

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2019-0031

ORDER  
AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. 91-102  
FOR  
ALON BAKERSFIELD PROPERTY, INC.  
KERN COUNTY

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

1. Alon Bakersfield Property, Inc., a subsidiary of Delek US (Alon or Discharger), owns and operates a crude oil refinery (Facility) in sections 23 and 27, T29S, R27E, on the northwest side of Bakersfield. The Facility was formerly owned by Texaco, Refining and Marketing Incorporated, Shell Oil Products U.S., and Flying J, Inc. Alon purchased the Facility on 2 February 2010.
2. The U.S. Environmental Protection Agency (USEPA) regulates discharges of industrial and municipal wastes to UIC Wells. Historically, the USEPA considered the injection wells at the Facility to be Class V wells, for which the USEPA does not typically issue permits. In the absence of regulation by the USEPA, the Central Valley Water Board adopted Waste Discharge Requirements Order No. 91-102 (Order 91-102) in April 1991 to ensure discharges met the requirements of the Water Code and the operative *Water Quality Control Plan for the Tulare Lake Basin*. Order 91-102 authorizes the discharge of nonhazardous refinery waste and produced water from oil wells to up to seven underground injection wells (UIC wells). Alon currently has five wells permitted for injection at the Facility. UIC wells Red Ribbon WD-1 (API# 029-78664), Red Ribbon WD-2 (API# 029-88999) and Red Ribbon WD-3 (API# 029-09732) are currently used for injection. UIC wells W.I. 1 (API# 029-64415) and Red Ribbon 7 (API# 029-08304), are not currently in use.
3. USEPA has determined that Alon's injection wells are Class I wells. USEPA regulates Class I industrial and municipal waste disposal wells under the federal Safe Drinking Water Act to prevent pollution of underground sources of drinking water. Class I wells are used to inject hazardous and non-hazardous wastes into deep, confined geologic formations. On 30 May 2018, Alon submitted to USEPA a Class I UIC permit application for Red Ribbon WD-1, Red Ribbon WD-2, and Red Ribbon WD-3. Red Ribbon 7 will be abandoned and replaced with a deeper well named Red Ribbon 7D.
4. Order 91-102 will remain in place until USEPA issues a Class I UIC permit for the Alon injection wells, after which Order 91-102 will be rescinded.
5. In California, the USEPA has delegated primacy authority over oil and gas injection wells (Class II injection wells) to the California Division of Oil, Gas, and Geothermal Resources (Division). Class II wells are used to inject only fluids associated with oil and natural gas production.
6. Alon's 30 May 2018 Class I UIC application does not include W.I. 1. Alon has informed Central Valley Water Board that it is in the process of selling W.I. 1, that W.I. 1 will be

converted to a Class II injection well, and that the W.I. 1 new owner will obtain a Class II injection well permit from the Division. Division records indicate that W.I. 1 has not been used since March 2016. Alon informed the Central Valley Water Board that W.I. 1 has received only Class II fluids since October 2014. By letter dated 20 September 2018, Alon requested that Order 91-102 be amended to remove W.I. 1 to facilitate its pending sale.

7. It is appropriate to remove W.I. 1 from Order 91-102. Discharges of Class II fluids to W.I. 1 will be regulated by the Division under the authority delegated to it by the USEPA.
8. This Order is intended to modify existing WDRs (Order 91-102) to remove the authorization to discharge to a specific UIC well. This amendment to these existing WDRs is exempt from the provisions of the California Environmental Quality Act in accordance with California Code of Regulations, title 14, section 15301, which exempts the "operation, repair, maintenance, [and] permitting ... of existing public or private structures, facilities, mechanical equipment, or topographical features" from environmental review.
9. All the above, which is incorporated herein, were considered in establishing the following conditions of the discharge.
10. The Discharger and interested agencies and persons have been notified of the intent to amend Order 91-102, and they have been provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
11. All comments pertaining to the discharge were heard and considered in a public hearing.

**IT IS HEREBY ORDERED** that, pursuant to Water Code section 13263, Order 91-102 is amended as necessary to:

1. Revoke Central Valley Water Board authorization for injecting refinery or any other wastes into W.I. 1.
2. Affirmatively prohibit all discharges of Class II wastes into W.I. 1 until:
  - (a) Such discharges are otherwise expressly authorized in writing by the Division; and
  - (b) A copy of the Division's authorization is provided to the Central Valley Water Board.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this 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.

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, section 2050 et seq. 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 30th day 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 the address below) and will be provided upon request.

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

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, 5 April 2019.

*Original Signed By*

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PATRICK PULUPA, Executive Officer