

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2026-0022**

AUTHORIZING THE EXECUTIVE DIRECTOR, OR DESIGNEE, TO ISSUE A
FINAL CONCURRENCE LETTER REGARDING THE KERN RIVER OIL FIELD
AQUIFER EXEMPTION PROPOSAL

WHEREAS:

1. California Public Resources Code (PRC) section (§) 3131 establishes the criteria and process for the state to propose aquifer exemptions for the injection of fluids in connection with oil and gas production. Prior to submitting an aquifer exemption proposal to the United States Environmental Protection Agency (U.S. EPA) for a final determination, the California Geologic Energy Management Division (CalGEM) must consult with the State Water Resources Control Board (State Water Board) and appropriate regional water quality control board (collectively Water Boards) to ensure injected fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use. Aquifers may be exempted pursuant to the Safe Drinking Water Act if they meet criteria specified in PRC § 3131 and § 146.4 of Title 40 of the Code of Federal Regulations (CFR).
2. Pursuant to 40 CFR 146.4, an aquifer or a portion thereof which meets the criteria for an underground source of drinking water may be determined to be an “exempted aquifer” if:
 - a. It does not currently serve as a source of drinking water; and
 - b. It cannot now and will not in the future serve as a source of drinking water because it is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

In addition, an aquifer exemption proposal must meet the requirements of PRC § 3131(a):

- a. Criteria set forth in Section 146.4 of Title 40 of the Code of Federal Regulations.
- b. The injection of fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use.
- c. The injected fluid will remain in the aquifer or portion of the aquifer that would be exempted.

3. On January 16, 2017, CalGEM provided the State Water Board with a proposal to expand the aquifer exemption for the Kern River Formation of the Kern River Oil Field for Class II injection. On September 28, 2020, CalGEM provided a revised proposal to include oil-bearing portions of the Chanac Formation. On March 27, 2025, Chevron provided CalGEM with a revised proposal which included updated aquifer exemption boundaries and a conduit analysis. CalGEM submitted a revised proposal to the State Water Board on April 4, 2025.
4. State Water Board staff, in consultation with Central Valley Regional Water Quality Control Board staff, reviewed the exemption proposal, determined that it meets the criteria for approval, and issued a preliminary concurrence letter to CalGEM on May 14, 2025.
5. On November 6, 2025, CalGEM published notice of the exemption proposal and opened a 45-day public comment period. On December 9, 2025, CalGEM and State Water Board staff held a joint public hearing in Bakersfield, California to receive oral comments on the exemption proposal. The written comment period closed on December 22, 2025.
6. On February 13, 2026, CalGEM and State Water Board staff responded in writing to the comments received during the 2025 comment period and public hearing.
7. On March 6, 2026, the State Water Board published notice of the exemption proposal and opened a 45-day public comment period that closed on April 20, 2026.
8. Water Board staff have reviewed the written comments received during the 2026 comment period.
9. Water Boards staff have determined that the exemption proposal meets the criteria for approval.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes and directs the Executive Director, or designee, to issue a final concurrence letter to CalGEM regarding the Kern River aquifer exemption proposal.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 16, 2026.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None



Courtney Tyler
Clerk to the Board