

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2023-XXXX

TENTATIVE WASTE DISCHARGE REQUIREMENTS  
FOR  
PREMIER RESOURCE MANAGEMENT, LLC

OPAQUE FACILITY  
NORTH ANTELOPE HILLS OIL FIELD  
KERN COUNTY

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

1. Premier Resource Management, LLC ([Premier or Discharger](#)) is a petroleum production company that owns and operates the Opaque Facility in the North Antelope Hills Oil Field (Opaque Facility or Facility). The Facility is in Section 25, Township 27 South, Range 20 East, Mount Diablo Base and Meridian (MDB&M); Assessor's Parcel Number (APN) 068-230-13, as shown on [Attachment A](#), which is attached hereto and made part of this Order by reference.
2. Oil field produced wastewater (produced water or discharge) treated at the Opaque Facility originates from the Hankins and Opaque Leases (Leases) in the North Antelope Hills Oil Field. The Hankins Lease is in Section 30, Township 27 South, Range 20 East, MDB&M and the Opaque Lease is in Sections 25 and 30, Township 27 South, Range 20 East, MDB&M.
3. This Order regulates the discharge of produced wastewater (produced water or discharge) from the Opaque Facility to three unlined surface impoundments (ponds). The ponds are in the southwest corner of Section 30, Township 27 South, Range 20 East, MDB&M.

**Background and Current Practices**

4. Petroleum production activities in the Opaque Area began in the 1920's. From 2006 to 2017, Pacific Coast Exploration, LLC controlled the Leases and drilled a total of 10 wells. In August 2017, Premier took control of the Leases.
5. As of 31 December 2020, Premier has sold a total of 861 barrels of oil and disposed of 5,460 barrels of produced water. Premier has disposed of the produced water by trucking the fluid to one of the following disposal locations: Central Valley Waste Water's South Belridge facility or California Resource Corporation's North Antelope Hills facility.
6. Premier will only discharge produced water from active petroleum production wells, not fluid from stimulation treatments such as hydraulic fracturing, acid fracturing, and acid matrix stimulation. According to Premier and their consultant (EnviroTech Consultants, Inc.), none of the existing wells identified in the Report of Waste Discharge (RWD) have undergone well stimulation. Premier does not intend to use stimulation techniques on wells at the Leases in the future.

7. The Hankins Lease has three active petroleum production wells (wells) and the Opaque Lease has one active well and four idle wells. Upon adoption of this Order, Premier intends to bring an additional three wells into production. These three new wells will be located in Section 31, Township 27 South, Range 20 East, MDB&M.
8. The Opaque Facility will utilize a produced water treatment system, operated in the following series (Attachment B):
  - a. Gas Separator – Removes potential gases from the production fluid that originates from petroleum production wells.
  - b. Production Wash Tank – Tank designed for the primary separation of oil and produced water based on the difference in specific gravity of each material.
  - c. Holding Tank – Two intermediate storage units for produced water that originates from the Production Wash Tank.
  - d. Secondary Filtration – A sand and/or walnut shell filter used to remove additional solids and oil from the produced water prior to being discharged to the ponds.
  - e. Holding Tank – Two intermediate storage units for produced water that originates from the Secondary Filtration system.
  - f. Oil in Water Probe – A probe in the final pipeline to the ponds that will detect oil in the produced water. Upon detecting oil and grease above 1 parts per million (ppm), the discharge to the ponds will be temporarily terminated until the issue causing the exceedance of 1 ppm can be addressed.

Due to the associated costs and uncertainty regarding adoption of this Order, Premier does not currently have a Secondary Filtration system installed at the Opaque Facility. Upon adoption of this Order, Premier intends to purchase and install the Secondary Filtration component.

9. Premier uses an emulsion breaker in the treatment system at the shipping oil tank. No other chemicals are used during treatment and, therefore, are not anticipated to be in the produced water discharged to the ponds.
10. The ponds will be operated to have a minimum freeboard of two feet at all times.
11. In the event of an emergency/equipment failure at the Opaque Facility, the system is equipped with emergency sensors that will shut down the production wells when activated. In addition, there is a secondary containment basin adjacent to the treatment system that can hold up to 1,497 barrels of fluid. Also, a 10-inch overflow pipe is installed between Pond Nos. 2 and 3 ([Attachment C](#)). These emergency systems are installed to ensure that waste from the Opaque Facility does not flow outside of designated areas in the event of an emergency/equipment failure.

12. Based on the climate and anticipated infiltration rates for the ponds, the primary method of disposal is anticipated to be evapotranspiration. The RWD uses an infiltration rate of 9.4 inches per month and evapotranspiration rates ranging from 2.3 to 20.9 inches per month, based on the data available in the California Irrigation Management Information System (CIMIS). At the maximum flowrate of 1,000 barrels per day and using the historic monthly 10-year average evapotranspiration rates for CIMIS Station 54, 57% of the discharge is anticipated to undergo evapotranspiration based on the available surface area of the ponds and the rate of the proposed discharge. Based on the design using a low incline for the embankments, as the water level rises the surface area increases. This increased surface area is intended to provide an increased area for evapotranspiration to occur and to maximize the efficiency of the ponds while maintaining the necessary disposal rate.

**Proposed Discharge**

13. Premier will discharge up to 1,000 barrels per day (bpd) of produced water to the ponds (proposed discharge).
14. Produced water from the Opaque Facility will be discharged to Pond No. 1. Pond No. 1 has been designated as a “Safety Pond” and will be netted to preclude the entry of wildlife in the event that oil is discharged in addition to produced water. From Pond No. 1, produced water will flow, via gravity, to Pond Nos. 2 or 3 through separate valves.
15. Specifications for the ponds are provided in the table below.

**Table 1 – Pond Specifications**

<b>Pond No.</b>	<b>Surface Area (acre)</b>	<b>Max Water Depth (ft)</b>	<b>Total Pond Depth (ft)</b>	<b>Width (ft)</b>	<b>Length (ft)</b>
Pond No. 1	0.055	1.5	3.5	40	60
Pond No. 2	1.97	1.5	3.5	206	416
Pond No. 3	1.97	1.5	3.5	206	416

The walls and berms of the ponds will be built in a manner to ensure that the ponds can maintain the required minimum two feet of freeboard. The base of the ponds will be one foot two inches below ground surface and the maximum water level will be three inches above ground surface. Pond total depth will be 3.5 feet with maximum produced water depth of 1.5 feet.

16. The Discharger collected produced water samples from the produced water production tank at the Opaque Facility on 30 May 2019 and 7 June 2019 and submitted them to BC Laboratories, Inc., for analysis. The sample on 30 May 2019 was analyzed for volatile organic compounds (VOCs), general chemistry, and metals. The sample collected on 7 June 2019 was analyzed for VOCs, polynuclear aromatic hydrocarbons (PAHs), oil and

grease, total petroleum hydrocarbons, stable isotopes, and radionuclides. The table below provides a summary of some of the produced water analytes that had detectable concentrations.

**Table 2 – Summary of Produced Water Quality**

Parameter	Units	Produced Water	Produced Water
		5/30/2019	6/7/2019
<b>General Minerals</b>			
Total Dissolved Solids (TDS)	mg/L <sup>1</sup>	9,200	2
Electrical Conductivity (EC)	umhos/cm <sup>3</sup>	14,400	-
Chloride	mg/L	3,700	-
Boron	mg/L	220	-
<b>Metals</b>			
Arsenic	ug/L <sup>4</sup>	7.4	-
Barium	mg/L	2.5	-
Strontium	mg/L	4.5	-
Lithium	mg/L	0.86	-
<b>Total Petroleum Hydrocarbons</b>			
Gasoline Range Hydrocarbons	mg/L	3.7	3.7
Oil and Grease	mg/L	31	31
<b>Polynuclear Hydrocarbons (PAHs)</b>			
Acenaphthylene	ug/L	0.031	-
Naphthalene	ug/L	3.4	-
<b>Volatile Organic Compounds (VOCs)</b>			
Benzene	ug/L	380	380
sec-Butylbenzene	ug/L	<0.15 <sup>5</sup>	-
Ethylbenzene	ug/L	29	50
Isopropylbenzene	ug/L	1.4	5.8
p-Isopropyltoluene	ug/L	<0.12	0.89
Naphthalene	ug/L	2.3	11
Toluene	ug/L	120	150
1,2,4-Trimethylbenzene	ug/L	<0.12	9.8
1,3,5-Trimethylbenzene	ug/L	<0.12	2.9
Total Xylenes	ug/L	34	62
<b>Radionuclides</b>			
Radium-226	pCi/L <sup>6</sup>	-	13.7
Radium-228	pCi/L	-	9.53
Gross Alpha	pCi/L	-	65.3
Uranium	pCi/L	-	0.33

- 1 Milligrams per liter.
- 2 Not analyzed.
- 3 Micromhos per centimeter.
- 4 Micrograms per liter.
- 5 Less than the detection limit.
- 6 Picocuries per liter.

The majority of produced water analytical results for PAHs and VOCs were non-detect. The reported detectable concentrations for PAHs and VOCs are listed in the table above.

17. The RWD states that Premier intends to reuse sludge (e.g., tank bottoms) for road-mix and produced water for dust control and/or construction activities. Prior to the reuse of sludge or the discharge of produced water to areas outside of the ponds, Premier must satisfy the requirements of the Dust Control Specification (Section C of this Order) and Solid Disposal Specifications (Section D of this Order) and receive written approval from the Central Valley Water Board's Executive Officer.

#### **Site-Specific Conditions**

18. According to the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), the topsoil at the ponds is identified as Panoche Clay Loam with 0 to 2 percent slopes. The soil is classified as "well drained" and has a moderately high transmissivity rate of 1.98 inch/hour.
19. According to CIMIS, the 10-year average pan evaporation rate for the Opaque Area is 120 inches per year. The monthly average pan evaporation rate ranges from 2.0 to 20.9 inches. These data are based on CIMIS Station 54 (Blackwells Corner), near Lost Hills, which is approximately 9.5 miles northwest of the Opaque Facility.
20. According to the National Oceanic and Atmospheric National Weather Service, the estimated 24-hour rainfall that would occur during a 100-year storm event for the area is 2.83 inches. In addition, the average annual precipitation is 6.06 inches and the monthly average ranges from 0.01 to 2.43 inches. These data are based on the CIMIS Station 54.
21. According to Federal Emergency Management Agency (FEMA) map number 06029C1175E, the Opaque Facility is outside of the 100-year return frequency flood zones and has been determined to be outside the 0.2% annual chance of flood area. FEMA describes areas between the limits of a 100-year and 500-year floodplain, with a 0.2% annual chance of flooding as being low to moderate risk for flooding.

#### **Basin Plan, Beneficial Uses, and Water Quality Objectives**

22. The *Water Quality Control Plan for the Tulare Lake Basin, Third Edition (Revised May 2018)* (Basin Plan) designates beneficial uses, establishes water quality objectives,

contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board (State Water Board).

23. The Central Valley Water Board amended the Basin Plan in 1989 to be consistent with State Water Board Resolution No. 88-63, the Sources of Drinking Water Policy. The Sources of Drinking Water Policy concerned the beneficial use designation of municipal or domestic water supply (MUN).
24. The Sources of Drinking Water Policy states that all groundwaters of the state are considered to be suitable, or potentially suitable, for MUN and should be so designated by the Regional Board with the exception of where the groundwater meets one or more of the following criteria:
  - a. The total dissolved solids (TDS) exceed 3,000 milligrams per liter (mg/L) (5,000 micromhos per centimeter ( $\mu\text{mhos/cm}$ ) electrical conductivity) and it is not reasonably expected by the Regional Boards to supply a public water system;
  - b. There is contamination, either by natural processes or by human activity (unrelated to a specific pollution incident), that cannot reasonably be treated for domestic use using either Best Management Practices or best economically achievable treatment practices;
  - c. The water source does not provide sufficient water to supply a single well capable of producing an average, sustained yield of 200 gallons per day; or
  - d. The aquifer is regulated as a geothermal energy producing source or has been exempted administratively pursuant to 40 CFR, section 146.4 for the purpose of underground injection of fluids associated with the production of hydrocarbon or geothermal energy, provided that these fluids do not constitute a hazardous waste under 40 CFR, section 261.3.
25. The Basin Plan designates all groundwater as supporting the MUN beneficial use unless specifically exempted by the Central Valley Water Board. Exemptions to the MUN beneficial use designation are not self-implementing and must be done in an amendment to the Basin Plan. In considering any exceptions, the Central Valley Water Board must consider the criteria from the Sources of Drinking Water Policy.
26. Except for potential dust control (as described above), there is no intended use of the produced water from the Opaque Facility.
27. There are no surface water beneficial uses for "West Side Streams," as stated in the Basin Plan for Hydrologic Area No. 558.

28. The Opaque Facility is within the Kern County Basin hydrologic unit. The Basin Plan designates the beneficial uses of groundwater in the Kern County Basin Detailed Analysis Unit (DAU) 259 as MUN, agricultural supply (AGR), industrial process supply (PRO), and industrial service supply (IND).
29. Based on the hydrogeologic data provided in the RWD, there does not appear to be groundwater available in the Quaternary Alluvium underlying the Facility and any groundwater in the surrounding area appears to be of poor water quality. Due to the poor quality, the only use of the groundwater in the surrounding area at this time is industrial supply by oil companies. The nearest municipal well is approximately 20 miles east of the project, which is on the valley floor and beyond the geologic structure (Belridge Anticline) identified in the RWD that prevents the flow of groundwater in that direction. This determination is subject to change if new evidence is submitted to the Central Valley Water Board that shows there is good quality groundwater that may be used beyond the scope of industrial use by oil companies.

#### **Site-Specific Groundwater Considerations**

30. The project area is located on the west side of the San Joaquin Valley. The stratigraphy within North Antelope Hills Oil Field, from oldest to youngest, is the Kreyenhagen Formation, Temblor Formation, Monterey Formation, Tulare Formation, and Quaternary Alluvium. The Quaternary Alluvium is comprised of sequences of interbedded and unconsolidated gravels, sands, silts, and muds.
31. The basal sand unit in the lower portion of the Tulare Formation (Lower Tulare Formation) is stratigraphically the uppermost hydrocarbon bearing zone. Oil sands are encountered at depths ranging from 500 feet below ground surface (ft bgs) to 1,000 ft bgs. The basal sand unit is overlain by a 400-ft thick clay layer which provides confinement from the upper portion of the Tulare Formation (Upper Tulare Formation) and Quaternary Alluvium.
32. Geophysical log data and field observations suggest that the Quaternary Alluvium above the Tulare Formation is absent of groundwater. The unsaturated Quaternary Alluvium and upper portion of the Tulare Formation are referred to as "air sands" in the RWD, due to air-filled pore space, which is observed on geophysical logs. According to the RWD, geophysical logs from areas within one mile of the Opaque Facility indicate that the base of the vadose zone is at a depth of approximately 250 ft bgs. Also, the RWD includes an additional 13 geophysical logs as part of a larger study that examined the hydrogeology throughout the North Antelope Hills Oil Field. Based on the geophysical logs referenced in the report, this study also found that there is likely no groundwater present in the Quaternary Alluvium underlying the Facility, and any potential groundwater is likely of poor quality. The study also states that the nearest known source of shallow groundwater in the area is approximately 15 miles east of the facility and there is a structural geologic feature that lies between the facility and regional groundwater.

33. Figure 12 of the RWD shows a geologic map of California. The map highlights the Antelope Plain and geologic structural features underlying the Opaque Facility and surrounding area. This includes folded Pleistocene Tulare Formation sediments (Belridge Anticline), which can be observed at the surface. The Belridge Anticline forms a geologic barrier that restricts potential eastward migration of groundwater. Since the Opaque Facility is located on the west side of this geologic structural feature, potential eastward migration of produced water from the ponds would not reach the valley floor where it could degrade beneficial uses of underlying groundwater.

### **Antidegradation Analysis**

34. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California (hereafter, the State Antidegradation Policy), requires that disposal of waste into high quality waters of the state be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the State. Resolution 68-16 does not apply to waters that are not high quality.
35. Where the water body is not high quality (i.e., “poor quality”), the “best efforts” approach is considered. The “best efforts” approach involves implementation of reasonable control measures to treat produced water prior to discharge to land. The factors that should be analyzed under the “best efforts” approach include the water quality achieved by other similarly situated Dischargers, the good faith efforts of the Discharger to limit the discharge of constituents of concern (COCs), and the measures necessary to achieve compliance.
36. For the purposes of determining whether the discharge regulated under this Order has the potential to degrade groundwater, the discharge has been initially assessed on the ability of produced water to migrate through the alluvium and impact the high-quality water underlying the valley floor. In the initial investigation, the Discharger did not find any evidence that there was groundwater in the Quaternary Alluvium beneath the Facility. In addition, it was determined that potential discharge would not be able to migrate and impact good quality groundwater due a geologic barrier provided by the Belridge Anticline, located approximately 15 miles east of the ponds.

### **Basin Plan Amendment Considerations**

37. As discussed above, a geologic structural feature to the east of the ponds is anticipated to restrict the migration of produced water from the Facility to areas of high-quality groundwater on the valley floor. The RWD states that migration of the discharge is unlikely due to this structural containment. In addition, the RWD states that there is likely no groundwater present in the Quaternary Alluvium underlying the Facility, and if there is groundwater it is of poor quality. However, no data describing the quality of water in the Quaternary Alluvium underlying the Facility is provided in the RWD. In addition, information in the RWD regarding the conditions immediately underlying the Facility were



limited to data from four borehole sites (three of which were converted to monitoring wells) identified in a hydrogeological investigation finalized in 2013. This Order requires an additional investigation to confirm the absence of groundwater or demonstrate that the quality of the underlying groundwater is as such that it could not support beneficial uses and percolation from the Facility will not impact the beneficial use of high-quality waters on the valley floor. If there is groundwater underneath the Facility, the Discharger will need to obtain a Basin Plan Amendment, the justification for which is described below.

38. The Basin Plan applies MUN to all groundwater where it is not specifically de-designated. The Basin Plan also states that unless otherwise designated by the Central Valley Water Board, all groundwater in the Region are considered suitable or potentially suitable for AGR, IND, and PRO. Hydrogeological conditions, particularly in the oil fields on the west side of the Central Valley, have resulted in areas where first encountered groundwater is hydrocarbon producing and/or is of such poor quality that it cannot reasonably be expected to be used, now or in the future, for the Basin Plan assigned beneficial uses, even with the implementation of best management practices or best economically achievable treatment practices. Under these circumstances, Dischargers are expected to apply "best efforts" to minimize water quality degradation and prevent conditions of nuisance. Also, under these circumstances, Dischargers may also be able to obtain amendments to the Basin Plan that de-designate the beneficial uses that cannot reasonably be achieved.
39. As described in the Finding above, if there is no groundwater underlying the Facility, the Discharger will need to provide pertinent information showing as such. Where groundwater exists, but its quality does not and could not support beneficial uses, this Order puts the Discharger on a compliance schedule to obtain an amendment or amendments to the Basin Plan to de-designate the beneficial uses, as appropriate. The schedule requires the Discharger to demonstrate, in the case of municipal and domestic use MUN, that its discharges will meet the Sources of Drinking Water Policy exception criteria, or in the case of AGR, IND, and PRO, parallel criteria from the Basin Plan. The compliance schedule also requires the Discharger to demonstrate containment, and that its discharges will not migrate from the areas where the beneficial uses will be de-designated to areas of higher quality groundwater.
40. If the Discharger is unable to obtain the amendments to the Basin Plan necessary to continue discharge by the end of the compliance schedule, the discharge must cease.
41. This Order only applies where there is no groundwater or where groundwater is of such poor quality that it cannot support beneficial uses designated in the Basin Plan. This Order provides the Discharger a schedule to pursue amendments to the Basin Plan to remove these designated beneficial uses. Dischargers in proximity to each other and with similar hydrogeological conditions are encouraged to participate in a regional or group effort to provide the technical information necessary to demonstrate that coverage under this Order is appropriate and to obtain the Basin Plan amendments, if appropriate. Those

pursuing Basin Plan amendments will be required to participate in Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS).

42. The Discharger implemented the following treatment and control measures to minimize the potential for the discharge to degrade groundwater:
  - a. Treatment of produced water to minimize oil and grease concentrations before produced water is discharged to land for disposal.
  - b. Installation of an oil probe that will cease discharge to the ponds upon detecting oil and grease above 1 ppm.
  - c. Construction and installation of a "Safety Pond" (Pond No. 1) that will be the first pond in the series and will be netted to preclude the entry of wildlife.
  - d. Design and construction of ponds with shallow slopes that implement minimum water depths and large surface areas to maximize evaporation.
  - e. Ponds for the Opaque Facility will be on the west side of the geologic structural containment feature.

Board staff finds that these treatment and control practices represent best practical treatment or control (BPTC) of the wastes.

43. The discharge, as regulated by this Order, will provide the benefit of reducing truck traffic, which will subsequently reduce greenhouse gas emissions, since the Discharger will not have to truck produced water to other sites for disposal.

### **Other Regulatory Considerations**

44. Based on the threat to water quality and complexity of the discharge, the facility is determined to be classified as a Category 3-C. California Code of Regulations, title 23, section 2200, defines these categories to include any of the following:
  - a. Category 3 threat to water quality: "Those discharges of waste that could degrade water quality without violating water quality objectives or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2."
  - b. Category C complexity: "Any discharger for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included in Category A or Category B as described above. Included are a discharger having no waste treatment systems or that must comply with best management practices, dischargers having passive treatment and disposal systems, or discharger having waste storage systems with land disposal."

45. Title 27 of the California Code of Regulations (hereafter Title 27) contains regulatory requirements for the treatment, storage, processing, and disposal of solid waste. However, Title 27 exempts certain activities from its provisions. Title 27, section 20090 states, in relevant part:

(b) Wastewater - Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leach fields if the following conditions are met:

- (1) the applicable RWQCB has issued WDRs, reclamation requirements, or waived such issuance;
- (2) the discharge is in compliance with the applicable water quality control plan; and
- (3) the wastewater does not need to be managed according to Chapter 11, Division 4.5, Title 22 of this code as a hazardous waste.

The discharge of produced water from Premier is exempt from the requirements of Title 27 because the Board is issuing these waste discharge requirements, the discharge as regulated by this Order will comply with the Basin Plan, and the wastes subject to regulation under this Order do not need to be managed as hazardous wastes.

46. California Water Code (Water Code) section 13267(b) states, in relevant part, that:

In conducting an investigation ... the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.

The technical reports required by this Order and the attached Monitoring and Reporting Program R5-2023-XXXX (MRP) are necessary to assure compliance with these WDRs. Premier owns and operates the facility that discharges the waste subject to this Order.

47. Pursuant to Water Code section 13263(g), discharge is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

48. Kern County is the lead agency for purposes of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) and the CEQA Guidelines (Title 14, Division 6, California Code of Regulations, as amended). On 9 November 2015, Kern County certified an Environmental Impact Report (EIR) for the Kern County Amended Zoning Ordinance for Oil and Gas Activities (Kern County EIR). In March 2021, Kern County approved a Supplemental Recirculated Environmental Impact Report (Kern County SREIR) for the 2021 Kern County Zoning Ordinance for Oil and Gas Activities to address insufficiencies in the Kern County EIR and then adopted amendments to the Kern County SREIR, an Addendum to the Kern County SREIR, and an amended Statement of Overriding Considerations in August 2022 (together the Revised Kern County SREIR).
49. The Kern County EIR and subsequently the Kern County SREIR and Revised Kern County SREIR have been litigated since 2015 in the case of *Vaquero Energy Inc., vs. County of Kern* (BCV-15-101645). Petitioners in the case allege that the Kern County EIR, Kern County SREIR, and Revised Kern County SREIR violate CEQA. The most recent ruling in the case is from the Fifth District Court of Appeal which issued a ruling on January 26, 2023, reinstating the suspension of the oil and gas permitting ordinance while the Court of Appeal reviews the case.
50. The Central Valley Water Board is a responsible agency pursuant to CEQA (Public Resources Code, section 21069). Under Public Resources Code section 21167.3, because the Kern County EIR is being challenged as not compliant with CEQA, the Central Valley Water Board must assume that the Kern County EIR (and the Revised Kern County SREIR) complies with CEQA. However, as a result of the stay issued on January 26, 2023, by the Fifth District Court of Appeal, the Central Valley Water Board may only issue a conditional approval or disapproval of the project. (Public Resources Code, section 21167.3(a).) A conditional approval shall constitute permission to proceed with a project only when the CEQA litigation results in a final determination that the EIR does comply with CEQA.
51. The Kern County EIR and Revised Kern County SREIR found that there was the potential for significant impact to water supplies from discharges to ponds; however, based on the location and geologic conditions underlying the Facility, the Central Valley Water Board finds Premier's project to be appropriate. This Order requires compliance with certain conditions and monitoring intended to ensure compliance with laws, rules, and regulations concerning the environment, human health, and water quality standards. The Central Valley Water Board has determined that the Project, when implemented in accordance with the MRP and the conditions in this Order, is not anticipated to result in any significant adverse impacts.

52. As part of the CEQA permitting process under the Kern County EIR, Premier completed a Biological and Cultural Survey, which is included as Attachment 2 of the RWD. Based on the assessment in the Biological and Cultural Survey, the project can achieve “less than significant” impacts through the implementation of remediation measures outlined in Section 5 of the Biological and Cultural Survey (Attachment 2 of the RWD). Some of the general remediation measures discussed in Section 5 include the following:

- a. *All construction traffic shall be restricted to designated access roads and routes, the Project site, storage and staging areas, and parking areas. All storage, staging, and parking shall be confined to the Project footprint or previously disturbed areas that do not represent potential habitat for special-status species. Off-road traffic outside designated project boundaries will be prohibited. A 10-mile-per-hour speed limit shall be observed in all project construction areas, and all project access roads, except as otherwise posted on county roads and state and federal highways. Speed limit signs shall be posted along all project access roads.*
- b. *Trenches and excavations shall be equipped with one or more escape ramps made of wood (no smaller than 2x6 inches) or earthen. Any trenches longer than 500 feet shall have at least two escape ramps with additional ramps every 500 feet. Ramps shall be no steeper than 1:1. Trenches and excavations shall be inspected for entrapped wildlife each morning prior to the onset of construction. Once initial ground disturbance is complete, such excavation/trench checks will be completed by the crew performing work onsite. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife so discovered shall be allowed to escape voluntarily, without harassment, before construction activities resume. A qualified biologist may remove wildlife from a trench, hole or other entrapment out of harm’s way if the immediate welfare of the individual is in jeopardy. If a listed species is found or suspected to be entrapped in a trench or excavation, a qualified biologist should be contacted to make an identification and the appropriate agencies will be contacted for further guidance.*
- c. *Final slope of pond edges shall not exceed 60°. If any listed wildlife are found entrapped in the pond, CDFW and USFWS, as appropriate, shall be contacted immediately for further guidance.*
- d. *All equipment and work-related materials that could pose an entrapment hazard for wildlife shall be covered or stored in closed containers either in the work area or on vehicles. Loose items (e.g. rags, hose, etc.) should be stored within closed containers or enclosed in vehicles when on the work site.*
- e. *Use of rodenticides and herbicides on the Project site shall be prohibited unless approved by the CDFW and USFWS. This is necessary to prevent primary or secondary poisoning of special-status species using adjacent habitats, and to avoid the depletion of prey upon which they depend. Label restrictions and other*

*restrictions imposed by the U.S. Environmental Protection Agency (EPA), the California Department of Food and Agricultural (CDFA), and other state and federal legislation shall be implemented if rodenticides or herbicides are approved for use.*

### **CV-SALTS**

53. As part of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) initiative, the Central Valley Water Board adopted Basin Plan amendments (Resolution R5-2018-0034) incorporating new Salt and Nitrate Control Programs to address ongoing salt and nitrate accumulation in the Central Valley at its 31 May 2018 Board Meeting. On 16 October 2019, the State Water Board adopted Resolution No. 2019-0057 conditionally approving the Basin Plan amendments and directing the Central Valley Water Board to make targeted revisions to the amendments within one year after obtaining approval from the Office of Administrative Law. The Office of Administrative Law approved the Basin Plan amendments on 15 January 2020 (OAL Matter No. 2019-1203-03), which became effective on 17 January 2020.
54. For the Salt Control Program, the Discharger may be issued a Notice to Comply with instructions and obligations for the Salt Control Program. Upon receiving a Notice to Comply, the Discharger must submit a Notice of Intent within the specified time period informing the Central Valley Water Board of their choice between Option 1 (Conservative Option for Salt Permitting) or Option 2 (Alternative Option for Salt Permitting). The Discharger must comply with the requirements of the chosen option for the Salt Control Program.
55. The Nitrate Control Program was developed to address widespread nitrate pollution in the Central Valley. Upon receipt of a Notice to Comply, dischargers must submit a Notice of Intent within the specified time frame informing the Central Valley Water Board of their choice for complying with the Nitrate Control Program. Dischargers may comply with the Nitrate Control Program either individually (Pathway A) or collectively as part of a Management Zone Group (Pathway B). The Discharger must comply with the requirements of the chosen option for the Nitrate Control Program.
56. As these strategies are implemented and depending on the chosen compliance pathways, the Central Valley Water Board may find it necessary to modify the requirements of these WDRs. As such this Order may be amended or modified to incorporate any newly applicable requirements to ensure that the goals of the Salt and Nitrate Control Programs are met.
57. Where the Discharger's efforts to improve the quality of the land discharge cannot meet Basin Plan maximum salinity limits, the Discharger may submit an application for an exception from water quality objectives related to salinity pursuant to Chapter IV,

Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Salinity, paragraph 8 of the Basin Plan. This section states:

*A person seeking an exception to the implementation of water quality objectives for salinity under this Program must submit an application to the Regional Water Board. The person's request shall include the following:*

- a) An explanation/justification as to why the exception is necessary, and why the discharger is unable to ensure consistent compliance with existing effluent and/or groundwater/surface water limitations associated with salinity constituents at this time;*
- b) A description of salinity reduction/elimination measures that the discharger has undertaken as of the date of application, or a description of a salinity-based watershed management plan and progress of its implementation;*
- c) A description of any drought impacts, irrigation, water conservation and/or water recycling efforts that may be causing or cause the concentration of salinity to increase in the effluent, discharges to receiving waters, or in receiving waters;*
- d) Copies of any documents prepared and certified by another state or local agency pursuant to Public Resources Code section 21080 et seq.; or, such documents as are necessary for the Regional Water Board to make its decision in compliance with Public Resources Code section 21080 et seq.*
- e) Documentation of the applicant's active participation in CV-SALTS as indicated by a letter of support from CV-SALTS.*
- f) A detailed plan of how the applicant will continue to participate in CV-SALTS and how the applicant will contribute to the development and implementation of the SNMPs.*

58. Upon receipt of an application for an exception to the implementation of water quality objectives for salinity under this Program, the Central Valley Water Board shall determine whether the exception application is complete, or specify in writing any additional relevant information, which is deemed necessary to make a determination on the exception request. Failure of an applicant to submit any additional relevant information requested by the Executive Officer within the applicable time period may result in the denial of the exception application. This exemption process described in Finding 57 is subject to change if the Basin Plan or CV-SALTS Program are amended. The Discharger is responsible for pursuing the correct course of action based on the active requirements at the time.

### Public Notice

59. The information above and the supplemental information and details in the attached Information Sheet, which is incorporated herein, were considered in establishing the following conditions of discharge.
60. Premier and interested agencies and persons have been notified of the intent to prescribe WDRs for this discharge, and they have been provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
61. Comments pertaining to the discharge were heard and considered in a public hearing.

**IT IS HEREBY ORDERED** that Premier is conditionally approved to discharge under this Order once there is a final determination that the Kern County EIR complies with CEQA or CEQA is otherwise satisfied. Pursuant to sections 13263 and 13267 of the Water Code, Premier Resource Management, LLC, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

#### A. Discharge Prohibitions

1. The discharge of wastes other than treated produced water at the location and in the manner described in the Findings and authorized herein is prohibited.
2. The bypass or overflow of wastes, including produced water, to surface waters or surface water drainage courses is prohibited.
3. Neither the discharge nor its treatment shall create a condition of nuisance or pollution as defined in Water Code section 13050.
4. Discharge of waste to land, other than produced water from production wells to ponds, is prohibited unless authorized by the Executive Officer.
5. Acceptance, treatment, or discharge of waste classified as 'hazardous', as defined in the California Code of Regulations (CCR), title 23, section 66261.1 et seq., is prohibited.
6. The discharge of fluids used in "well stimulation treatment," as defined by CCR, title 14, section 1761 (including hydraulic fracturing, acid fracturing, and acid matrix stimulation), to land is prohibited.
7. The discharge of produced water from wells containing well stimulation treatment fluids, as defined by CCR, title 14, section 1761, is prohibited.



8. Treatment system bypass of untreated or partially treated waste is prohibited, except as allowed in section A.13 of Standard Provisions and Reporting Requirements for Waste Discharge Requirements, dated 1 March 1991.
9. Produced water overflow from the Opaque Facility is prohibited.
10. Discharges of produced water to ponds that could adversely impact any municipal or domestic supply well are prohibited.

## **B. Discharge Specifications**

1. The discharge flow shall not exceed the maximum design flow of 1,000 barrels per day as described in the RWD.
2. The discharge shall remain within the permitted waste treatment/containment/disposal structures at all times.
3. All ponds shall be operated and maintained to prevent wastes from concentrating to hazardous levels.
4. Public contact with wastes shall be precluded through such means as fences or other acceptable alternatives in accordance with CCR, title 14, section 1770 (b)(1) through (b)(4).
5. Ponds shall be free of oil or effectively netted to preclude the entry of wildlife in accordance with CCR, title 14, section 1778 (d).
6. The Discharger shall operate all systems and equipment to optimize the water quality of the discharge to ponds.
7. All conveyance, treatment, storage, and disposal systems including ponds, tank batteries, and other components of the Facility shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
8. Objectionable odors shall not be perceivable beyond the limits of the property where the waste is generated, treated, and/or discharged at an intensity that creates or threatens to create nuisance conditions.
9. Pond berms shall be designed and maintained to prevent leakage caused by erosion, slope failure, or animal burrowing.
10. The Discharger shall operate and maintain all ponds sufficiently to protect the integrity of containment and berms and prevent overtopping and/or structural failure. the operating freeboard in any pond shall never be less than two feet (measured vertically

from the lowest possible point of overflow). As a means of management and to discern compliance with this requirement, the Discharger shall install and maintain in each pond a permanent staff gauge or equivalent with calibration marks that clearly show the water level at design capacity and enable determination of available operational freeboard.

11. Produced water treatment, storage, and disposal units shall have sufficient capacity to accommodate allowable water flow, design seasonal precipitation, and ancillary inflow and infiltration during the winter while ensuring continuous compliance with all requirements of this Order. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with historical rainfall patterns.
12. On or about 1 October of each year, prior to the beginning of the wet season, available capacity shall at least equal the volume necessary to comply with Discharge Specifications B.7 and B.11.
13. All ponds and containment structures shall be managed to prevent breeding of mosquitoes or other vectors. Specifically:
  - a. An erosion control program shall be implemented to ensure that small coves and irregularities are not created around the perimeter of the water surface;
  - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides. All herbicide and pesticide application are to be done in compliance with labeling instructions and all applicable laws and regulations;
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface; and
  - d. The Discharger shall consult and coordinate with the local Mosquito Abatement District to minimize the potential for mosquito breeding as needed to supplement the above measures.
14. Newly reconstructed or rehabilitated berms or levees (excluding internal berms that separate ponds or control the flow of water within a pond) shall be designed and constructed under the supervision of a California registered civil engineer. At least 180 days prior to the anticipated start date, a work plan describing the work and BPTCs, prepared by a California registered civil engineer, must be submitted to the Central Valley Water Board for review and approval. The implementation of this work plan shall not occur without Central Valley Water Board written approval.

A post-construction report by the California registered civil engineer that oversaw construction shall be submitted within 60 days of completion of construction and shall

certify that the berms and/or levees were constructed in accordance with design specifications and are suitable for the retention of wastewater.

15. The Discharger shall implement water quality management practices based on “best efforts,” as necessary, to protect water quality and to maintain compliance with applicable water quality objectives.

### **C. Dust Control Specifications**

1. The use of produced water at the Facility or Leases for dust control or in construction activities needs to be approved by the Central Valley Water Board. For such activities to be considered, the Discharger needs to submit a proposed management plan. The management plan shall include at least the following:
  - a. Data characterizing the quality of the produced water that will be applied;
  - b. Proposed application/use methods, application rates, and proposed frequencies of application;
  - c. Proposed application areas shown on a scaled aerial photograph within the covered Facility or Leases. The photograph shall show pertinent site features including roads, ponds, production and treatment facilities, surface waters, and surface water drainages;
  - d. Proposed constituent loading rates;
  - e. A list of all management practices that will be implemented to ensure applied produced water will remain where applied and not runoff; and
  - f. A demonstration that the discharges will be protective of water quality and human health and will not adversely affect the beneficial uses of surface water or underlying groundwater.

The management plan must be submitted to the Central Valley Water Board at least 180 days prior to the anticipated discharges. Discharges shall not occur without the Executive Officer’s written approval of the management plan.

2. Produced water application rates, at approved areas where the produced water is applied for dust control or construction activities, shall be applied at the minimum hydraulic loading rates necessary to perform the intended purpose.
3. Application of produced water at the Facility or Leases for dust control or construction activities shall be at reasonable rates to preclude creation of a nuisance and unreasonable degradation of groundwater or surface water. Applied produced water shall not be allowed to pool onsite or runoff from the area intended for dust suppression.

#### D. Solid Disposal Specifications

1. The use of solids at the Facility or Leases for road mix needs to be approved in writing by the Executive Officer. For such activities to be considered, the Discharger needs to submit a proposed management plan. The management plan shall include at least the following:
  - a. A complete characterization of the quality and quantity of the solids;
  - b. A demonstration that the solids are not hazardous as defined by CCR, title 22, section 66261.1 et seq.,
  - c. Proposed application areas shown on a scaled aerial photograph within the covered Facility or Leases. The photograph shall show pertinent site features including roads, ponds, production and treatment facilities, surface waters, and surface water drainages;
  - d. Proposed constituent loading rates;
  - e. A list of all management practices that will be implemented to ensure wastes will remain where mixed and applied and not migrate from the location of application; and
  - f. A demonstration that the discharges will be protective of water quality and human health and will not adversely affect the beneficial uses of surface water or underlying groundwater.

The management plan must be submitted to the Central Valley Water Board at least 180 days prior to the anticipated discharges. Discharges shall not occur without written approval of the management plan by the Executive Officer. Solid wastes disposed off-site shall be transported to an appropriately permitted Facility. Solid waste volumes, disposal methods, disposal facilities, and analytical results from waste characterization shall be reported in accordance with the MRP.

2. The Discharger shall monitor solids accumulation in the wastewater treatment units and ponds at least every five years beginning in the year this Order was adopted and shall periodically remove solids as necessary to maintain adequate treatment storage and capacity. Specifically, if the estimated volume of solids in any units exceeds five percent of the permitted capacity, the Discharger shall complete solids cleanout within 12 months after the date of the estimate or demonstrate that a lesser pond capacity is adequate.

#### E. Provisions

1. Prior to the discharge of produced water to the ponds, Premier must install a sand/walnut shell filter (or other equivalent system) per the specifications outlined in the RWD. **Within 14 days of installing this component**, written notification must be

submitted to the Central Valley Water Board. This written notification shall include at least the following:

- a. Model information (e.g., manufacturer, model number, and specifications);
  - b. Installation date;
  - c. Company or individuals that installed the system; and
  - d. Flow diagram of the new treatment system.
2. The Discharger shall comply with the Standard Provisions and Reporting Requirements for Waste Discharge Requirements, dated 1 March 1991 (Standard Provisions), which are a part of this Order.
  3. The Discharger shall comply with the MRP, which is part of this Order, and any revisions thereto as adopted by the Central Valley Water Board or approved by the Executive Officer.
  4. The Discharger shall either:

**A. DEMONSTRATE THERE IS NO GROUNDWATER AT THE FACILITY**

If this option is pursued, the Discharger shall comply with the following schedule:

- a. **By 90 days of the adoption of this Order**, a time schedule and proposed work plan needs to be submitted to the Central Valley Water Board that outlines the methodology for a hydrogeological investigation for the Facility. This hydrogeological investigation needs to go beyond the initial investigation included in the RWD, and shall include, at a minimum, an investigation that examines the potential for groundwater directly beneath and near the Facility.
- b. **By 180 days after Central Valley Water Board approval of the time schedule and proposed work plan**, the Discharger shall submit the results of the hydrogeological investigation. The results of the hydrogeological investigation should include a determination of at least the following:
  - Is there groundwater beneath the Facility discharge areas (including below the alluvium); and
  - Does produced water and constituents associated with other approved wastes discharged at the Facility have the potential to migrate into areas that there is groundwater with designated beneficial uses.

If Central Valley Water Board staff concur with the findings that there is no groundwater beneath the Facility discharge areas and the produced water and

constituents associated with other approved wastes discharged at the facility do not have the potential to migrate into areas that there is groundwater with designated beneficial uses, the Discharger will be exempt from completing Provision 4.B. Exemption of Provision 4.B requires written notice by the Executive Officer.

If the hydrogeological investigation does not conclude that there is no groundwater beneath the Facility discharge areas and that the produced wastewater and constituents associated with other approved wastes discharged at the facility do not have the potential to migrate into areas that there is groundwater with designated beneficial uses, or Central Valley Water Board staff does not concur with the findings, the Discharger will be responsible for pursuing a Basin Plan Amendment and the schedule provided below.

**OR**

**B. OBTAIN A BASIN PLAN AMENDMENT**

If there is first encountered groundwater underlying the Facility or the Executive Officer does not concur with the results of the investigation above, the Discharger shall demonstrate that the natural background groundwater quality for the Facility meets the Sources of Drinking Water Policy exception criteria and/or parallel exception criteria outlined in this Order and thus the current Basin Plan groundwater beneficial uses are eligible for de-designation in accordance with Tasks 1 through 5 described below:

### **Task 1**

Participate in the CV-SALTS Group to facilitate the Basin Plan Amendment (BPA) process under the Salt and Nutrient Management Plan.

### **Task 2 (Due date: 4 months from the adoption date of this Order)**

Develop an outline of a BPA Work Plan for CV-SALTS Technical Advisory Committee review and comment prior to submittal to the Central Valley Water Board staff for evaluation of the de-designation of Basin Plan beneficial uses of the groundwater. The Discharger may join an ongoing Basin Plan Amendment application for the surrounding area, instead of developing an individual Basin Plan Amendment application. The Work Plan shall include:

- a) Consideration of Sources of Drinking Water Policy and applicable exemption criteria for MUN and applicable parallel criteria for exemption of AGR, IND, and PRO;
- b) Consideration of available data or how the data will be collected to evaluate and support the exemption criteria;
- c) An outline of a draft proposal to de-designate the Basin Plan beneficial uses that are not applicable under the area of consideration; and
- d) Time schedule to complete Tasks 3 through 5 below.

Central Valley Water Board staff shall review and consider for approval the outline of BPA Work Plan and time schedule for Tasks 3 through 5.

### **Task 3**

Submit for review of Central Valley Water Board staff, a work plan describing BPA tasks that will be completed and deliverables that will be produced to support the de-designation of the Basin Plan beneficial uses of the groundwater under consideration. The BPA tasks and resulting deliverables described in the work plan shall include but are not limited to:

- a) Delineation of the horizontal and vertical extent of the subbasin or subject area under consideration,
- b) A summary of available data and analyses for each beneficial use proposed for de-designation,
- c) Maps, geologic cross sections, well and water quality data and any other information that are supportive of de-designation,

- d) A description of additional data or studies required to fill in any data gaps and support de-designation,
- e) A final proposed BPA Work Plan to accomplish above tasks, and
- f) The development of a final technical report that compiles all the information developed in tasks a-e.

Central Valley Water Board staff shall review and consider for approval the final BPA Work Plan and proposed deliverables. When proposing a Basin Plan amendment, it is not a guarantee that it will be approved. The science must support the amendment.

#### **Task 4**

Discharger will implement final Work Plan and submit the final technical report to the Central Valley Water Board. The Discharger shall provide semi-annual progress reports.

Central Valley Water Board staff will evaluate the final technical report and provide written directions to the Discharger for:

- a) Complete the CEQA scoping process for the BPA,
- b) Develop a draft staff report for the Central Valley Water Board, and
- c) Prepare a final staff report for the Central Valley Water Board.

#### **Task 5**

The Central Valley Water Board and Discharger shall work together to implement BPA Process including the following steps:

- a) Stakeholder Participation - Public review of final draft of staff report,
- b) Peer Review Process - Request peer reviewers to provide comments for final staff report,
- c) Administrative Records - Preparing record keeping tasks and staff review and comments on deliverables,
- d) Progress Reports - Providing periodic presentation/reports to the Board and the public on the progress of BPA and deliverables,
- e) Final Central Valley Water Board approval - Provide a presentation of final report to the Board for consideration, and



- f) Finalize Administrative Records and submit to State Water Board for consideration.

State Water Board to consider Central Valley Water Board adopted Basin Plan Amendment(s). Office of Administrative Law review and approval of adopted Basin Plan Amendment(s). If Basin Plan Amendments are not secured by the compliance dates approved under Task 2, the discharges at the Facility shall cease and the Discharger shall submit a technical report for assessment and closure of the Facility.

5. **Within 90 days of receipt of this Order**, the Discharger shall submit written certification that it has installed acceptable flow metering at a location or locations to ensure the accurate measurement of all discharge flows. The certification shall be accompanied by: (1) a description of the flow metering devices installed, (2) a diagram showing their locations at the Facility, and (3) evidence demonstrating that the devices were properly calibrated. An engineering alternative may be used if approved in writing by the Executive Officer.
6. The Discharger must at all times properly operate and maintain their respective facilities and systems of treatment and control (and related appurtenances) that are installed or used to achieve compliance with the conditions of this Order. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This Provision requires the operation of back-up or auxiliary facilities or similar systems that are installed only when the operation is necessary to achieve compliance with the conditions of the Order.
7. All technical reports and work plans required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of a person registered to practice in California pursuant to California Business and Professions Code Sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports and work plans must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work. All reports required herein are required pursuant to California Water Code Section 13267.
8. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports. On or before each report due date, the Discharger shall submit the specified document to the Central Valley Water Board or, if appropriate, a written report detailing compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, then the Discharger shall state the reasons for such noncompliance and provide an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board in writing when it returns to compliance with the time schedule. Violations may result in enforcement action, including Central Valley Water

- Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of this Order.
9. In the event of any change in control or ownership of land or waste treatment and storage facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Central Valley Water Board.
  10. The Discharger shall comply with Standard Provisions, General Reporting Requirements A.4, which requires the submittal of a new Report of Waste Discharge to the Central Valley Water Board **at least 140 days** before making any material change to the discharge. Material changes include, but not limited to increasing the volume of produced water and incorporating new sources of produced water not identified in this Order.
  11. To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the address and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. If approved by the Executive Officer, the transfer request will be submitted to the Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.
  12. **At least 90 days prior to** termination or expiration of any lease, contract, or agreement involving disposal or off-site use of effluent, used to justify the capacity authorized herein and assure compliance with this Order, the Discharger shall notify the Central Valley Water Board in writing of the situation and of what measures have been taken or are being taken to assure full compliance with this Order.
  13. The Discharger shall submit the technical reports and work plans required by this Order for Central Valley Water Board staff consideration and incorporate comments they may have in a timely manner, as appropriate. The Discharger shall proceed with all work required by the following provisions by the due dates specified.
  14. A copy of this Order including the MRP, Information Sheet, Standard Provisions, and Attachments A and B shall be kept at the Facility for reference by operating personnel. Key operating personnel shall be familiar with its contents.

15. If more stringent applicable water quality standards are adopted in the Basin Plan, the Central Valley Water Board may revise and modify this Order in accordance with such standards.
16. This Order may be reopened to address any changes in state plans, policies, or regulations that would affect the water quality requirements for the discharges and as authorized by state law. This includes regulatory changes that may be brought about by the CV-SALTS planning efforts.
17. The Discharger is required to participate in the CV-SALTS initiative, which includes, but is not limited to, complying with deadlines and requirements of any correspondence (e.g., Notice to Comply) related to the CV-SALTS initiative.
18. The Discharger may apply for an exception from water quality objectives related to salinity pursuant to Chapter IV, Exception to Discharge Requirements Related to the Implementation of Water Quality Objectives for Salinity, paragraph 8 of the Basin Plan.
19. The Central Valley Water Board will review this Order periodically and will revise requirements when necessary.
20. The Discharger shall use the best practicable cost-effective control technique(s) including proper operation and maintenance, to comply with this Order.
21. As described in the Standard Provisions, the Discharger shall report promptly to the Central Valley Water Board any material change or proposed change in the character, location, or volume of the discharge.

If, in the opinion of the Central Valley Water Board, the Discharger fails to comply with the provisions of this Order, the Central Valley Water Board 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, sections 2050 and following. 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 thirtieth day following the date of this Order 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](#).

TENTATIVE WASTE DISCHARGE REQUIREMENTS ORDER R5-2023-XXXX  
PREMIER RESOURCE MANAGEMENT, LLC  
OPAQUE FACILITY  
NORTH ANTELOPE HILLS OIL FIELD  
KERN COUNTY

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

or will be provided upon request.

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, XXXX 2023.

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PATRICK PULUPA, Executive Officer

Order Attachments

Attachment A. – Site Map

Attachment B. – Treatment Process Flow Diagram

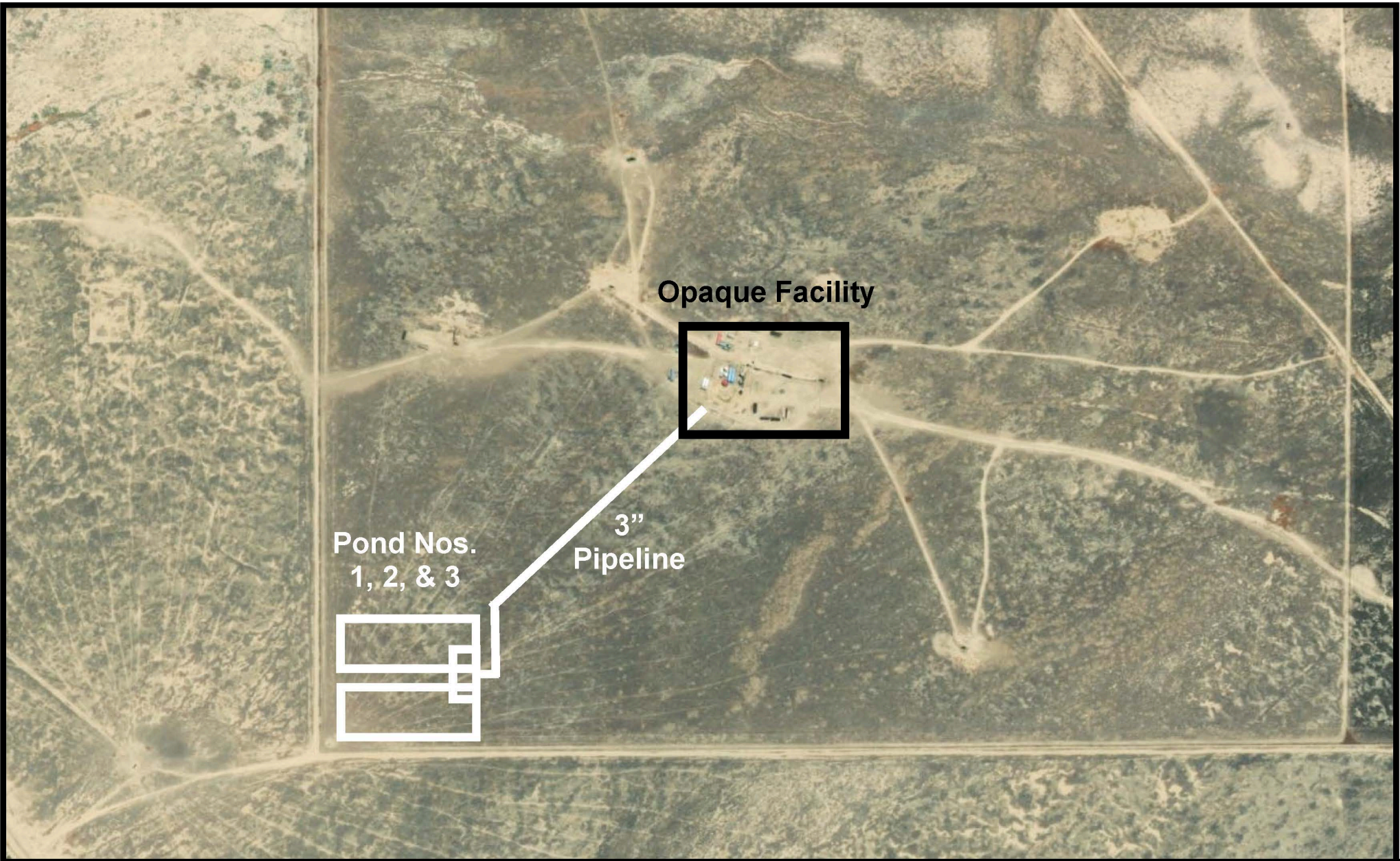
Attachment C. – Pond Specifications

Monitoring and Reporting Program R5-2023-XXX

Information Sheet Order R5-2023-XXXX

Standard Provisions (1 March 1991)





**Opaque Facility**

**Pond Nos.  
1, 2, & 3**

**3"  
Pipeline**



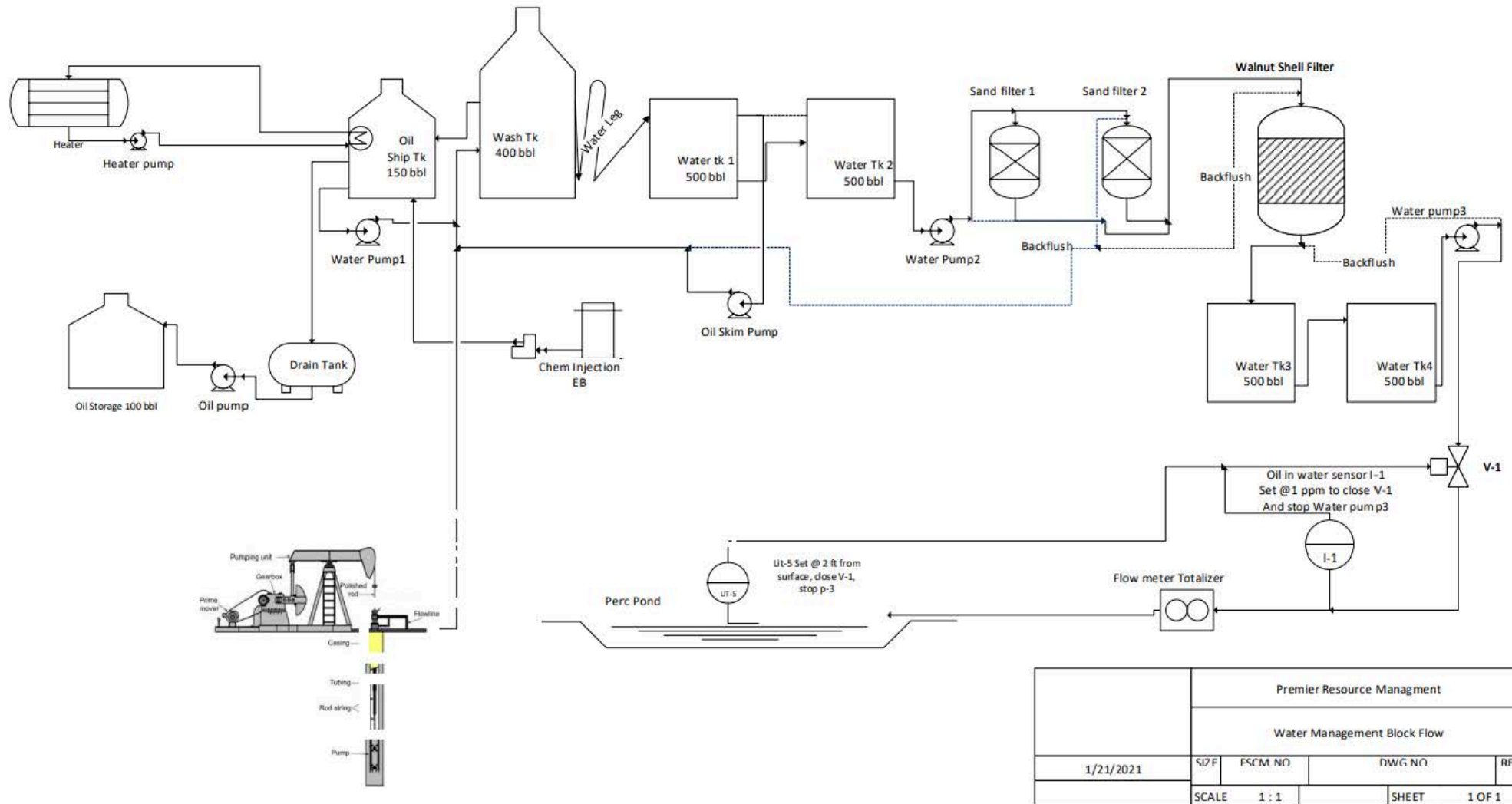
**Feet**



**TENTATIVE SITE MAP**  
WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2023-XXXX  
FOR  
PREMIER RESOURCE MANAGEMENT, LLC  
OPAQUE FACILITY  
NORTH ANTELOPE HILLS OIL FIELD  
KERN COUNTY

**ATTACHMENT A**

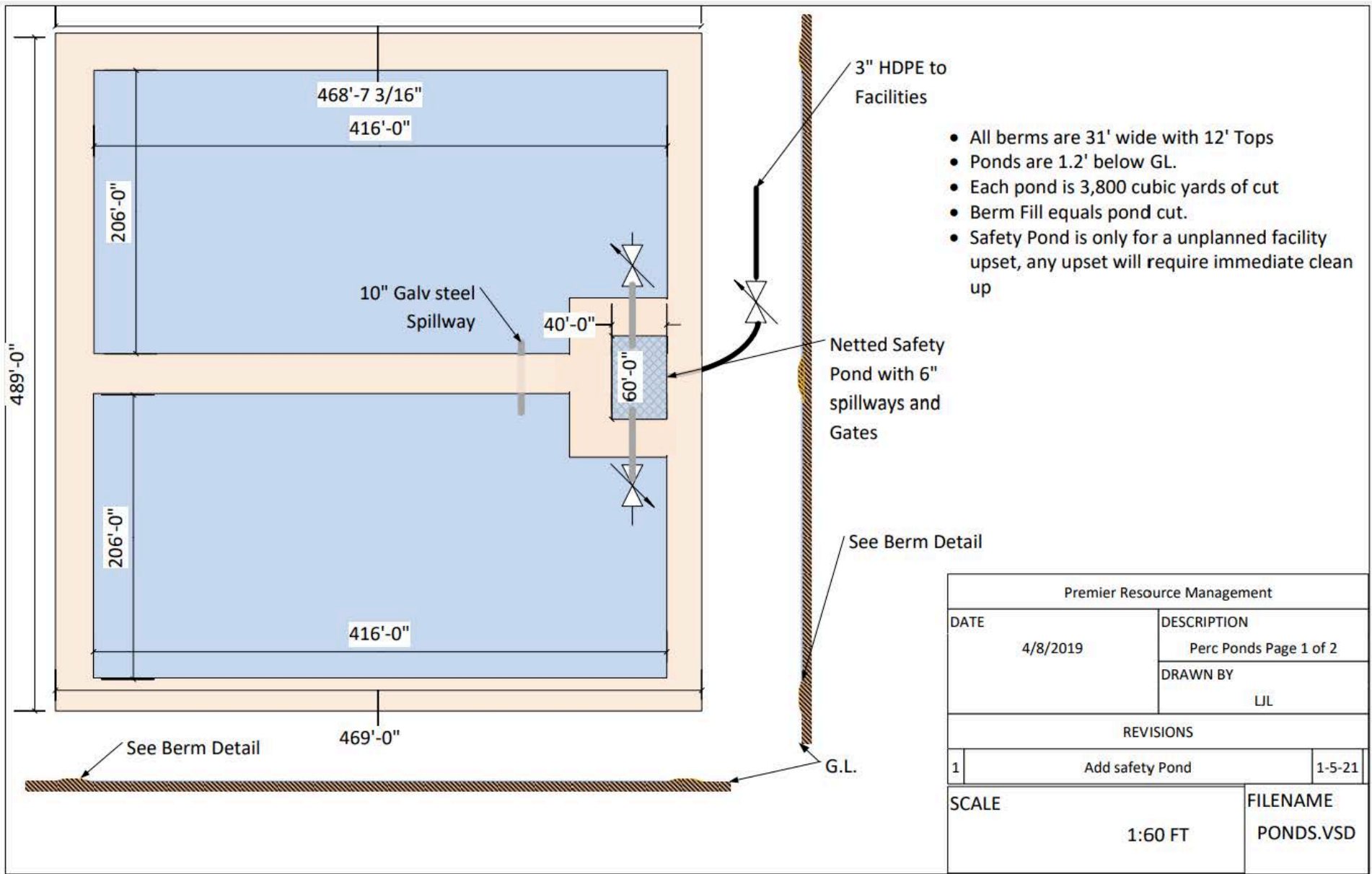




Premier Resource Management				
Water Management Block Flow				
1/21/2021	SIZE	FSCM NO	DWG NO	RFV
	SCALE	1 : 1	SHEET	1 OF 1

**TENTATIVE FLOW DIAGRAM**  
**WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2023-XXXX**  
**FOR**  
**PREMIER RESOURCE MANAGEMENT, LLC**  
**OPAQUE FACILITY**  
**NORTH ANTELOPE HILLS OIL FIELD**  
**KERN COUNTY**

**ATTACHMENT B**



**TENTATIVE POND SPECIFICATIONS**  
 WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2023-XXXX  
 FOR  
 PREMIER RESOURCE MANAGEMENT, LLC  
 OPAQUE FACILITY  
 NORTH ANTELOPE HILLS OIL FIELD  
 KERN COUNTY

**ATTACHMENT C**