To: Montgomery, Michael[Montgomery.Michael@epa.gov]
From: Albright, David
Sent: Mon 6/29/2015 5:01:27 PM
Subject: FW: July 15 deadline for aquifer exemption data packages
Aquifer Exemption Workshop letter to operators 3-17-2015.doc

Ex. 5 - Deliberative Process

From: Bohlen, Steven@DOC [mailto:Steven.Bohlen@conservation.ca.gov]
Sent: Friday, June 26, 2015 5:09 PM
To: Montgomery, Michael; Albright, David
Cc: Marshall, Jason@DOC; Reeves, Bruce@DOC; Turner, Justin@DOC; Beland,

Janelle@CNRA
Subject: July 15 deadline for aquifer exemption data packages

Mike and David:

Thanks for taking the time to talk with us today about our July 15, 2015 date for submitting to you all aquifer exemption applications for aquifers that will the subject of shut-in orders by October 15, 2015. As I mentioned during today's call, I would appreciate your confirming to us by return email that this was in the nature of a "soft" deadline. In her March 9, 2015 letter, Jane referred to the date as being for the purpose of assuring "that EPA does not receive a substantial number of aquifer exemptions to review at the last minute." And during our various meetings, these deadlines for submittal to you of our exemption analysis/recommendations were variously described as "soft" or "target" deadlines.

Rest assured that this does not affect the balance of our program, or our resolve to work diligently to meet all other deadlines you have set. In the final analysis -- and as you know -- operators without exemptions in hand by the relevant deadline must shut in by the relevant deadline now codified in our regulations. This is a motivating factor for all of us.

As I outlined with you this morning, the background here is as follows. Simply put, the affected operators have not sent us as many exemption data packages as we might reasonably have expected from them. At present, we have four submittals addressed to wells covered by the October 15 deadline that we are currently reviewing, but they do not cover all wells potentially affected. Our review of these exemption submittals is proceeding at a good pace, but cannot be completed by July 15. Following our review of the submittals, if we believe the particular submittal warrants a recommendation for an exemption, we will forward it to the Water Board and other interested State personnel for their review of that question. If there is consensus that a given data submittal should proceed, it will be put out for a 30-day public notice and comment hearing. None of those can be finished by July 15.

You expressed some interest in (1) seeing a sample of the communications we had with the operators about the need for prompt submittals of data packages for the affected wells, and (2) getting an early opportunity to review operator submittals. First, as to our communications with the operators, there were at least two rounds of such communications: one before the first aquifer exemption workshop, and a later one that went out just prior to the second workshop. We are enclosing a sample of the latter type. Second, regarding early review: As submittals approach the end of our State process, we will endeavor to deliver you each one for an early review. How early we can do that is something I cannot address without first checking in with the Water Board and other interested State folks. Certainly, it would be no later than when public notice of each package goes out, and hopefully, earlier than that.

Thanks,

Steve