

**California Regional Water Quality Control Board, Central Valley Region**  
**Cease and Desist Order No. R5-2015-XXXX**

**Prosecution Team Rebuttal Evidence List for 30 July 2015 Hearing**  
**6 July 2015 Submission**

**EXHIBITS PROVIDED IN HARD COPY:**

- Exhibit 87:** Notice of Violation: 3 July 2015 Inspection Report and Preliminary Review of Edison Oil Field Subsurface Investigations Phase 2 Final Report – Valley Water Management Company, Race Track Hill, Edison Oil Field, Kern County
- Exhibit 88:** Well Request Forms signed by Dee Jaspar (4)

**Prosecution Team Witness List for 30/31 July 2015 Hearing**

Pursuant to the Final Hearing Procedure, the Prosecution Team has been granted 65 minutes of time for use at hearing.

However, in the Prosecution Team's Responses to Valley Water's Objections, submitted herewith, the Prosecution Team does not object to Valley Water's request for extra time (2 hours). To the extent that Valley Water's renewed motion is granted, the Prosecution Team's estimates will increase; the current estimates are based on the 65 minutes currently allotted.

Clay Rodgers (30 minutes)

*Assistant Executive Officer, Central Valley Regional Quality Control Board, Fresno Office*

Mr. Rodgers will introduce the matter, and his testimony will cover the regulatory history of Valley Water and the need for the Cease and Desist Order. He will also offer testimony on the impacts of Valley Water's operation on groundwater.

**Expert qualifications:** Mr. Rodgers graduated from California State University, Fresno with a Bachelor of Arts and Master of Science in Geology. Clay has been employed by the Central Valley Regional Water Board from 1999 to 2003 and since 2007. In addition to his experience at the Central Valley Water Board, Clay has 19 years of professional consulting experience. He is a Professional Geologist and Certified Engineering Geologist in California. He has 19 years of private consulting specializing in groundwater assessments of impacts from a wide range of facilities including landfills, wastewater storage facilities, industrial facilities, and underground storage tanks. His experience also includes slope stability analyses, seismic studies and water supply studies. His work on water supply studies have included the design of water supply wells and the assessment of suitability for the intended use. His 11 years' experience at the CVWB have included the past 5 years as Assistant Executive Officer in charge of the Fresno office.

\*This information is available on the Central Valley Water Board website, and is provided in the Prosecution Team's Responses to Valley Water's Objections.

*Rebuttal witness disclosure:* The scope of his testimony is outlined in the initial pages of the Prosecution Team's rebuttal brief (pages 1-5), and he will draw conclusions about the impacts of Valley Water's operations on groundwater, both deep and shallow, from an analysis of the "Valley Water Management Company Technical Evidence and Edison Oilfield Subsurface Investigations, Phase 2 Final Report," Exhibit 32 in this matter. He may also testify about the feasibility of alternatives described by Valley Water (its Exhibit 80).

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William “Dale” Harvey (10 minutes, if needed)

*Senior Water Resource Control Engineer (Supervisor), Central Valley Region Valley Quality Control Board, Fresno Office*

Mr. Harvey may testify to rebut the testimony, if given, of Valley Water experts Carlton and Jaspar. Specifically, he will rebut the statements of Mr. Jaspar regarding the adequacy of the *Report of Runoff Conditions at the Race Track Facility, Kern County, CA*, and the assumptions made therein, including interconnections of ponds, runoff, and freeboard. He will also be able to testify to weaknesses in Mr. Jaspar’s conclusions. For Mr. Carlton, Mr. Harvey will rebut the conclusions drawn by Mr. Carlton and first provided in the water balance sections in the Final Phase 2 Report dated 30 June 2015.

**Expert qualifications:** For the last 22 years, Mr. Harvey has worked for the Central Valley Water Board as an engineer. During that time, he has conducted field inspections and studies, reviewed and approved engineering and technical reports of various types, reviewed and performed water balances, developed waste discharge requirements, permits, and enforcement items for Board consideration. He is a registered Civil Engineer (C55628) and received his Master of Science Civil Engineering, California State University Fresno, Fresno, December 1997, and his Bachelors of Science, Environmental Resources Engineering, Humboldt State University, Arcata California, May 1993.

To clarify: Regional Water Board staff Zach Jarvie and Ryan West will be present to testify as to their inspections/NOVs issued of/to the Valley Water facilities.

Any Regional Board employee can authenticate documents contained in the Regional Board file.

**Prosecution Team objections to Valley Water evidence:**

- (1) The Prosecution Team notes that Dr. Childs is not registered in California.
- (2) According to Valley Water’s witness list, some witnesses have submitted testimony or expert reports, but they may not testify at the hearing, allegedly on the basis of the limited time. If any witness submitting a declaration is not present, and therefore not subject to cross-examination, such declaration should be stricken from the record.