

From: [James Dowdall](#)
To: Pulupa_Patrick@Waterboards
Cc: [Larry Bright](#)
Subject: 2 June 2015 Email Concerning Valley Water Management Company
Date: Wednesday, June 24, 2015 8:13:30 AM

Dear Mr. Pulupa:

I have reviewed the subject email dated 2 June 2015 you sent addressed specifically to Mr. Malpiede and the Designated Parties for the July 2015 Board meeting to be held in Rancho Cordova on the proposed Cease and Desist Order (CDO) for the Valley Water Management sites in the Edison area, Kern County .

I have the following comments that I want made part of the official public record regarding the upcoming meeting scheduled for July 30 and 31:

1) Concerning the request to hold the public meeting in Kern County, the Board has previously held public meetings in places other than its office locations. In fact, I remember a meeting held in Kettleman City at the request of Bradley Angel and others. The Board does have this flexibility and should cancel the July 2015 meeting in Rancho Cordova so that other interested parties, including local elected officials, local residents, and oil field operators in the Edison Oil Field and other parts of Kern County have a chance to participate. The issues of produced water are much bigger than the Chemical Waste Management facility in Kettleman Hills. It appears that the Regional Board is attempting to regulate every surface water disposal of oil field wastewater in the region without prior input from the chief stake holders (i.e., the oil producers), and without conducting prior sufficient workshops with their input upon the affect that your regulations will have on their operations.

Eliminating the land disposal of produced water when no imminent threat to groundwater quality can be shown, and when the California Division of Oil, Gas, and Geothermal Resources (DOGGR) cannot currently permit the subsurface injection of oil field wastewater due to their "exempted" aquifer fight with the federal government, it appears that few viable options for continued oil production remain. To construct Title 27 surface impoundments in accordance with the regulations would not be a viable option as the impoundments would quickly fill up to capacity causing oil production to cease. Attempting to demonstrate that groundwater has not

been polluted past the baseline conditions that existed in 1968 would be cost prohibitive for most small independent oil operators.

We need to work cooperatively together and find a workable solution to regulating the oil industry, particularly in Kern County. Oil production is a main stay of the economy in Kern County. Where appropriate, the Water Board needs to use reason and discretion concerning discharges made to the ground surface in the arid Kern County, where groundwater quality is generally poor, particularly on the west side. I lived in Bakersfield for 11 years where I worked as a professional in the oil industry, holding various positions as a geophysical logging engineer, oil field production engineer, and development geologist, and for the Regional Water Quality Control Board Fresno office for about 25 years.

A future Board meeting needs to be held in Taft, California, the epicenter of oil production in Kern County (i.e., equivalent to the Kettleman City residents concerning the impact that your regulatory requirements have on oil field workers and their employment and way of lives) to allow the oil field wastewater disposal dischargers (all the oil producers in Kern County) an equal voice in the proceedings. It appears that the California Regional Water Quality Control Board Fresno office is biased against oil producers who discharge to surface impoundments and wants to shut all the surface water disposal of oil field produced wastewater down. If you are not biased against them, then you will use an open process where you include all interested oil producers in Kern County and give yourselves a chance to participate in the process and review all the responses you receive and all the facts before you make a final determination. Not to do so would be a violation of the process and against the spirit of the California Water Code. This has to be a global process where all questions of concern can be clearly answered and any future adopted Water Board orders are workable and can be complied with. Why would the Board intentionally adopt orders that would ultimately bankrupt small independent operators and put unnecessary burdens on the major oil companies, with the result of higher unemployment and higher gas prices? That is specifically why the Water Board should put a moratorium on all future tentative orders affecting oil producers who discharge to impoundments (i.e., sumps or ponds) in Kern County until they have had sufficient time to provide their input.

2) Regarding the Designated Party Request of Naftex, they should have definitely been granted designated party status as your order has the potential to dramatically affect their operations. Your letter states that "Furthermore, there is no need to subject Naftex to cross-examination, which is one of the main rationales for designating a person as a Designated Party." I think quite the opposite. In my opinion, it appears that you do not want to give Naftex sufficient time to question the water board staff at the public meeting so that your order can automatically be adopted by the Board without sufficient scrutiny from Naftex. It is very likely that if this order is adopted it will be petitioned to the State Board. If they agree with you and ram it through, then it will likely end up in court, where I think you will be fighting the entire oil industry in California. If it got this far, everyone would be a loser. It would be better to work together and find a mutual position before going this far.

Before going forward, cancel the July 30 and 31 meeting and conduct sufficient workshops and get sufficient input from the stake holders (i.e., Kern County oil producers) before you implement any future regulations and/or orders.

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