on line 10736, under B.5.8. we suggest that the water level information for primary aquifers in the US contained in the National Ground-Water Monitoring Network (NGWMN) [National Ground-Water Monitoring Network \(usgs.gov\)](https://www.usgs.gov/national-ground-water-monitoring-network) can be used to “ground truth” some of the data provided on lines 10748-10749 regarding NASA's Grace aquifer water level information. This resource should be added to the list.

Conclusions:

We urge FEMA, as they move forward to finalize this guidance, to add information regarding federal delegated ASR programs so that nothing will limit or impede any state, territory, or tribal efforts to protect their groundwater resources. GWPC feels that collaboration and cooperation with the states, territories, and tribes, regardless of delegation status, is necessary to effectively address issues that may arise as ASR projects move through FEMA's funding system and is the best way to prevent last minute surprises for all concerned.

If you have questions or would like to follow-up on any of these comments, please contact Dan Yates, GWPC Executive Director, at (405)516-4972 or dyates@gwpc.org.

Thank you,

A handwritten signature in cursive script that reads "Dan Yates".

Dan Yates
Executive Director
The Ground Water Protection Council