



California Regional Water Quality Control Board Central Valley Region



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Arnold
Schwarzenegger
Governor

1 December 2006

Mr. Mike Glavin, HES Leader
Vintage Production California LLC
9600 Ming Avenue, Suite 300
Bakersfield, CA 93311

COMMENTS ON PROPOSED TENTATIVE WASTE DISCHARGE REQUIREMENTS, VALLEY WASTE DISPOSAL COMPANY, KERN COUNTY

Vintage Production California LLC (Formerly Oxy USA, Inc.) relies on Valley Waste Disposal Company (VWDC) for disposal of its oilfield wastewater. In your 20 November 2006 letter you ask that the proposed Tentative Waste Discharge Requirements Order (TWDRs) (NPDES Permit No. CA0081311) for VWDC be removed from consideration on the 7/8 December meeting agenda. You object to receiving no increase in discharge flow or salinity, and express concern that adoption will result in a possible five-year delay in reconsideration of limits. You indicate that studies submitted by the Cawelo Water District (CWD or District) demonstrate that discharges have not degraded groundwater quality.

The TWDRs examine VWDC's requests with respect to the requirements of the *Water Quality Control Plan for the Tulare Lake Basin* (Basin Plan). The Basin Plan establishes effluent limits of 1,000 umhos/cm, 200 mg/L, and 1.0 for conductivity (EC), chlorides, and boron, respectively, for discharges of oilfield wastewater. The Basin Plan allows exceptions to these maximum limits provided the discharger first demonstrates to the Regional Water Board's satisfaction that the proposed discharge will not substantially affect groundwater quality and will not cause a violation of water quality objectives. The Basin Plan establishes an incremental water quality objective that limits annual increases of groundwater EC to no more than 6 umhos/cm per year in the Poso Groundwater Hydrographic Unit. VWDC has requested exception for daily maximum EC, chloride, and boron limits of 1,300 umhos/cm, 120 mg/L, and 1.5 mg/L, respectively. The requested limits for EC and boron exceed those allowed by the Basin Plan and thus require a successful demonstration.

The CWD submitted a technical Study in 2003 that evaluates salt loading throughout the District from various discharges and irrigation activities. The Study does not consider the flow increases, and therefore the increased and cumulative salt loading, proposed by VWDC and by Chevron U.S.A. Inc. Thus it cannot demonstrate that proposed and projected discharges to District lands will not substantially affect groundwater quality or cause a violation of water quality objectives. As the demonstration of consistency with the Basin Plan has not been made, the salinity limits requested by VWDC cannot be authorized.

The CWD has also submitted reports analyzing the results of its groundwater monitoring efforts. The reports evaluate the impacts that CWD operations have had on groundwater over

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time to demonstrate that the oilfield wastewater discharges have complied with the Basin Plan water quality objective that limits the gross annual EC increase in groundwater to 6 umhos/cm per year. As stated in the TWDRs, due to the number of monitoring wells, changes in number of wells sampled during the monitoring history, well construction specifications, and the thick vadose zone, Regional Water Board staff conclude that the well results do not characterize effects from past discharges and cannot be relied upon to characterize future effects.

Even without authorizing the requested increases, there also is some doubt that the previously approved exception is technically consistent with the Basin Plan. The proposed TWDRs require a technical report for demonstration of this consistency while allowing VWDC to discharge at previously authorized levels. The proposed TWDRs also contain reopeners that allow the Regional Water Board to reconsider flow and salinity requirements once the necessary information is provided and necessary approval processes are completed.

The U.S. Environmental Protection Agency has classified the existing renewal as a Priority Permit that must be adopted as soon as possible. The Regional Water Board will consider this matter as scheduled. You should make your views known, and based on testimony, the Regional Water Board may determine that it is in the public interest to delay adoption of the Order until a later date.

Your letter states that Vintage reserves the right to submit additional comments at or before the December 7/8 hearing if the Regional Water Board proceeds with consideration of the TWDRs as proposed. The deadline for comments on the TWDRs was 20 November 2006. The purpose of the hearing is to restate points already made in comments that have not been addressed to your satisfaction. Comments after 20 November will not be allowed into the record by the Regional Water Board Chair if they will prejudice any party.

If you have any questions, please call W. Dale Harvey at (559) 445-6190 or Geoffrey Anderson at (559) 445-5919.

PAMELA C. CREEDON
Executive Officer

cc: (see next page)

cc: Mr. Doug Eberhardt, (WTR-5), U.S. Environmental Protection Agency, San Francisco
Mr. Kent Varvel, Bureau of Land Management, Bakersfield
Ms. Frances McChesney, Office of Chief Counsel, State Water Resources Control Board, Sacramento (via email)
Mr. Dave Carlson, Regional Water Quality Control Board, Sacramento (via email)
Ms. Kiran Lanfranchi-Rizzardi, Regional Water Quality Control Board, Sacramento (via email)
Mr. David Ansolabehere, Manager, Cawelo Water District, Bakersfield
Mr. Florn Core, City of Bakersfield, Water Resources Department, Bakersfield
Mr. Dana Munn, North Kern Water Storage District, Bakersfield
Mr. Jim Waldron, Chevron USA, Inc., Bakersfield
Mr. Larry Bright, Valley Waste Disposal Company, Bakersfield
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton
Mr. Warren Tellefson, Central Valley Clean Water Association, Auburn