

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER R5-2023-0053

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2019-0043

FOR
HATHAWAY, LLC, KERN-TULARE WATER DISTRICT, AND
JASMIN RANCHOS MUTUAL WATER COMPANY

PRODUCED WASTEWATER RECLAMATION PROJECT
JASMIN TREATMENT FACILITY
JASMIN OIL FIELD
KERN COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Central Valley Water Board or Board) finds that:

1. Waste Discharge Requirements Order No. R5-2019-0043 (WDRs) was adopted by the Central Valley Water Board on 6 June 2019. The WDRs regulate the discharge of oil field produced wastewater (produced wastewater or discharge) from the Jasmin Treatment Facility to cropland for irrigation, including crops for human consumption. Produced wastewater is reused to irrigate approximately 3,700 acres of cropland. Crops irrigated with produced wastewater include, but are not limited to, citrus, grapes, and pistachios.
2. Hathaway, LLC ([Hathaway](#)) is an oil and natural gas exploration and production company that owns and operates the Jasmin Treatment Facility on the Quinn Lease in the Jasmin Oil Field.
3. Kern-Tulare Water District ([Kern-Tulare](#)) is a water district that was formed in 1974 and spans the eastern San Joaquin Valley in Kern and Tulare Counties.
4. Jasmin Ranchos Mutual Water Company ([Jasmin Water Company](#)) is a water management company that operates within the service territory of Kern-Tulare.
5. Hathaway, Kern-Tulare, and Jasmin Water Company (hereafter referred to as [Dischargers](#)) are jointly responsible for compliance with the WDRs and this Order.
6. Central Valley Water Board staff (Staff) prepared this amending Order for Board consideration of adoption during a public meeting. While the WDRs authorize the Executive Officer to modify the flowrates in the WDRs, Staff believe that this modification should be taken to the Board. This is due to the following:
 - Public interest regarding the reuse of produced wastewater for irrigation of crops for human consumption; and
 - Staff found that the proposed increase to the flow rate may constitute a significant change to the facility that should be considered by the Board during a public meeting.

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Proposed Increased Flowrate

7. On 28 February 2022, WZI, Inc., on behalf of the Dischargers, submitted a report to the Central Valley Water Board titled *Report for Increase in Permitted Annual Flowrate*. This document includes a technical justification that supports the proposal to increase the maximum annual flowrate from 2,640 acre-feet per year (AF/year) to 3,320 AF/yr for location Discharge 001.
8. Staff reviewed this document and finds that the demonstration to increase the flowrate is adequate and the Jasmin Treatment Facility can treat produced wastewater at the increased flow volume to the quality required in the WDRs.

Antidegradation Analysis

9. On 20 March 2019, the Dischargers submitted an updated antidegradation analysis (Antidegradation Analysis). The Antidegradation Analysis includes an assessment of the potential impacts to water quality from the increased flowrate of 3,320 AF/year. A description of the assessment completed in the Antidegradation Analysis and the conclusion that there would not likely be a significant impact to water quality from the proposed discharge are discussed in the findings of the WDRs and were presented to the Central Valley Water Board when being considered for adoption. Staff finds that the Antidegradation Analysis identified in the Findings of the WDRs appropriately assess any potential impacts to water quality.

California Environmental Quality Act

10. The Central Valley Water Board finds that additional California Environmental Quality Act (CEQA) review is not required pursuant to Public Resources Code section 21166 and California Code of Regulations, title 14, section 15162. Kern-Tulare prepared an Environmental Impact Report (EIR) for the use of produced wastewater for irrigation and groundwater recharge. The EIR analyzed the impacts of a total of 5,820 AF/year from multiple sources. The increased flow rate of 3,320 AF/year allowed in this Order was therefore fully considered in the EIR. The Central Valley Water Board concludes that there are no changes, or new information within the meaning of Public Resources Code section 21166 that will create new or more severe environmental effects which would require a subsequent or supplemental EIR.

Public Notice

11. All of the above were considered in establishing the following conditions of discharge.
12. Hathaway, Kern-Tulare, Jasmin Water Company, and interested agencies and persons have been notified of the intent to amend the WDRs, and they have been provided an opportunity for a public hearing and an opportunity to submit their written comments and recommendations to the Central Valley Water Board.

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13. All comments pertaining to the discharge were heard and considered in a public hearing.

IT IS HEREBY ORDERED that pursuant to sections 13263 and 13267 of the Water Code, the WDRs are amended to include the changes listed below. Hathaway, LLC, Kern-Tulare Water District, Jasmin Ranchos Mutual Water Company, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

Effluent Limitation B.1 in the WDRs shall be revised, as follows, to reflect that the updated annual maximum flowrate for Discharge 001 will be 3,320 ac-ft/yr:

The discharge of treated produced wastewater from Pond No. 7 at the Jasmin Treatment Facility to Kern-Tulare and the Jasmin Water Company (Discharge 001) shall not exceed the following:

<u>Constituent</u>	<u>Units</u>	<u>Daily Maximum</u> ¹	<u>Annual Average</u> ²	<u>Annual Maximum</u> ³
Flowrate	Ac-ft/yr ⁴	-	-	3,320
Electrical Conductivity	µmhos/cm ⁵	-	1,000	-
Boron	mg/L ⁶	-	1.0	-
Chloride	mg/L	-	200	-
Oil & Grease	mg/L	35	-	-

1. The **Daily Maximum** is the greatest discharge rate or concentration permitted for one day.
2. The **Annual Average** is the arithmetic mean of measurements made during a calendar year.
3. The **Annual Maximum** is the maximum discharge rate permitted for the calendar year.
4. Ac-ft/yr = Acre-feet per year.
5. µmhos/cm = micromhos per centimeter.
6. mg/L = milligrams per liter.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. [Copies of the law and regulations applicable to filing petitions](#) may be found on the Internet at:

(http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

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I, PATRICK PULUPA, Executive Officer, do hereby certify that the foregoing is a full true, and correct copy of an Order adopted by the California Regional Water Quality Control Board on, 14 December 2023.

PATRICK PULUPA, Executive Officer