

1 196. On October 27, 2011, Occidental’s environmental engineer admitted to Miller it
2 had “*the necessary information for us to consider categorical exemptions [under the California*
3 *Environmental Quality Act]*. However, he’s been told to stand down (by a lawyer is all I know)
4 *and not give us anything. There is apparently a meeting in Bakersfield at Oxy’s offices this*
5 *afternoon to discuss whether they give us what we need or continue to give us nothing.*” (Exh. 8,
6 Chernow Decl., ¶ 23, Exh. 5.)

7 197. On or about October 28, 2011, Governor Brown’s office again entered the battle
8 about enforcement of the Safe Drinking Water Act. His senior advisor, Cliff Rechtschaffen,
9 scheduled a meeting with Chernow and Miller for that day.

10 198. Rechtschaffen was joined in this meeting with Lianne Randolph, Deputy Secretary
11 and General Counsel of the California Natural Resources Agency. Rechtschaffen told them that
12 the Governor wanted them to do things a different way. He then turned it over to Randolph.

- 13 • Randolph slid a piece of paper over to Miller and Chernow.
- 14 • This document looked to be taken from the WSPA Interim Proposed Solution.
- 15 • Randolph’s document contained the Governor’s program.
- 16 • This program proposed that DOGGR approve injection well permits without
17 complete engineering studies or casing diagrams. Oil companies would be
18 allowed to inject contaminated waste water underground *before* any
19 remediation of damaged well casings.
- 20 • It was called the Temporary Alternative Process program.

21 199. Rechtschaffen then took over again – DOGGR must immediately fast track permit
22 approval. Rechtschaffen also told Miller she must go before the media to describe the new plan.

23 200. Chernow and Miller indicated they needed time to review the proposal and
24 respond.

25 201. According to the LA Times, Chernow sent a memo to the Brown Administration
26 about the Temporary Alternative Process program. He purportedly explained that the proposal
27 violated state and federal rules requiring a complete review before injections begin.

28 Environmentalists, he said “*will argue, correctly, that the laws . . . are intended to prevent*

1 *damage before it occurs.*” The Brown Administration has yet to provide this memo in response
2 to Public Records Act requests.

3 202. Miller sought guidance from the United States Environmental Protection Agency
4 about the list of demands. The EPA representative reviewed and commented on it, and Miller
5 responding by writing in an email on November 2, 2011 that *“I agree with your point that this*
6 *has similarities to what was prepared by [Western States Petroleum Association] WSPA.”* (Exh.
7 8, Chernow Decl., Exh. 6.) Miller’s email ostensibly forwarded the Temporary Alternative
8 Process memo, but the Brown Administration did not provide this attachment in response to the
9 Public Records Act requests.

10 203. On November 2, 2011, Miller and Chernow went to another meeting which
11 Rechtschaffen joined over the phone. Rechtschaffen started yelling – he was angry about the
12 memorandum prepared to discuss the legality of the Temporary Alternative Process proposed by
13 the Governor’s office. He further yelled at them that they had their orders.

14 204. Miller told Rechtschaffen the proposal violated the Safe Drinking Water Act and
15 that the EPA had agreed that the proposal modeled the WSPA proposal we had already rejected.

16 205. Rechtschaffen told Miller and Chernow this was an order from Governor Brown.
17 He also notified Miller that she must make a public statement about the policy change.

18 206. Lianne Randolph and Janelle Beland (Undersecretary of the Natural Resources
19 Agency) were present with Miller and Chernow during this conversation with Rechtschaffen.

20 207. Beland left the meeting with Miller and Chernow at the end of the call with
21 Rechtschaffen.

22 208. Randolph remained in the room with Miller and Chernow. Randolph tried to
23 reassure them and said that it was their job to assume the Governor has a higher purpose.
24 Randolph also told them that they were to do what the Governor sees fit even if they don’t know
25 the reason.

26 209. The following day, on November 3, 2011, Chernow’s assistant received a phone
27 call from the Appointments' Office and asked him to attend a meeting in the afternoon. He met at
28 the meeting Mona Pasquil and John Laird. He then learned that Governor Brown’s office