

# OIL WASTE DUMPING IN A SESPE AQUIFER:

AN ANALYSIS OF PUBLIC INPUT



## ABOUT THE AUTHOR

Los Padres ForestWatch is the only non-profit organization dedicated solely to protecting and restoring wild lands, wildlife, and outdoor recreational use of the Los Padres National Forest, Carrizo Plain National Monument, and other public lands along California's Central Coast. We achieve our work by using a combination of legal advocacy, scientific collaboration, innovative field work, public outreach, and volunteerism to safeguard our region's most important natural treasures.

For more information about the Los Padres National Forest and other public lands along California's Central Coast, visit [LPFW.org](http://LPFW.org) or contact us at:

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## BACKGROUND

In September 2017, the California Division of Oil, Gas, and Geothermal Resources (DOGGR) announced that it was considering an application from an oil company seeking an exemption from the federal Safe Drinking Water Act (SDWA) to allow dumping of toxic wastewater into an aquifer beneath the Los Padres National Forest. The Texas-based company —Seneca Resources — applied for the exemption in 2016 following a statewide investigation by the U.S. Environmental Protection Agency. The audit found that Seneca and several other oil companies throughout the state were discharging pollutants into water supplies protected by the SDWA.



*Oil operations in the Sespe Oil Field just north of Fillmore, California. Photo by Los Padres ForestWatch*

The exemption would allow Seneca to continue using 13 active wastewater disposal wells in the Sespe Oil Field, and to possibly reactivate another 12 wastewater injection wells that are currently idle. Together, these 25 active and idle wastewater disposal wells have injected nearly 872 million gallons of produced water and fracking waste into the underlying aquifer, according to the exemption application submitted by Seneca.

A 2011 audit by the EPA found DOGGR in violation of the Safe Drinking Water Act for illegally permitting oil wastewater injection in 2,400 federally-protected aquifers throughout California. The EPA allowed DOGGR until February 2017 to bring all illegal injection activities into compliance with the law, a deadline that DOGGR has failed to meet.

The federal Safe Drinking Water Act protects underground sources of drinking water from pollution. However, an aquifer may be exempted from this requirement if it meets specific criteria. Any exemption must be approved by California Division of Oil, Gas, and Geothermal Resources (DOGGR), the State Water Resources Control Board, and the U.S. Environmental Protection Agency.

A public comment period was opened by DOGGR in September 2017. The agency accepted written letters and emailed comments regarding Seneca Resource's exemption application until November 8, 2017. Th

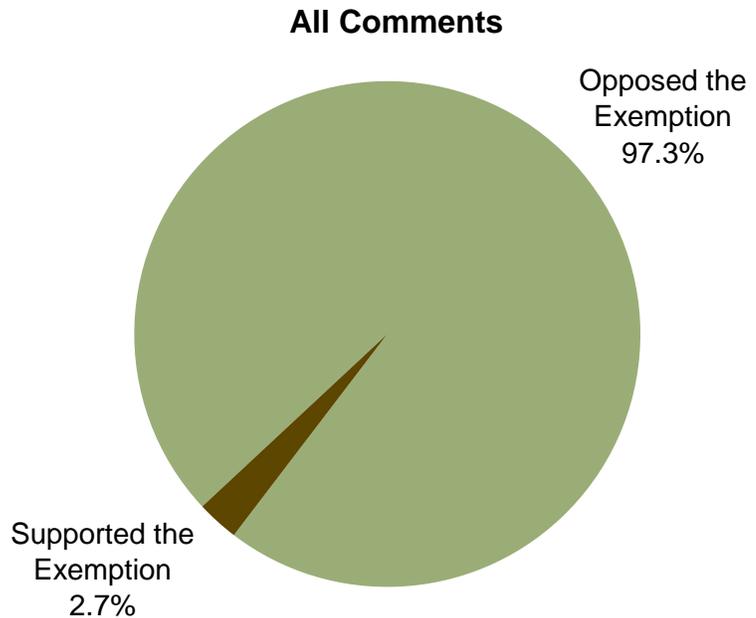
## METHODS

Pursuant to the California Public Records Act, Cal. Gov. Code §§ 6250 et seq., Los Padres ForestWatch submitted a request to DOGGR for comments pertaining to the aquifer exemption application. The comments were compiled and sent to ForestWatch via email and by CD in the

mail. ForestWatch analyzed all comments, noting where commenters were located and the business or organization they were associated with when possible.

## RESULTS

There were 670 comments submitted to DOGGR during the comment period. Nearly all were sent via email, though there were several handwritten letters that were scanned and sent via email on behalf of the commenter. Of these 670 comments, approximately 97.3% opposed the aquifer exemption application.



Several local governments, organizations, and businesses submitted comments opposing the exemption application. The City of Fillmore submitted a letter opposing the proposed exemption following a Fillmore City Council meeting in October 2017. Assemblymember Monique Limón also submitted a letter to DOGGR expressing concerns about the proposal.

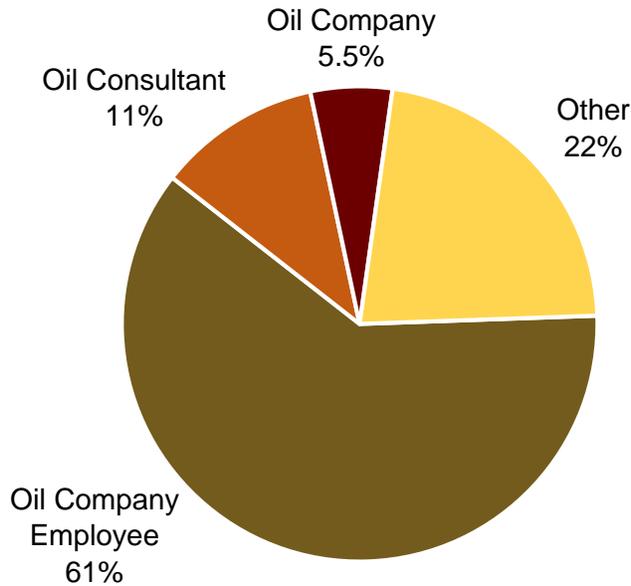
Several geologists, engineers, ecologists, and even former DOGGR employees submitted opposition comments as well. Many farmers from the Fillmore area opposed the proposal, citing concerns over contamination of their only source of irrigation, some of whom also mentioned that the safety of private water wells close to the proposed exemption area are not being taken into consideration.

In addition to the detailed letter of opposition submitted by ForestWatch, other groups such as Citizens for Responsible Oil and Gas, California Trout, Center for Biological Diversity, Keep the Sespe Wild, and California Wilderness Coalition also submitted comments opposing the proposal. ForestWatch also retained a licensed professional geologist to review the highly technical proposal, who concluded that the aquifer proposed for dumping may be hydrologically connected to Sespe Creek and drinking water supplies. His findings were submitted to DOGGR during the comment period.

***“Our community relies on having clean water to grow the foods that feed not just our community but others around the country and across the world.”***

**— Fillmore Resident**

## Comments Supporting Exemption



Only 18 comments supported the proposed exemption and nearly all of them came from people with ties to the oil industry, including retired petroleum engineers, an oil lobbying group, consulting firms with oil industry clients, and a fracking company.

## OTHER PUBLIC INPUT

DOGGR also held a public hearing in Ventura with more than 150 people in attendance, including several families. After a long and highly technical presentation, DOGGR leadership gave 42 members of the public an opportunity to voice their opinions on the proposal, but limited their speaking time to only two minutes each. During

his brief testimony, ForestWatch executive director Jeff Kuyper explained the importance of the Sespe watershed to wildlife, recreation, and downstream water users, and urged the state officials to allow more time for the public to voice their concerns. Most people who provided testimony at the hearing were opposed to allowing an oil company to dump toxic wastewater in the Sespe aquifer. Again, nearly all of those who spoke in favor of the exemption admitted to having direct ties to the oil industry.

## FUTURE OUTLOOK

The proposal must be approved by DOGGR before they submit it to the EPA where it will be considered for final approval. No timeline for this decision has yet been established, but the process typically takes 2-4 months. ForestWatch will continue to fight aquifer contamination and expansion of oil operations in the Sespe Oil Field. Check our website for updates on the status of the proposal and how you can help protect water resources in and around the Los Padres National Forest.