Ex. 5 - Deliberative Process

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From: Rao, Kate
Sent: Thursday, May 12, 2016 9:13 AM
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Cc: Keener, Bill <Keener.Bill@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>
Subject: EPA wants more data in Freeport McMoRan's Arroyo Grande aquifer exemption (article: SLO New TImes) - David and Mike mentioned

EPA wants more data in Freeport McMoRan's Arroyo Grande aquifer exemption

By CAMILLIA LANHAM

The U.S. EPA is asking for more information from the Division of Oil, Gas, and Geothermal Resources (DOGGR) regarding an application to exempt a larger area of the Arroyo Grande oil field from the Safe Drinking Water Act.

The recent application—put forth on behalf of Freeport McMoRan, the oil company operating on the fields in Price Canyon—is the first since the 2014 discovery that thousands of oil wells and water reinjection wells were being drilled in California aquifers considered to be protected by the Safe Drinking Water Act. Included on a list of 50,000 wells in the state that needed to be reviewed and brought into compliance with federal regulations were wells operated on portions of the Arroyo Grande oil field by Freeport McMoRan.

“As you proceed in gathering and analyzing additional information to support this request, particularly regarding the drinking water wells in the area, EPA is interested in discussing the methodology for this data collection,” stated the letter sent on April 19 to state Oil and Gas Commissioner Kenneth Harris.

Both David Albright, manager of the EPA's Region 9 Groundwater Office, and Michael Montgomery, assistant director of the EPA's Region 9 Water Division, told *New Times* that the EPA was looking for some further clarification on why the aquifer should be considered unusable for drinking water purposes now or in the future. The EPA is also seeking more data on why the field should be considered hydraulically isolated—as in, water doesn't flow between the Arroyo Grande oil field and neighboring aquifers, which are used for drinking water purposes.

Price Canyon residents and the Center for Biological Diversity have repeatedly expressed concerns about the potential for contaminating drinking water wells during the application process.

According to both the EPA and the Department of Conservation—which oversees DOGGR—asking for more data is pretty standard when it comes to aquifer exemption requests.

Donald Drysdale, a spokesperson for the Department of Conservation, said a second aquifer exemption request will be publicly noticed soon for an aquifer in Kern County, and they expect around 50 to 55 applications to be submitted before the December 2016 deadline to bring oil companies and wells into compliance.

Drysdale said DOGGR is confident in its original assessment of the recent application, and an exemption should be extended for the Arroyo Grande oil field.

There were three California agencies involved in submitting the application the U.S. EPA: DOGGR, the State Water Resources Control Board, and the Central Coast Regional Water Quality Control Board, Drysdale said. "Only applications in which we unanimously have confidence will go to the U.S. EPA."

Although Freeport McMoRan submitted a draft response to the EPA's request on April 28, DOGGR hasn't yet discussed it with the oil company and it hasn't been submitted to the EPA yet. Freeport McMoRan did not return a phone call from *New Times* before press time.

Read the draft response from Freeport McMoRan here, and supplemental data for the draft response here (.pdf).

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