

## State Water Resources Control Board

March 16, 2018

Kenneth A. Harris Jr., State Oil & Gas Supervisor  
Department of Conservation  
Division of Oil, Gas & Geothermal Resources  
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### **ADDENDUM TO THE FINAL CONCURRENCE ON THE AQUIFER EXEMPTION PROPOSAL, GREENVILLE SANDS MEMBER, CIERBO FORMATION, LIVERMORE OIL FIELD, ALAMEDA COUNTY**

Dear Mr. Harris:

On December 19, 2017, State Water Resources Control Board (State Water Board) staff issued a letter concurring with the proposal provided on June 24, 2016 by the Division of Oil, Gas and Geothermal Resources (DOGGR) to expand the aquifer exemption for the Greenville Sands Member of the Cierbo Formation in the Livermore Oil Field. State Water Board staff assessed whether the proposal meets the criteria set forth in California Public Resources Code (PRC) section (§) 3131 and § 146.4 of Title 40 of the Code of Federal Regulations (CFR).

In the assessment of the proposal under 40 CFR § 146.4, staff noted that, "Consistent with 40 CFR §146.4(c), the portion of the aquifer at issue contains groundwater with concentrations of total dissolved solids between 3,000 and 10,000 milligrams per liter and is not reasonably expected to supply a public water system due to the presence of hydrocarbons in the proposed exempted area and the availability of higher quality groundwater in shallower geologic zones that is easier to access and sustainable." 40 CFR § 146.4(b)(1) is an alternative to 40 CFR § 146.4(c) for satisfying a portion of the requirements of 40 CFR § 146.4. 40 CFR § 146.4(b)(1) states in relevant part, that the aquifer or portion thereof "cannot now and will not in the future serve as a source of drinking water because: It is ... hydrocarbon ... producing, or can be demonstrated ... to contain ... hydrocarbons that considering their quantity and location are expected to be commercially producible." Staff concludes that the proposal also satisfies the criteria of 40 CFR § 146.4(b)(1) because the proposed exempted area will not in the future serve as a source of drinking water because it is hydrocarbon producing.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

If you have any questions regarding this matter, please contact Mr. John Borkovich at (916) 341-5779 or [john.borkovich@waterboards.ca.gov](mailto:john.borkovich@waterboards.ca.gov).

Sincerely,

  
Jonathan Bishop  
Chief Deputy Director

cc: Bruce H. Wolfe  
Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
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