
Central Valley Regional Water Quality Control Board

3 March 2015

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CERTIFIED MAIL
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NOTICE OF APPLICABILITY

WATER QUALITY ORDER 2003-0003-DWQ-0131

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES TO LAND WITH A LOW THREAT TO WATER QUALITY (*STATEWIDE GENERAL ORDER*) APPLICATION TO DISCHARGE DRILLING MUDS AND BORING WASTE CMO, INC., CHICO MARTINEZ OIL FIELD, KERN COUNTY

Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff reviewed a *Notice of Intent* (NOI) submitted by CMO, Inc. (Discharger). The NOI informed the Central Valley Water Board of the Discharger's intent to comply with the terms of the *Statewide General Order*, and which describes a discharge of boring wastes that may receive coverage under the *Statewide General Order*. The NOI and filing fee were received on 11 February 2015. The Discharger plans to discharge boring wastes associated with the drilling of wells in the Chico Martinez Oil Field in Kern County.

The boring wastes, consisting of drilling mud and drill cuttings, will be disposed of in a surface impoundment (sump) adjacent to each well or a small group of wells. Central Valley Water Board staff find that the discharge is eligible for coverage under the *Statewide General Order* because the Discharger has submitted a Discharge Monitoring Plan (DMP) that is sufficient to demonstrate that the discharge will comply with the applicable provisions of the *Statewide General Order*, all of the other information required by the *Statewide General Order*, along with an annual fee. The Central Valley Water Board considers the issuance of this Notice of Applicability (NOA) to be a ministerial action. If the Central Valley Water Board determines that a site regulated under the *Statewide General Order* is or may be causing water quality impacts, additional measures may be imposed through a separate order issued by the Central Valley Water Board and/or the State Water Resources Control Board (State Water Board).

Please note that the following provisions and conditions of the *Statewide General Order* (among others) apply to the discharges described in the NOI:

- The discharge of any fluid associated with well stimulation activities (such as acidization or hydraulic fracturing), the discharge of fluids not typically used in drilling, and the discharge of any material not described in the NOI, is prohibited.
- The discharge of any waste to surface waters or surface water drainage courses is prohibited.
- The disposal of wastes shall not cause pollution, contamination, or nuisance, as defined in Water Code section 13050.
- The discharge shall not threaten an exceedance of any applicable water quality objectives.

- Boring wastes, drilling mud, and cuttings from well-drilling operations shall be discharged to on-site sumps and shall not contain halogenated solvents. At the end of drilling operations, the Discharger shall either:
 - Remove all wastes from the sump; or
 - Remove all free liquid from the sump and cover residual solid and semi-solid wastes, provided that representative sampling of the sump contents after liquid removal shows residual solid wastes to be non-hazardous. Residual wastes shall be disposed of at a facility that may accept these wastes under Title 27 of the California Code of Regulations, or shall be disposed of onsite. Residual wastes disposed of onsite shall meet the following requirements: (1) the discharge must be located greater than 5 feet above the local groundwater level, (2) the discharge must be covered by a minimum of 1 foot of clean soil, and (3) the discharge must be located at least 100 feet from the nearest surface water.
- A copy of the *Statewide General Order* must be kept at the discharge facility for reference by operating personnel.
- Prior to any modifications that would result in a material change in the quality or quantity of waste discharge, the Discharger shall report, in writing, all pertinent information to the Central Valley Water Board and obtain confirmation that such modifications do not disqualify the discharge from coverage under the *Statewide General Order*.
- The Discharger shall allow Central Valley Water Board staff, upon presentation of credentials, reasonable access to the Sites described in the NOI, as described in Standard Provision E.9 of the *Statewide General Order*.
- The Discharger shall comply with the DMP that was submitted to the Central Valley Water Board along with the NOI.
- All reports submitted to the Central Valley Water Board shall be certified with the following inscription, and shall be signed by an individual qualified to sign in accordance with *Statewide General Order* Standard Provision E.17:

I certify under penalty of law that this document and all attached were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information.
- The Discharger shall immediately report any noncompliance potentially endangering public health or the environment to the Central Valley Water Board within 24 hours of the time the Discharger becomes aware of the occurrence, and shall follow all noncompliance reporting requirements specified in with *Statewide General Order* Standard Provision E.19.
- The Discharger shall comply with all of the applicable provisions of the Monitoring and Reporting Program for Water Quality Order 2003-0003-DWQ.
- The Discharger is responsible for complying with any and all applicable provisions or conditions of the *Statewide General Order*, whether or not those provisions or conditions are mentioned here.

This NOA is valid as of the date that it is signed, and will be in effect until this NOA is terminated following the submission of the Notice of Termination, or until coverage is terminated in accordance

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Order 2003-0003-DWQ-0131
CMO, Inc.
Chico Martinez Oil Field, Kern County

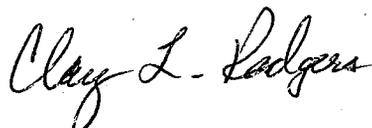
3 March 2015

with *Statewide General Order* Standard Provision E.10, or until the Central Valley Water Board issues a General Order or Conditional Waiver Program that supersedes the *Statewide General Order*. The Discharger shall submit the required annual fee (by date specified in the annual billing issued by the State Water Board) until the NOA is no longer in effect.

This NOA generally covers discharges of boring waste by the Discharger within the Chico Martinez Oil Field in Kern County and as described in the NOI. At least **14 days** prior to initiating any discharge to a new sump, the Discharger shall submit a certification to the Central Valley Water Board that discharge to the new sump will comply with all applicable provisions of the *Statewide General Order* and with Sections VII-XVI of the NOI. A single certification may reference several sumps, as long as those sumps are reasonably identifiable by discharge site address and discharge site latitude and longitude (if known).

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of the *Statewide General Order*, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

If you have any questions regarding this NOA, please contact Dane Johnson at (559) 445-5525 or at Dane.Johnson@waterboards.ca.gov



for Pamela C. Creedon
Executive Officer

Enclosures: Approved Discharge Monitoring Program
Water Quality Order 2003-0003-DWQ
Copy of Completed NOI

cc: Mike Toland, Division of Oil Gas and Geothermal Resources, Bakersfield (w/o enclosures)