



Oregon

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Senate Committee on Environment and Natural Resources

Informational Hearing – Hydraulic Fracturing

Submitted by Rian Hooff, Senior Policy Analyst, Oregon Department of Environmental Quality

Thank you for the opportunity to provide information regarding the Department of Environmental Quality's regulatory role related to hydraulic fracturing activities in Oregon. DEQ works cooperatively with DOGAMI to ensure that regulatory responsibilities are being met and that injection well facilities are constructed and operated in a manner that is protective of our groundwater resources.

Background Information

Injection wells involve high pressure injection of water, sand, and/or chemicals into a bedrock formation that has porous features.

DEQ is delegated authority from the Environmental Protection Agency to regulate compliance with federal Safe Water Drinking Act and Clean Water Act requirements. Specific DEQ responsibilities for regulating hydraulic fracturing operations include:

- Processing, reviewing and issuing Underground Injection Control (UIC) permits prior to any injection of fluids
- Issuance of a National Pollutant Discharge Elimination System (NPDES) permit (if operations involve flow back to surface waters)
- Review of proposed fracturing fluid type and composition for compliance to the Safe Water Drinking Act and Clean Water Act
- Regulating disposal of fracturing fluids

DEQ has been authorized by EPA to administer the UIC program in Oregon since 1984. DEQ's Underground Injection Control (UIC) Program is responsible for regulating the construction, operation, permitting, and closure of injection wells that place fluids underground for storage or disposal. DEQ regulates the program under OAR chapter 340, division 044.

Federal policies were revised under the Energy Policy Act of 2005 to remove fracking from the definition of 'underground injection', thereby removing EPA's regulatory authority over these practices except under cases when diesel fuel is the proposed fracturing fluid type. Oregon's UIC regulations were established before 2005 and were not preempted by Federal changes. Oregon retains its authority to

regulate hydraulic fracturing injections. Therefore, Oregon policies currently represent greater protection for groundwater aquifers than is currently required under Federal regulations.

UIC Permits

Applicants for a UIC permit must submit an Injection Plan to DEQ that identifies any fluid that the applicant plans to inject into the proposed geothermal reservoir, including any tracers or non-hazardous well testing materials. Permittees covered under the UIC permit must not inject petroleum based products, coagulants, flocculants, solvents, acids, or other hazardous substances; nor can they extract convey or inject fluids in a manner that allows foreign substances or wastes to be introduced to the injection liquid. DEQ UIC regulations may limit the type or amount of fracking fluids injected, or the re-injection of wastewater produced by the fracking process.

Thank you for the opportunity to provide input on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Rian vanden Hooff". The signature is fluid and cursive, with a large initial "R" and "H".

Rian vanden Hooff

Senior Policy Analyst – Water Quality Programs

Oregon Department of Environmental Quality