

# CAWELO WATER DISTRICT

17207 INDUSTRIAL FARM ROAD  
BAKERSFIELD, CALIFORNIA 93308-9519  
Administration: (661) 393-6072 • Fax: (661) 393-6073

W04

David R. Ansolabehere  
General Manager

October 3, 2007

OCT - 5 2007

California Regional Water Quality Control Board  
Central Valley Region  
Fresno Branch  
1685 "E" Street  
Fresno, CA 93706

Attn: Mr. W. Dale Harvey, Senior WRC Engineer

Re: Tentative Waste Discharge Requirements for Chevron USA Inc. and Cawelo Water District, Produced Water Reclamation Project, Kern River Area Station 36, Kern River Oilfield, Kern County

Dear Mr. Harvey:

Thank you for the telephone conversation on 25 September 2007. Our statements and comments on the subject Tentative Waste Discharge Requirements (WDRs) are as follows:

1. The revised format of the WDR that includes Facilities Information, Findings, Discharge Prohibitions, Effluent Limitations and Discharge Specifications, Receiving Water Limitations and Provision, along with attachments of Definitions, Maps, Flow Schematics, Standard Provisions, Monitoring and Reporting and Fact Sheet is substantially changed and will require time for implementation. The document doesn't appear to include a section heretofore identified as the Order as signed by the Executive Officer.

Attachment "A" of Definitions is helpful, but a further improvement would be a detailed listing of acronyms. In reading the document it is difficult to follow due to the frequent use of acronyms, the full name for which may not have been recited.

2. The Notice, Findings, and Fact Sheet all reference .... Poso Creek a water of the United States ....., which is incorrect. The portion of Poso Creek West of Highway 65 was determined to be an intrastate, non-navigable and isolated water currently not regulated under the Clean Water Act as set forth in a letter dated April 26, 2004, copy attached as Exhibit "A". The determination was made as a result of a meeting with attorneys and representatives of the Corps of Engineers with the Environmental Protection Agency in Washington, D.C.

We question the extensive reference to federal statutes and the reference to a NPDES permit, since Poso Creek is not a water of the United States. We are aware that the Porter-Cologne Act of 1970, California Water Code statutes 1300 et seq., would still require many of the prohibitions, provisions and the monitoring and reporting program, but without reference to federal statutes the WDR could be simplified substantially.

3. There appears to be a duplication in the monitoring requirements of Monitoring Location EFF-002 and Monitoring Location EFF-003. At Monitoring Location EFF-002 sampling and testing is required of the discharge of blended water downstream of Reservoir "B" (receiving water) in the Cawelo Water District distribution canal and at Monitoring Location EFF-003 sampling and testing of the same water is required of a discharge from the distribution canal into Poso Creek. Would you consider clarifying and stating that during those events when water is being discharged to Poso Creek (EFF-003) the monitoring of the blended water at EFF-002 would not be required.
4. With respect to Table E-4. Effluent Monitoring EFF-003, we would appreciate the statutory requirement for arsenic, mercury, suspended solids, temperature, priority pollutants and toxicity when the discharge is to a dry bed, land only, of Poso Creek. We believe that when there is no flow in Poso creek, the discharge should have the same requirements as set forth in the Basin Plan for a discharge to land in the Poso Creek sub-area.
5. The requirement for monitoring and testing Standard Minerals monthly seems excessive, particularly since the sources of water remain fairly constant, and should there be flow in Poso Creek throughout the District, six separate standard mineral sampling and testing would be required monthly. For your information, the cost thereof would be \$3,330 per month, based upon recent charges of Fruit Growers Laboratories. The effluent discharge Monitoring Location EFF-001 and the receiving water Monitoring Location EFF-002 would be even more consistent for normally 10 months of the year. A requirement of Standard Minerals semi-annually would seem sufficient.
6. The Area Map B-2 should include the monitoring station location for SPL-001, RSW-001 and RSW-002 as their respective location is not clearly identified in Attachment "E".
7. Would you please advise the reason for a monthly determination of turbidity and temperature for the supply water, Monitoring Location SPL-001, that discharges into Reservoir "B" and also for the natural flow of Poso Creek, Monitoring Station RSW-001 and Monitoring Station RSW-0002.

8. The acute toxicity monitoring requirement for the discharge to Poso Creek, Monitoring Station EFF-003, of twice per discharge event also seems excessive. Typically such discharge to Poso Creek occurs for only a few days or weeks for groundwater recharge when there is inadequate irrigation demand and during such discharge the quality of the blended water is consistent. Acute toxicity monitoring of once per year would seem adequate, particularly when the cost thereof may exceed \$1,000 per test.
9. The Provisions, bullet points, pages 11 and 12; Attachment D, Standard Provisions, Permit Compliance, A.2. and C., Page D-1; III. Standard Provisions, Monitoring B., page D-5; IV. Standard Provisions, Records, A., page D-5; Monitoring Reports C.2., C.3., page D-7; F. Planned Changes, 3., page D-7; and VII. Additional Provisions, Notification Levels, A. Non-Municipal Facilities, page A-9, that reference sewage and sludge and sludge use, manufacturing, commercial, mining and silvicultural dischargers, should be removed.
10. IV. Provisions, C. Special Provisions, 2. Special Studies, Technical Reports, a. , page 15, the Salinity Evaluation and Minimization Plan, prepared and submitted by 30 June 2008 is a new requirement and we would appreciate knowing the purpose and content of the Plan.
11. IV. Provisions, C. Special Provisions, 2. Special Studies, Technical Reports, b.(i), page 16, requires an Investigative Toxicity Reduction (TRE) Work Plan by 30 June 2008, which is also a new requirement and we would further appreciate the purpose and content of the Plan.
12. Attachment F, Fact Sheet, I. Permit Information Table F-1, Facility Information, page F-3, identified an incorrect Facility Contact for Chevron, the correct person should be Gary Piron.
13. Attachment F, Fact Sheet, II. Facility Description, page F-4, second paragraph, first line. Replace the word "wastewater" with "produced water", the line should read "Some of the produced water is used at the various leases....".

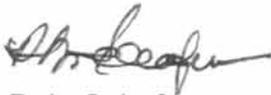
Page F-5, last paragraph, second line, insert the word "treated" before ".... produced water is discharged to the Carrier Canal."

Page F-7, C. Discharge Points and Receiving Waters, 3. the last sentence "The right approximates the flow that matches CWD's Poso Creek recharge capacity". The Cawelo Water District right of 135 cfs. consists of 60 cfs. of recharge capacity (average seepage of natural flow) of the Poso Creek channel within CWD, riparian diversion right of 25 cfs., and 50 cfs. appropriate diversion right to groundwater storage.

14. Attachment F, Fact Sheet, II. Facility Description, D. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data, page F-9, the table identified as "Upstream of the CWD at Highway 65, Poso Creek, exhibits the following average monthly flows; would lead a reader to believe Poso Creek flows continuously, which is incorrect as most years there is no flow at the State Highway 65 gaging station during the months of July, August, September, October and November. For example, in 46 years of record there were only 6 years with flow in July, 2 years with flow in August, 3 years with flow in September, 2 years with flow in October, and 8 years with flow in November at the Poso Creek State Highway 65 gaging station. Perhaps, a table of actual monthly flows would provide more realistic data.
  
15. Attachment "F", Fact Sheet, IV. Rationale for Effluent Limitations and discharge specifications, page F-22 through F-24, Table Scenario 1, Table Scenario 2, Table Scenario 3, Table Scenario 4, Table Scenario 5, and Table Scenario 6, all have Schafer misspelled, the correct spelling is Schaefer.

We look forward to the meeting set for Tuesday, October 9, 2007, 9:00 a.m. for further discussion of the comments set forth herein.

Very truly yours,



R. L. Schafer

RLS/mep

enclosure

cc: Jim Waldron, Chevron USA Inc.  
David Ansolabehere, Cawelo Water District



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

April 26, 2004

Regulatory Branch (200300265)

Mr. John Jones  
Cawelo Water District  
17207 Industrial Farm Road  
Bakersfield, California 93308

Dear Mr. Jones:

This is in reply to a letter dated August 11, 2003, from your attorney, Mr. James Worth, in which he requested we reconsider a jurisdictional determination for Poso Creek, west of Highway 65, Kern county, California.

Following coordination with our Headquarters, we have determined that Poso Creek, west of Highway 65, and located within the Tulare Lake Basin, is an intrastate, non-navigable, and isolated water currently not regulated under Section 404 of the Clean Water Act.

This jurisdictional determination is a case-specific determination. It sets no policy or precedent with respect to any other situation, or with respect to the validity of the regulations at 33 CFR 328.3(a)(3). The finding presented herein does not speak on the segment of Poso Creek east of Highway 65. Furthermore, this disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the California State Water Resources Control Board and/or the U.S. Fish and Wildlife Service.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. **Please note that a significant effort is currently underway which will address the issue of jurisdiction over many waters in the Tulare lake Basin. Based on the results of this effort, the jurisdictional status of Poso Creek, west of Highway 65, may change.**

*A Notification of Administrative Appeal Options and Process and Request for Appeal form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.*

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APR 29 2004

R.L. SCHAR ASSOC.

Please refer to identification number 200300265 in any correspondence concerning this project. If you have any questions, please contact Nancy Haley at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email *Nancy.A.Haley@usace.army.mil*, or telephone 916-557-7772.

Sincerely,

**ORIGINAL SIGNED**

Michael S. Jewell  
Chief, Central California/Nevada  
Section

Copy furnished:

~~R.~~ L. Schafer, R. L. Schafer & Associates, 2904 West Main Street, Visalia, California 93291

James Worth, McMurtrey, Hartsock & Worth, 2001 22nd Street, Suite 100, Bakersfield, California 93301

Dale Harvey, California Regional Water Quality Control Board, 1685 E Street, Fresno, California 93706-2020

Oscar Balaguer, Chief, Water Quality Certification Unit, California State Water Resources Control Board, 1001 I Street, Sacramento, California 95814

U.S. Fish and Wildlife Service, Wetlands Branch, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901

U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901

Tim Vendlinski, U.S. Environmental Protection Agency, Region IV, Wetlands Section (WTR-8), Water Management Division, 75 Hawthorne Street, San Francisco, California 94105