

**Regional Water Quality Control Board
Central Valley Region
Board Meeting –10/11 December 2015**

**RESPONSE TO WRITTEN COMMENTS ON
TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR
CALIFORNIA RESOURCES PRODUCTION CORPORATION AND
NORTH KERN WATER STORAGE DISTRICT
OIL FIELD PRODUCED WATER RECLAMTION PROJECT
KERN COUNTY**

At a public hearing scheduled for 10/11 December 2015, the Central Valley Water Board will consider adoption of Waste Discharge Requirements (WDRs) to regulate the discharge of treated oil field produced water (“produced water”) from the California Resources Production Corporation (CRC) to the North Kern Water Storage District (District). CRC will blend the produced water with existing surface and groundwater supplies, and will use the blended water to irrigate 55,000 acres of croplands.

The tentative WDRs were circulated for public review on 18 September 2015, and the Board required that written comments be received by 5:00 p.m. on 23 October 2015 in order to receive full consideration. Comments were received from the CRC on 23 October 2015, and personnel from the CRC and the District met with Board staff on 6 October 2015 to discuss the proposed WDRs. This document contains the Board staff’s response to the written comments that CRC submitted by the 23 October 2015 deadline.

After meeting with Board staff, CRC submitted additional comments via e-mail on 12 November 2015. Central Valley Water Board staff did not make any changes based on the 12 November 2015 e-mail.

In response to the timely comments, Board staff proposed minor changes to the proposed WDRs, Information Sheet, and the Monitoring and Reporting Program (MRP). Staff has also made changes to the proposed WDRs to increase clarity and fix typographical errors. Where specific changes are presented below, additions are in bold text and deletions are in strike-out.

CALIFORNIA RESOURCES PRODUCTION CORPORATION

Below are CRC’s relevant comments, followed by Board staff’s responses.

CRC –COMMENT 1: CRC comments that produced water discharged from the Section 23 Treatment Facility and the crude oil removed and contained in tanks at the Section 23 Treatment Facility should not be considered a “waste” or “wastewater”, but rather a “product” that is sold and re-used. CRC requests that the term waste, wastewater, and oil field produced water be replaced by the term “reclaimed water” or “blended reclaimed water” and that Finding 60 be modified to reflect that the contained oil is a product and not a waste.

RESPONSE 1: The Board recognizes that produced water is a critical part of the Central Valley’s water portfolio, particularly during times of extreme water scarcity. However, the terms “waste” and/or “wastewater” come from statutory and regulatory terminology in the Water Code, the California Code of Regulations (Titles 22, 23, and 27), and the Tulare Lake Basin Plan. This nomenclature finds its origin in the Porter-Cologne Water Quality Control Act of 1969, which vested the Regional Boards with the authority to regulate “discharges of wastes” in order to help the state attain the highest water quality which is reasonable. These days, the goal of most dischargers is to find ways of eliminating the “wastes” from their “water”, so that the water can be beneficially reused. But though wastewater may be viewed differently, the statutes and regulations still largely utilize the original terminology.

Furthermore, although “reclaimed water” may be appropriate terminology based on a dictionary definition of these terms, the Department of Health Services, the State Water Board’s Division of Drinking Water, the State Water Board’s Division of Water Rights, and the Department of Water Resources generally only use the term “reclaimed water” to describe domestic and/or municipal wastewater that has been treated for reuse. To avoid confusion, Board staff have not changed the terminology in the proposed document. However, where appropriate, Board staff have abbreviated the term “treated oil field produced water” to “produced water.”

Regarding the oil captured in the tanks at the Section 23 Treatment Facility, the last sentence in Finding 60 was modified as follows:

The oil captured by the removal system is stored in tanks and sold as a product, and this Order does not provide authorization to discharge **the oil contained in the tanks these wastes**, either.”

CRC –COMMENT 2: Discharge Specifications A.4 and A.5 and Provision A.13. CRC states that the proposed WDRs misinterpret Senate Bill (SB) 4. CRC specifically states that Discharge Prohibitions A.4 and A.5 along with Provision E.13 should be modified to remove what it perceives as misinterpretation of SB-4.

RESPONSE 2: Though Board staff have consulted with the California Department of Conservation’s Division of Oil, Gas & Geothermal Resources (DOGGR) and has verified that the discharge specifications in the proposed WDRs were consistent with the DOGGR’s interpretation of their regulations that implement SB-4, Board staff acknowledge that CRC will not be utilizing produced water from wells that have received a well stimulation treatment, and have made changes to the tentative WDRs accordingly. Central Valley Water Board staff modified Discharge Specifications A.4 and A.5 and Provision E.13 as shown below:

Discharge Specification

- 4. The discharge to land of any fluids from wells that have undergone a “well stimulation treatment”, as defined by California Code of Regulations, title 14, section 1761 (including hydraulic fracturing, acid fracturing, and acid matrix stimulation) is prohibited. The discharge of any produced fluids from wells that have undergone either a “well stimulation treatment”, as defined by California Code of Regulations, title 14, section 1761 (including hydraulic fracturing, acid fracturing, and acid matrix stimulation), or frac-packing on or after 1 July 2015 is prohibited...**

Discharge Specification

- 5. The discharge of fluids associated with the frac-packing process (i.e., emplacement of a filter pack into the well annulus using a pressurized high-viscosity fluid that is not a drilling mud and that does not meet the standard of well stimulation) to land are prohibited. The discharge of produced water from wells that have been frac-packed is prohibited, unless the Discharger meets the requirements of Provision E.13. The**

~~discharge of any produced fluids from wells that have undergone either a “well-stimulation treatment”, as defined by California Code of Regulations, title 14, section 1761 (including hydraulic fracturing, acid fracturing, and acid matrix stimulation), or a frac-packing prior to 1 July 2015 is prohibited, unless the Discharger meets the requirements of Provision E.13.~~

Provision

13. **The discharge of any produced water from wells that have undergone a frac-packing may only be authorized in writing by the Executive Officer following a demonstration by the Discharger that frac-packing fluids are not present in the produced water from the specific well or wells that have been frac-packed.** ~~The discharge of any produced fluids from wells that have undergone a “well-stimulation treatment” as defined in California Code of Regulations, title 14, section 1761 (including hydraulic fracturing, acid fracturing, and acid matrix stimulation) or a frac-packing prior to 1 July 2015 may only be authorized in writing by the Executive Officer following a demonstration by the Discharger that well stimulation chemicals are not present in the oil field-produced water from the specific well or wells that have been stimulated and/or frac-packed.~~