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Via Overnight Mail and Email

Ron Holcomb

Oil Fields Program – Oilfield Pond Information

Central Valley Regional Water Quality Control Board

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Re: Tentative Waste Discharge Requirements General Orders One, Two, and Three
for Discharges of Oil Field Produced Wastewater to Land

Dear Mr. Holcomb:

On behalf of the Center for Biological Diversity (“the Center”) and its members, I am writing to submit the following comments regarding the Tentative Waste Discharge Requirements General Orders One, Two, and Three for Discharges of Oil Field Produced Wastewater to Land (“Tentative Orders”). The Center submitted written comments to your office on May 27, 2016, in response to the Central Valley Regional Water Board’s (“Regional Water Board”) Administrative Drafts (“Administrative Drafts”) of these orders. The Tentative Orders do not address the concerns embodied in the Center’s May 27th comment letter (“May 27th letter”) and are significantly and inexplicably less protective of groundwater resources and human health than the previous drafts. As discussed in the Center’s May 27th letter (attached and incorporated herein), the issuance of these general orders is unauthorized and unlawful. Given the inherent dangers of percolation pit disposal and the fact that several instances of groundwater and soil contamination have already occurred in the Central Valley, the Center continues to urge the Regional Water Board to take all necessary steps to immediately halt this dangerous practice.

As stated in the Center’s previous comment letter, percolation pit disposal of produced wastewater is hazardous to human health and wildlife. Oil field produced wastewater contains dangerous chemicals such as volatile organic compounds, residual oil, heavy metals, endocrine disruptive substances, and other chemicals with known adverse human health effects. Several of the constituents contained in produced wastewater are carcinogenic,¹ persist for long periods of time in the environment,² and bioaccumulate.³ Many constituents also have the potential for

¹ *Substances Listed in the Thirteenth Report on Carcinogens*, NATIONAL TOXICOLOGY PROGRAM, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, at 1 (2014), http://ntp.niehs.nih.gov/ntp/roc/content/listed_substances_508.pdf (arsenic and benzene are known to be human carcinogens).

² S.R. Wild et al., *The Long-term Persistence of Polynuclear Aromatic Hydrocarbons (PAHs) in an Agricultural Soil Amended with Metal-Contaminated Sewage Sludges*, 101 *Sci. of the Total Env’t* 235, 251 (1991) (finding residual PAHs in soil more than 20 years after discharge, suggesting “significantly longer half-lives for PAHs in field soils than has previously been suggested”).

³ See Barry Muijs & Michiel T.O. Jonker, *A Closer Look at Bioaccumulation of Petroleum Hydrocarbon Mixtures in Aquatic Worms*, 29 *n. 9 ENV’T TOXICOLOGY AND CHEMISTRY* 1943, 1946 (2010) (finding that a fraction of a petrogenic hydrocarbon mixture present in sediment was bioaccumulated by aquatic worms). See also David L.



toxicologic interactions and additive toxicity.⁴ Still other chemical constituents of produced wastewater are unknown due to lax reporting requirements. This makes the introduction of produced wastewater into the environment highly concerning for humans and wildlife alike.

Direct exposure to produced wastewater and the inhalation of fumes from produced wastewater are harmful to humans.⁵ Wildlife is also attracted to open percolation pits and may suffer sickness, injury or death caused by immersion in, or ingestion of, produced wastewater.⁶ Wildlife can also be negatively affected by vehicular traffic and habitat contamination and destruction associated with the construction and operation of percolation pit facilities, as well as the transportation of produced wastewater.⁷ Percolation pit disposal of produced wastewater also threatens to contaminate groundwater resources that could be used for drinking water and agricultural supply. Percolation pits have already contaminated several groundwater resources within the Regional Water Board's jurisdiction.⁸ Additionally, gases emanating from percolation pits could exacerbate the effects of anthropogenic climate change.⁹

Given the danger that percolation pit disposal of produced wastewater poses to human health, wildlife, groundwater resources, air quality, and soil quality, it is imperative that the Regional Water Board take immediate measures to prohibit this practice altogether. Any proposed regulations that allow percolation pit disposal of produced wastewater to continue to contaminate

Ashley et al., National Center for Environmental Health, Centers for Disease Control and Prevention, *Measurement of Volatile Organic Compounds in Human Blood*, 104 S5 ENV'L HEALTH PERSP. 871, 874 (1996) (finding VOCs may bioaccumulate in humans); *Persistent Organic Pollutants: A Global Issue, a Global Response*, U.S. Environmental Protection Agency, <https://www.epa.gov/international-cooperation/persistent-organic-pollutants-global-issue-global-response#pops> (last visited May 23, 2016) (Pollutants that bioaccumulate can "accumulate and pass from one species to the next through the food chain.").

⁴ *Water Quality Control Plan for the Tulare Lake Basin, Second Edition*, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD at 56 (2015)

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/tlbp.pdf.

⁵ *In the Pits: Oil and Gas Wastewater Disposal into Open Unlined Pits and the Threat to California's Water and Air*, CLEAN WATER ACTION/CLEAN WATER FUND at 4 (2014),

<http://www.cleanwater.org/files/publications/In%20the%20Pits.pdf>; *Interaction Profile for: Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX)*, U.S. Department of Health and Human Services, Public Health Service Agency for Toxic Substances and Disease Registry, at 2 (2004), <http://www.atsdr.cdc.gov/interactionprofiles/IP-btex/ip05.pdf> ("All of the BTEX chemicals can produce neurological impairment, and exposure to benzene can additionally cause hematological effects . . .").

⁶ USDA FOREST SERVICE, DRAFT ENVIRONMENTAL IMPACT STATEMENT, LEASING FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ON THE SHOSHONE NATIONAL FOREST (1992) at IV – 71.

⁷ Katherine J. Skalak et al., *Surface Disposal of Produced Waters in Western and Southwestern Pennsylvania: Potential for Accumulation of Alkali-earth Elements in Sediments*, 126 INT'L J. COAL GEO. 162 (2014) (Wastewater "co-produced with petroleum products and if not properly handled, present a potential source of contamination to the environment.").

⁸ *An Independent Scientific Assessment of Well Stimulation in California*, CALIFORNIA COUNCIL ON SCIENCE AND TECHNOLOGY, Volume II, Chapter Two: Impacts of Well Stimulation on Water Resources at 112 (2015), <https://ccst.us/publications/2015/2015SB4-v2.pdf>.

⁹ See David Hasemyer, *Hazards of Open Pits for Storing Wastewater From Fracking Is Focus of New Study*, INSIDE CLIMATE NEWS (Nov. 20, 2014), <https://insideclimatenews.org/news/20141120/hazards-open-pits-storing-wastewater-fracking-focus-new-study>. See also CLEAN WATER ACTION/CLEAN WATER FUND, *supra* note 5, at 20 (Off-gassing from produced wastewater discharged into percolation pits contains methane and other greenhouse gasses that may contribute to anthropogenic climate change).



the environment should be rejected.

The Regional Water Board's Tentative Orders fall far short of protecting human health and the environment. In fact, they do the opposite by allowing widespread discharge of produced wastewater directly onto land without even identifying the chemicals contained in the discharge. Further, the Regional Water Board has not conducted, and does not plan to conduct, any sort of environmental review that would disclose to the public the extent of groundwater degradation, soil contamination and air pollution that would occur as a direct result of the issuance of the Tentative Orders. The Tentative Orders suffer from many additional problems:

The Tentative Orders Do Not Address Concerns Raised by the Center in Its May 27, 2016 Letter.

The Center raised numerous issues with the Administrative Drafts of the General Orders in its May 27, 2016 comment letter, including the call for an outright ban on all discharges of produced waste water into percolation pits. These comments and concerns remain unaddressed in the Tentative Orders and in some cases, the revisions have worsened the Orders' shortcomings. The Center previously noted that:

- The General Orders present a threat to human health, water quality, wildlife, and the environment, which is especially concerning in light of the historic drought that California currently faces.
- The General Orders worsen an existing environmental justice issue by allowing continued and expanding discharge activity near low-income communities and communities of color that already face extremely high pollution burdens.
- The General Orders lack enforcement mechanisms and penalty provisions that are necessary to compel compliance and effectively deter illegal discharge.
- The General Orders contravene the California Constitution and the Human Right to Water.¹⁰ The General Orders permit the discharge of harmful chemicals – both known and unknown – to land, risking the permanent contamination of groundwater resources and the elimination of those resources' beneficial uses. This amounts to the waste or unreasonable use of water and disregards the Human Right to Water.
- Issuance of the General Orders without full environmental review, as planned, would violate the California Environmental Quality Act ("CEQA").¹¹ The issuance of the General Orders is an action taken by a public agency which may have a significant adverse effect on the environment subject to the requirements of CEQA, and is not covered by any statutory or categorical exemptions.
- The de-designation schedule detailed by General Order Three promotes environmental degradation and rewards illegal discharge. Facilities seeking the de-designation of

¹⁰ CAL. WATER CODE §106.3.

¹¹ CAL. PUB. RES. CODE § 21000 et seq.



beneficial uses for a groundwater resource are permitted to discharge before successfully completing the de-designation process. And, because one of the criteria for de-designation is anthropogenic contamination, dischargers are encouraged to pollute groundwater resources as much as possible during this time period.

- General Order Three is inconsistent with the Tulare Lake Basin Plan (“Basin Plan”)¹² and SWRCB Resolution No. 88-63 (“Sources of Drinking Water Policy”).¹³ Groundwater resources are presumed to be suitable for domestic and municipal use, and are protected as such by the Basin Plan, unless otherwise designated by the Regional Water Board. The de-designation schedule allows dischargers to contaminate groundwater resources designated for domestic and municipal use, in violation of the Basin Plan and the Sources of Drinking Water Policy.
- General Order Three’s de-designation schedule violates the Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”) by failing to prohibit the discharge of produced wastewater, which contains chemicals known to cause cancer and reproductive toxicity, onto land where such chemicals will probably pass into a drinking water source.¹⁴

The Regional Water Board’s Sub-Categories of Wastewater Are Misleading.

The Regional Water Board has divided discharges of produced wastewater to land into three categories and drafted three corresponding waste discharge requirements general orders (“General Orders”) based on the perceived level of threat that each category of discharge poses to groundwater resources.¹⁵ General Order Three pertains to oil field discharges to percolation pits that pose a “limited” threat to water quality.¹⁶ General Order Two pertains to oil field discharges to percolation pits that pose a “moderate” threat to water quality.¹⁷ General Order One pertains to oil field discharges to percolation pits that pose a “low” threat to water quality.¹⁸

¹² CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, *supra* note 4, at 57.

¹³ *Resolution No. 88-63 (as revised by Resolution No. 2006-0008), Adoption of Policy Entitled “Sources of Drinking Water,”* STATE WATER RESOURCES CONTROL BOARD (2006), http://www.swrcb.ca.gov/board_decisions/adopted_orders/resolutions/2006/rs2006_0008_rev_rs88_63.pdf.

¹⁴ CAL. HEALTH & SAFETY CODE § 25249.5.

¹⁵ *Oil Field Regulation and Forthcoming General Orders*, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (2016) http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1603_oilfields/1603_oilfields_buff.pdf.

¹⁶ *Outline for Waste Discharge Requirements (WDRs) General Order for Oil Field Discharges to Pond(s) Limited Threat to Water Quality*, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (2016), http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1603_oilfields/limited_threat_go_iii.pdf.

¹⁷ *Outline for Waste Discharge Requirements (WDRs) General Order for Oil Field Discharges to Pond(s) Moderate Threat to Water Quality*, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (2016), http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1603_oilfields/moderate_threat_go_i.pdf.

¹⁸ *Outline for Waste Discharge Requirements (WDRs) General Order for Oil Field Discharges to Pond(s) Low Threat to Water Quality*, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (2016), http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1603_oilfields/low_threat_go_i.pdf.



The California Council on Science and Technology (CCST) did not draw any such distinction and recommended that California follow the lead of other states by prohibiting *all* percolation pit disposal of produced wastewater.¹⁹ Because all discharges of produced wastewater to land pose a threat to human health, water quality, wildlife, and the environment, the following comments focus more heavily on Tentative Draft of General Order Three (“Tentative Order Three”), which applies to discharges that pose the highest threat to water quality, but are equally applicable to Tentative Drafts for General Orders One and Two (“Tentative Order One” and “Tentative Order Two”).

Revisions to the General Orders Have *Increased* the Risk of Harm to the Environment.

The scope of all three orders was narrowed to cover facilities that *primarily* discharge produced wastewater to ponds. The Administrative Drafts did not include the qualifier “primarily” and therefore covered all facilities that discharge any produced wastewater to ponds. This level of protection is necessary and appropriate, and should be included in future versions of the General Orders, if the Regional Water Board moves forward with the drafting process. The Tentative Orders do not define the term “primarily” or specify how this determination will be made, nor do they reference other waste discharge requirements (“WDRs”) that would apply to facilities that *secondarily* or otherwise discharge produced wastewater to ponds. Without clarification on this issue, facilities that discharge large volumes of produced wastewater to ponds may be able to avoid regulation by employing additional methods of disposal/discharge.

Language was also added to all of the General Orders to allow facilities to “discharge produced wastewater to land for dust control, and for construction activities, and [to] discharge road mix within Facility boundaries to enhance containment berms and roads.” Elsewhere in the order, the scope of allowable uses of produced wastewater is further broadened to make the list of allowable applications non-exclusive (“uses may include, but are not limited to, oil field dust control . . . construction activities on oil fields, and others . . .”). The open-ended scope of this statement could be interpreted to make additional applications of produced wastewater to land allowable under the General Orders. Applications of produced wastewater to land pose threats to human health, groundwater resources, wildlife, and the environment.²⁰ If the Regional Water Board intends to permit a variety of applications of produced wastewater to land, in addition to the percolation pit disposal of produced wastewater, each application and the unique threats it poses, must be addressed individually.

In addition to the inappropriate invocation of categorical exemptions, the Tentative Orders claim to comply with CEQA through splintered, facility-specific environmental review that will take

¹⁹ *An Independent Scientific Assessment of Well Stimulation in California*, CALIFORNIA COUNCIL ON SCIENCE AND TECHNOLOGY, Executive Summary at 8 (2015), <https://ccst.us/publications/2015/2015SB4-v2ES.pdf>; CALIFORNIA COUNCIL ON SCIENCE AND TECHNOLOGY, *Volume II, Chapter 2, supra* note 8, at 110 (Kentucky, Texas, and Ohio have banned the practice altogether).

²⁰ Rebecca Harrington, *Road De-icing Fluids May Contain Unhealthy Chemicals*, SCI. AM. (Mar. 5, 2015), <http://www.scientificamerican.com/article/road-de-icing-fluids-may-contain-unhealthy-chemicals> (Produced wastewater used to treat icy roads can contain radium, which is radioactive and can thus be carcinogenic, lead, and other substances that can be harmful to humans and animals).



place at uncertain dates in the future. The purpose of CEQA, however, is to assess potential harm to the environment *before* the harm occurs, so that the public and decisionmakers can be fully informed as to the impacts of a public agency's decision.²¹ "CEQA cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial."²² Refusing to undergo CEQA review before issuing the General Orders, in lieu of facility-specific environmental review fails to disclose the cumulative environmental impacts of the Regional Water Board's action. The Regional Water Board also improperly claims that the baseline for assessing the impact of a discharge that has been taking place illegally is the date the Regional Water Board received a report of waste discharge ("RWD"). CEQA review should be completed before a discharge is permitted to occur. Therefore, in the case of an ongoing illegal discharge, using the date a RWD is received as a "baseline" is improper.

Additionally, the State Anti-degradation Policy sections of General Orders One and Two have been narrowed to require dischargers to implement best practicable treatment or control ("BPTC") to minimize degradation only if discharging to high quality waters of the state. Percolation pit disposal "intentionally introduces wastewater and its constituents into near-surface groundwater aquifers,"²³ providing "a direct pathway for the transport of produced water constituents . . . into groundwater."²⁴ This narrowing allows for the degradation of groundwater resources that are not deemed to be "high quality." However, all groundwater resources should be protected as much as possible and dischargers should always be required to implement BPTC when discharging produced wastewater to percolation pits.

Additional Concerns Applicable to Tentative Order Three

The revisions take an already improper provision—allowing five years of discharge into pits into water designated for beneficial use—and then adds an additional two years if the discharger is "making acceptable progress." Tentative Order Three does not define "acceptable progress," leaving the door open for the abuse of agency discretion and an extended free pass for illegal

²¹ CAL. CODE REGS. tit. 14, § 15004(a); *City of Carmel-By-The-Sea v. Bd. of Supervisors*, 183 Cal. App. 3d 229, 241 (Ct. App. 1986) (The EIR under CEQA serves as "an environmental "alarm bell" whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return' and 'to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.") (quoting *Cty. of Inyo v. Yorty*, 32 Cal. App. 3d 795, 810 (Ct. App. 1973), and *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 86 (1974), *supplemented*, 13 Cal. 3d 486, (1975)); *City of Santee v. County of San Diego*, 214 Cal. App. 3d 1438, 1451 (Ct. App. 1989) ("One of the major purposes of an EIR is to provide the decisionmaking agency with information to use in deciding whether to approve a proposed project, and not to inform them of the environmental effects after the fact. 'If post-approval environmental review were allowed, EIR's would likely become nothing more than *post hoc* rationalizations to support action already taken.") (quoting *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 394 (1988)).

²² *Topanga Beach Renters Assn. v. Department of General Services*, 58 Cal. App. 3d 188, 195-196 (Ct. App. 1976). *See also* *Christward Ministry v. Superior Court*, 184 Cal. App. 3d 180, 194 (Ct. App. 1986) (holding that review of a general plan amendment treated merely as a 'first phase' with later developments having separate approvals and environmental assessments must include consideration of the future development permitted by the amendment, because "[o]nly then can the ultimate effect of the amendment upon the physical environment be addressed.").

²³ CALIFORNIA COUNCIL ON SCIENCE AND TECHNOLOGY, *Volume II, Chapter 2, supra* note 8, at 110.

²⁴ *Id.* at 110.



discharge. As discussed at greater length in the Center's May 27th Letter, the criteria for de-designating groundwater resources encourages dischargers seeking de-designation to degrade the groundwater resource at issue as much as possible within this time period. Extending the compliance schedule by two additional years further condones and rewards illegal discharge and the contamination of groundwater resources. This perverse incentive is inimical to protecting water resources.

Further, while the de-designation process involves "full public participation and state environmental review," it fails to serve as a functional equivalent of CEQA review. To satisfy the requirements of CEQA, environmental assessment and public participation must be completed *before* de-designation is approved and discharge is permitted. Additionally, given the complexity of the de-designation process, and the fact that multiple agency approvals are required for successful de-designation, it is reasonably foreseeable that a significant portion of dischargers' de-designation attempts will fail. In this case, the five-to-seven year de-designation schedule gives dischargers a free pass to discharge for years before undergoing environmental review, potentially allowing dischargers to contaminate groundwater resources designated for domestic and municipal use.

In order to engage in percolation pit disposal practices that may affect groundwater resources, dischargers must generally seek Basin Plan amendments to de-designate the beneficial uses of the groundwater resources. However, a provision was also added to Tentative Order Three that reads, "Where Dischargers can demonstrate through an appropriate hydrogeological investigation that groundwater does not exist and discharges of produced water and other wastes to land will not migrate into areas where groundwater does exist, Basin Plan amendments are not required. This General Order will regulate these discharges to confirm the results of the hydrogeological investigation, protect surface waters and surface water drainages, and to prevent the creation of nuisance conditions." Tentative Order Three does not discuss the requirements of an "appropriate hydrogeological investigation," the process by which the Regional Water Board will evaluate the adequacy of such an investigation, or the ways in which the order will "confirm the results of the hydrogeological investigation." Basin Plan Amendments require the approval of the Regional Water Board, the State Water Quality Control Board, the Office of Administrative Law, and the U.S. Environmental Protection Agency. This hydrogeological investigation, however, only requires the approval of the Regional Water Board. Because the provision allows dischargers to avoid three levels of additional oversight, Tentative Order Three must include and discuss the standards by which the adequacy of "appropriate hydrological investigations" will be evaluated.

Additional Concerns Applicable to Tentative Order Two

Six paragraphs discussing the Sources of Drinking Water Policy have been inexplicably removed from General Order Two. The Administrative Draft of General Order Two stated the general policy that all groundwater resources are to be considered potentially suitable for municipal or domestic water supply unless certain criteria are met. The order then listed those criteria and noted that exceptions to the Sources of Drinking Water Policy had to be established through amendment to the Basin Plan. These provisions were not included in Tentative Order Two. As



the Sources of Drinking Water Policy is directly applicable to General Order Two, the removal of this section is improper.

Additional Concerns Applicable to Tentative Order One

The numeric state primary Maximum Contaminant Levels (“MCLs”) for organic chemicals for discharges of produced wastewater to ponds have been removed from General Order One. Instead, these limitations now only apply to the receiving groundwater resources. Thus, produced wastewater that exceeds state MCLs may still be discharged into percolation pits as long as the discharge does not cause affected groundwater resources to exceed the limitations. The change will allow for the discharge of more hazardous produced wastewater, and in greater quantities, further jeopardizing the state’s groundwater resources.

Proposition 65 prohibits the knowing discharge of a chemical known to “cause cancer or reproductive toxicity . . . onto land where such chemical passes or probably will pass into any source of drinking water”²⁵ Produced wastewater contains known carcinogens and endocrine disrupting chemicals, which cause cancer or reproductive toxicity.²⁶ Tentative Order One allows discharges of wastes from oil field activities other than produced wastewater to land if the “discharge does not pose a threat to the beneficial uses of the groundwater.” However, the Administrative Draft conditioned this allowance, requiring such a discharge to be “similar, compatible, and better than the produced wastewater quality.” Without the inclusion of this protective language, this provision might be interpreted to apply only to the water quality of the receiving groundwater resource, and not to the produced wastewater being discharged, thereby allowing more harmful substances to be discharged, and violating the strict standards of Proposition 65.

Conclusion

Even full compliance with the Tentative Orders would not protect human health, water quality, wildlife, and the environment from the harms of percolation pit disposal of produced wastewater. Percolation pit disposal deliberately introduces pollutants into the air we breathe, the water we drink, and the soil from which our crops grow. Thus, by its very nature, this practice poses serious threats to human health, water quality, wildlife, and the environment. These burdens fall disproportionately upon disadvantaged communities, and at an historic time when the conservation of our limited groundwater resources is most critical.

The Regional Water Board has a history of allowing discharges of produced wastewater into percolation pits.²⁷ Rather than working to allow oil and gas companies to continue and

²⁵ CAL. HEALTH & SAFETY CODE § 25249.5.

²⁶ NATIONAL TOXICOLOGY PROGRAM, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, *supra* note 1, at 1 (arsenic and benzene are known to be human carcinogens); Christopher D. Kassotis et al., *Endocrine Disrupting Activities of Surface Water Associated with a West Virginia Oil and Gas Industry Wastewater Disposal Site*, 557-558 SCI. OF THE TOTAL ENV'T 901, 907 (2016) (finding elevated levels of endocrine disrupting chemicals next to oil and gas wastewater containment pits).

²⁷ *Still in the Pits: Update on Oil and Gas Wastewater Disposal in California*, CLEAN WATER ACTION/CLEAN WATER FUND at 13-14 (2016),



potentially expand percolation pit disposal of produced wastewater, the Regional Water Board should prioritize public protection over private profit and prohibit this disposal method altogether.

Thank you for the opportunity to comment on this important matter. We welcome the chance to work with the Regional Water Board going forward.

Respectfully submitted,

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<http://www.cleanwateraction.org/sites/default/files/docs/publications/Still%20In%20the%20Pits%20-%20March%202016.pdf>; *Central Valley Water Board Workshop: Oil Field Regulatory Activities*, March 2016 Update, Central Valley Regional Water Quality Control Board at 3 (2016), http://www.waterboards.ca.gov/centralvalley/water_issues/oil_fields/information/disposal_ponds/2016_0309_of_reg_r5_pres.pdf.

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