

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

SPECIAL ORDER NO. R5-2006-XXXX

RESCINDING
WASTE DISCHARGE REQUIREMENTS ORDER NO. 98-118
NPDES PERMIT NO. CA0084263
FOR
TRICOR REFINING LLC
OILDALE REFINERY
KERN COUNTY

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

1. Waste Discharge Requirements (WDRs) Order No. 98-118, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0084263, authorizes the discharge of treated refinery wastewater from the Tricor Refining LLC (Tricor), Oildale Refinery, to the Beardsley Canal. Tricor's discharge to Beardsley Canal, a water of the United States, was proposed to take place within Section 7, T29S, R28E, MDB&M, at Latitude 35° 25' 01" North and Longitude 119° 00' 33" West. Tricor submitted a Report of Waste Discharge, dated 18 February 2003, for renewal of the NPDES Permit, and the Permit was administratively extended.
2. Tricor never constructed the infrastructure necessary to discharge and thus never discharged to the Beardsley Canal.
3. The City of Bakersfield in conjunction with California Water Services Company is constructing a municipal drinking water treatment plant (Plant) that will process raw water from the Beardsley Canal. The municipal water is to be withdrawn downstream of the authorized Tricor discharge point.
4. The California Department Health Services, Southern California Branch, Drinking Water Field Operations, by a 15 May 2006 letter, indicates that discharge by Tricor will preclude the use of water from the Beardsley Canal as a water supply for the City of Bakersfield.
5. The water within the Beardsley Canal should be designated as a domestic and municipal water supply. Thus, it is appropriate to revoke NPDES Permit No. CA0084263 and rescind WDRs Order No. 98-118 to protect the beneficial use of the Beardsley Canal as a domestic and municipal supply.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et. seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

7. Tricor and interested agencies and persons have been notified of the intent to terminate the NPDES Permit and rescind WDRs Order No. 98-118 for this discharge and provided an opportunity for a public hearing and to submit written views and recommendations.
8. The Regional Water Board Board, in a public meeting, heard and considered all comments pertaining to the rescission.
9. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board to review this action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that Order No. 98-118, NPDES Permit No. CA0084263, is rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 3/4 August 2006.

PAMELA C. CREEDON, Executive Officer

WDH: 6/29/06