

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2011-XXXX

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
AND
MONITORING AND REPORTING PROGRAM
FOR
HATHAWAY, LLC
REUSE OF OIL FIELD PRODUCTION WASTEWATER
FOR IRRIGATION
KERN FRONT OIL FIELD
KERN COUNTY

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereinafter Central Valley Water Board), finds that:

1. California Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes within the Region that could affect the quality of waters of the State shall file a Report of Waste Discharge (RWD).
2. On 8 July 2011, Hathaway, LLC (hereafter "Hathaway" or "Discharger") submitted an RWD for a project to reuse good quality oil field wastewater produced from the Davies Realty Co. Lease (hereafter "Lease") in the Kern Front Oil Field for irrigation on the Concordia Ranch (hereafter "Ranch"). The Ranch is located $\frac{3}{4}$ of a mile southwest of the Lease, within the boundaries of the Poso Creek Oil Field. Approximately 120 acres of citrus are currently being farmed on the Ranch that is irrigated with groundwater pumped from an irrigation well.
3. The Discharger proposes to pipe Lease wastewater from above ground storage tanks on the Lease to an existing irrigation reservoir on the Ranch, where it will be blended with groundwater from an irrigation well, and used for irrigation on the Concordia Ranch. The blend will consist of 7% wastewater and 93% groundwater. During months when irrigation demand is less, or not needed, the Discharger will dispose of wastewater to a Class II injection well on the Lease permitted by the California Division of Oil Gas and Geothermal Resources.
4. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* revised January 2004 (hereafter "Basin Plan"), contains the following maximum salinity limits for oil field wastewater discharges overlying groundwater with existing and future probable beneficial uses: 1,000 micromhos per centimeter ($\mu\text{mhos/cm}$) for specific conductance (EC), 200 milligrams per liter (mg/L) chloride, and 1 mg/L boron. Lease wastewater meets the Basin Plan salinity limits.

5. Sediments of the Kern River Formation are the source of both Lease wastewater and Ranch groundwater. Oil wells on the Lease produce from depths of approximately 1,600 feet within the Kern River Formation. The Ranch groundwater well is approximately 1,300 feet deep and screened in the Kern River Formation.
6. Laboratory analytical results for Lease wastewater and Ranch groundwater samples were submitted by the Discharger. Analytical results indicate that wastewater produced from the Lease is similar in character but of slightly lower quality than groundwater produced from the Ranch irrigation well.
7. Based on weighted average calculations for the proposed blend of 7% Lease wastewater and 93% groundwater produced from a Ranch irrigation well, there may be some nominal degradation of the irrigation water, however it will not cause degradation of underlying groundwater.
8. Use of the reclaimed wastewater may reduce the amount of groundwater pumped from the Ranch irrigation well by approximately 70 acre feet per year.
9. The reuse of good quality wastewater is consistent with State Water Board adopted Resolution No. 77-1, "Policy with Respect to Water Reclamation in California," which includes the principle that the State Water Board and Regional Water Boards shall encourage reclamation, reuse, and water conservation.
10. On 13 October 2011, the Central Valley Water Board adopted a Negative Declaration concluding that the project could not have a significant effect on the environment.
11. California Water Code Section 13269(a) provides that a regional water board may waive WDRs for a specific discharge if it determines the waiver is consistent with the applicable water quality control plan and is in the public interest. Section 13269 further provides that any such waiver of WDRs shall be conditional, must include monitoring requirements unless waived, may not exceed five years in duration, and may be terminated at any time by the regional water board.
12. Waiving requirements for this discharge is in the public interest because: this Waiver includes conditions that are intended to reduce and prevent pollution and nuisance and protect beneficial uses of the waters of the State in compliance with the Basin Plan; and it provides for an efficient and effective use of limited Central Valley Water Board resources. The discharge will result in conservation of natural resources by beneficially reusing good quality wastewater to supplement irrigation water extracted from groundwater.
13. California Water Code section 13267 states, in part: "(b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to

discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

This Resolution waiving waste discharge requirements includes the requirement to submit technical and monitoring reports. The reports are necessary to assure protection of waters of the state and compliance with the conditions of the waiver. Failure to submit the required reports may result in enforcement action, which may include the imposition of administrative civil liability pursuant to Water Code section 13268.

14. The Central Valley Water Board notified interested agencies and persons of its intent to conditionally waive waste discharge requirements for this project and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
15. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to the conditional waiver of waste discharge requirements.
16. Any person affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board to review the action in accordance with Sections 2050 through 2068, title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date of issuance of this conditional waiver. Copies of the laws and regulations applicable to the filing of a petition are available on the Internet at www.waterboards.ca.gov/laws_regulations/ and will be provided on request.

THEREFORE BE IT RESOLVED, that pursuant to California Water Code Sections 13263(a), 13267, and 13269, the Central Valley Water Board waives waste discharge requirements for the reuse of Lease wastewater when blended with Ranch irrigation water and the following conditions are met:

1. This conditional waiver applies only to the reuse of Lease wastewater when blended with Ranch irrigation water as described in the CEQA Initial Study for the conditional waiver, the RWD, and the above Findings of this conditional waiver.
2. The discharge of crude oil to the Ranch irrigation reservoir is prohibited.

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3. The Discharger shall comply with Monitoring and Reporting Program R5-2011- XXXX.
4. The discharge shall not cause or threaten to cause degradation of waters of the State, nuisance, or pollution as defined in the California Water Code.
5. This conditional waiver shall expire 60 days after completion of the project, or five years from the date of issuance, whichever occurs first.
6. This action waiving waste discharge requirements is conditional and may be terminated at any time.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 13 October 2011.

Ordered by: _____
PAMELA C. CREEDON, Executive Officer

(Date)