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NRDC Petitions EPA to Stop Letting Industry Dump Chemicals, Waste in Potential Drinking Water Sources

Special Treatment for Oil, Gas & Nuclear Industries is Destroying Underground Water Reserves in Areas Facing Drought, Shortages

WASHINGTON (March 23, 2016) – The Environmental Protection Agency should stop allowing the oil, gas and nuclear industries to intentionally contaminate underground water sources with hazardous chemicals and waste, according to a petition filed today by the Natural Resources Defense Council. The dumping allowed under current EPA policy has already destroyed thousands of potential drinking water supplies nationwide, primarily in areas experiencing moderate or severe water stress.

“The recent tragedy in Flint is a stark reminder that safe drinking water is too precious to take for granted—yet EPA is giving dirty energy companies its blessing to destroy potential future sources around the country,” said Amy Mall, NRDC senior policy analyst. “Industry interests should not come before safe drinking water. In the face of increasing shortages and growing demand for clean water, we can’t afford to continue trashing reserves we may well need in the years to come, even if they are not being tapped today.”

For more than three decades, a little-known program administered by EPA has given dirty energy industries exemptions from the federal Safe Drinking Water Act, allowing them to use large swaths of the nation’s groundwater sources—called aquifers—as dumping grounds for dangerous waste, mineral mining and fossil fuel extraction. Once these aquifers are contaminated, they may never be useable as sources of drinking water.

The formal petition filed today by NRDC—together with Clean Water Action, the Powder River Basin Resource Council, and the New Mexico Environmental Law Center—urges the agency to repeal or amend the aquifer exemption program, arguing it is outdated and illegal. The petition provides information showing the exemptions have allowed for the contamination of numerous aquifers that might have otherwise served as drinking water sources, and perhaps even some that are currently being used as such.

To make matters worse, the majority of aquifer exemptions already granted by the EPA are in areas experiencing moderate or severe water stress—such as California, Colorado, New Mexico, Texas, Utah and Wyoming.

“In Wyoming, groundwater is one of the most precious resources we have,” said Powder River Basin Resource Council Board Member Christy Gerrits of Gillette, Wyoming. “Recently, EPA exempted a portion of the important Fort Union aquifer—an aquifer that my city of Gillette relies on for 15 percent of its water—from drinking water standards because Linc Energy wanted to pollute that aquifer for a speculative coal gasification project. Energy projects are short-term, but water is a resource we will need forever. EPA’s rules need to be improved to make sure we don’t sacrifice long-term water needs for short-term gains.”

Written in the early 1980s, the exemptions are based on EPA’s reasoning that certain drinking water sources were too salty to be used as drinking water or were not likely to ever be needed. Today, however, the demand for clean water has dramatically increased, while supply is threatened due to climate change, drought, growing population, pollution, and inadequate regulations.

This disparity between supply and demand is driving communities around the country to transport water across long distances, drill deeper and deeper wells, and treat lower quality water. Modern technologies make it easier and cheaper to make salty water drinkable. Therefore, many groundwater supplies that were once thought unusable or unnecessary are now viable and vital.

“New Mexico's desert climate makes water precious for everyone,” said Eric Jantz, Staff Attorney, New Mexico Environmental Law Center. “Rural low-income, minority and indigenous communities, though, rely almost exclusively on groundwater for drinking water, and are hit particularly hard by groundwater pollution from industries like oil and gas development and uranium mining.”

Almost half of the U.S. population depends on groundwater for drinking water, including nearly everyone in rural areas.

“In light of elevated concern about drinking water, the public has a right to expect that sacrificing any potential drinking water source would be subject to the highest level of scrutiny,” said John Noël, National Oil & Gas Campaigns Coordinator, Clean Water Action. “Yet the aquifer exemption program has prioritized fossil fuel production. EPA needs to put drinking water first.”

FLASHPOINT: LOS ANGELES COUNTY

Perhaps nowhere is the threat of these exemptions more evident than Los Angeles County, which withdraws more groundwater for domestic drinking water supplies than any other county in the state. More than a third of the water systems serving Los Angeles County depend on groundwater. For example, in Long Beach it accounts for roughly 60 percent of the city's drinking water supply.

The long-term viability of the supplies for California is threatened by a number of factors, including a five-year drought, increasing population growth and runoff pollution. These problems are expected to grow in California as climate change will likely make future droughts both more intense and more frequent, and the state is expected to gain millions of new residents in each of the next two decades.

Yet EPA has already given the oil industry Safe Drinking Water Act exemptions in 126 Los Angeles County aquifers that industry is now using to produce oil and dump waste. For perspective, that means the estimated volume of groundwater that has lost protections of the Safe Drinking Water Act is roughly 1.7 trillion gallons—or nearly 10 years of Los Angeles City water consumption.

“Local groundwater reserves might have been precious resources for Los Angeles County if EPA had not forever sacrificed them to industry,” said Steve Fleischli, Director of NRDC's Water Program. “Now, the county has fewer places to turn as its water challenges increase. California—and the nation—cannot afford to continue taking these potential sources of drinking water for granted.”

FOR MORE INFORMATION

- **Final petition:** http://docs.nrdc.org/water/files/wat_16032201a.pdf
- **Fact Sheet:** http://docs.nrdc.org/water/files/wat_16032203a.pdf
- **Map:** http://docs.nrdc.org/water/files/wat_16032101a.pdf

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