To: Engelman, Alexa[ENGELMAN.ALEXA@EPA.GOV]
From: Dermer, Michele
Sent: Fri 7/11/2014 7:46:10 PM
Subject: FW: potential response to today's inquiries from the Bakersfield Californian, KGET for review and comment
UPDATED DRAFT Press Release 11 Wells.docx
UPDATED DRAFT FAQs 11 Wells.docx
UPDATED DRAFT Narrative 11 Wells.docx

From: Albright, David
Sent: Friday, July 11, 2014 8:38 AM
To: Dermer, Michele
Subject: FW: potential response to today's inquiries from the Bakersfield Californian, KGET for review and comment

Here is Bohlen's message. I think Jane might be responding to him today.

From: Bohlen, Steven@DOC [mailto:Steven.Bohlen@conservation.ca.gov]
Sent: Thursday, July 10, 2014 11:15 AM
To: Montgomery, Michael; Albright, David
Subject: RE: potential response to today's inquiries from the Bakersfield Californian, KGET for review and comment

Mike and David,

Unfortunately the dates you have identified overlap with a visit I need to make to Bakersfield both to meet with staff and get into the field for first hand reviews, but also to attend one of the public comment events being held in Bakersfield on Wednesday night. Any chance you might have time Wednesday through Friday the week following?

Attached are three documents that give insight into the narratives and messaging we were planning to use had we gone forward with a proactive public information release. These,

obviously, have been shelved as we opted for a much lower key, business as usual approach. Please keep these confidential. There was some discomfort at this end in sharing these because of the sensitive nature of the topics. I have opted to share them for your edification. My preference is to share so all partners are in the loop.

We have received information from two operators that we have reviewed. One is a clear-cut case in which our records are incorrect and the well is injecting legally into an exempted aquifer. The confusion stems from a request by the owner to change the well (Dorsey 2, API# 02912624) to dual use, producing in the Vedder and injecting into the Pyramid Hills, which was never done, but for some reason, the formation of injection was changed in our records. We have scrutinized the well file, including recent injection tests that clearly show that injection is in an exempted formation (Vedder). We plan to modify the order as two other of this operator's wells are not compliant with the primacy agreement.

The second situation is more nuanced, and I will forward you my email of last night to the Water Board requesting concurrence with the DOGGR recommendation.

Both of these cases raise questions about how you wish to proceed in these cases – and at what level of detail you feel you need to be involved. Do you want to see a well by well analysis if we make adjustments to the orders as more information is forthcoming? In the second case that will be summarized in the next email, do you want to be part of the conversation and offer your thoughts?

I worry that too many cooks in the kitchen will keep us from making any decision in a timely manner. (We are already having to work through how DOGGR revises its order for a well that was shut in because of a mistake in the records given that the Regional Water Board has its own order for data that was served along with ours. We did not anticipate this part of the process so we are making it up as we go – and it is taking too much time as the operator needs the well to continue with operations.) That said, we are all partners in this, and I do not want to proceed in a way that does not improve the transparency of our activities and bring you appropriately into the decision-making.

We are working on a longer term plan outline for program review and engagement with industry that I will pass on once everyone here has blessed it. We can certainly discuss it with you when we meet next.

Steve

From: Montgomery, Michael [mailto:Montgomery.Michael@epa.gov]
Sent: Tuesday, July 8, 2014 7:58 AM
To: Bohlen, Steven@DOC; Albright, David
Subject: RE: potential response to today's inquiries from the Bakersfield Californian, KGET for review and comment

Steve,

Thanks for making the meeting happen yesterday. Any information you can share with us is helpful. We will keep an eye out for the documents. With regard to our follow-up meeting I have the following dates and windows which work for us;

22nd from 2-5pm,

23rd from 1-4pm, and

24th 10 -12am.

Unfortunately, 2 of these would put you all in the commute time on your return depending on the duration of our meeting. We can also look at the following week if necessary.

We look forward to working with you and continuing to make progress to resolve this complex issue.

Thanks

Mike

From: Bohlen, Steven@DOC [mailto:Steven.Bohlen@conservation.ca.gov]
Sent: Monday, July 07, 2014 5:29 PM
To: Montgomery, Michael; Albright, David
Subject: FW: potential response to today's inquiries from the Bakersfield Californian, KGET for review and comment
Importance: High

Mike,

Thanks for making the trip today to Sacramento. I thought the meeting was productive, and I look forward to working with you.

I plan to keep you updated on how we are handling press inquiries (see below), assuming of course that this is helpful.

Also, if they have not already, the other materials we agreed to send will be sent soon.

Thanks again.

Steve

From: Drysdale, Donald@DOC
Sent: Monday, July 7, 2014 3:44 PM
To: Bohlen, Steven@DOC; Craig, Caryn@DOC; Reader, Emily@DOC; Geroch, John@DOC; Gomez, Saul@DOC; Habel, Marilu@DOC; Habel, Rob@DOC; Marshall, Jason@DOC; Perez, Pat@DOC; Pierce, James@DOC; Reeves, Bruce@DOC; St. Michel, Graham@DOC; Turner, Justin@DOC; Venturino, Ralph@DOC; Agusiegbe, Vincent@DOC; Wilson, Ed@DOC
Subject: potential response to today's inquiries from the Bakersfield Californian, KGET for review and comment
Importance: High

DOGGR staff was on site today to ensure that injection had ceased into each of the 11 disposal wells covered by the seven stop orders issued on July 3. Operators were to cease injection by noon on Monday. Not all operators were currently injecting into the wells. CMO, Inc., stated it had never injected into one of the

two wells covered by orders. DOGGR was reviewing one operator's assertion that its injection had occurred into an exempted aquifer. In the case where injection had been active, DOGGR staff also discussed how operators would dispose of waste water going forward.

The issue arose in the course of implementing regulations for SB 4. DOGGR was working with the State Water Board in reviewing groundwater monitoring plans for well stimulation treatments recently required by that legislation. In reviewing prior aquifer exemptions, DOGGR discovered that certain permits allowed injection of waste water into fresh water zones. Recognizing the potential for impacts to human and environmental safety, regulators took action to stop the activity in unauthorized areas.