Staff Report, Attachment 1:

Draft Resolution No. R3-2005-0013: Proposed Amendment to the Water Quality Control Plan, Central Coast Region (Basin Plan) – Repeal Basin Plan Resolution No. 73-05 and Section 5(f) of Basin Plan Resolution No. 89-04

Please Note: Copy Provided for Staff Report Legibility

APPENDIX A-16

Policy Regarding beneficial Use of Oil Field Waste Materials in the Santa Maria Oil fields, Santa Barbara County

X:\SLIC\Non-site specific Issues\HC soils reuse\Basin Plan Amendment\APPENDIX A16.DOC

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

RESOLUTION NO. 73-05

ADOPTING POLICY REGARDING BENEFICIAL USE OF
OIL FIELD WASTE MATERIALS IN THE SANTA
MARIA VALLEY OIL FIELDS, SANTA BARBARA COUNTY

WHEREAS, Water Code Section 13224 states:

> "Each Regional Board may issue policy statements relating to any water quality matter within its jurisdiction."; and

WHEREAS, oil field waste materials, including but not limited to "drilling muds", oily wastes and brines, generally contain toxic substances and materials which could significantly impair the quality of usable waters and generally constitute Group I wastes as defined by California Administrative Code, Title 23, Chapter 3, Subchapter 15, Article 3, Section 2520; and

WHEREAS, Group I wastes, such as oil field waste materials, may ordinarily be deposited only at a Class I or Class II-1 disposal site; and

WHEREAS, California Administrative Code, Title 23, Chapter 3, Subchapter 15, Article 5, Section 2540, provides:

> "The Regional Board may waive the reporting of solid waste discharges, or approval and classification of disposal sites or types of sites, or the establishment of waste discharge requirements as provided by Section 13269 of the Water Code when an operation will not unreasonably affect water quality because of the type of waste and disposal operation, or an operation is in compliance with ordinances or regulations of other governmental agencies which adequately protect water quality. Such waivers shall be conditional and may be terminated by the Regional Board at any time."; and

WHEREAS, Water Code Sections 14040 and 14041 state:

> "Each Regional Board shall approve sites suitable for the disposal of different kinds of liquid wastes, consistent with the classifications that shall be adopted by the state board, and may adopt regulations for disposal of liquid waste at such approved sites that it deems are necessary for the protection of the quality of the waters of the state."
>
> "The hauler of liquid waste shall dispose of liquid waste in accordance with the regulations adopted by the Regional Board and shall dispose of only such type of waste as was designated for a particular site."; and

WHEREAS, under appropriate circumstances, certain clean fresh water "drilling muds" may be usable for beneficial purposes such as sealing of agricultural reservoir sites, improving tillability of certain solids, and stabilizing sandy soils without causing water quality problems or nuisance conditions; and,

WHEREAS, under appropriate circumstances, certain oily wastes may be usable for beneficial purposes such as dust control, weed abatement and road construction without causing water quality problems or nuisance conditions; and

WHEREAS, in the Santa Maria Valley oil fields, it appears possible, with appropriate care, to separate these oil field waste materials which may be appropriate for beneficial uses from those materials not suitable for beneficial uses;

NOW THEREFORE BE IT RESOLVED that the following shall constitute the policy of this Board regarding beneficial use of oil field waste materials in the Santa Maria Valley oil fields, Santa Barbara County:

1. Except as hereafter expressly provided, all oil field waste materials, including but not limited to "drilling muds", oily wastes, and brines, shall be deposited at an appropriate and approved Class I or Class II-1 disposal site.

2. The following oil field waste materials may be deposited for an appropriate beneficial use at sites other than a Class I or Class II-1 disposal site provided that such site has been approved in advance by the Executive Officer of this Board, the amount of oil field waste material to be deposited and used at such site is reasonable, and adequate use practices for the control of oil field waste materials on such site are assured:

    (a) Clean, fresh-water drilling mud removed from the drilling of an oil well prior to the time that the first production string of casing is installed.

    (b) Clean oil, not mixed with contaminants such as salt brines or toxic materials.

3. The Executive Officer may, upon written request, approve a site for a specified use or uses of those oil field waste materials specified in Paragraph 2 above, when the Executive Officer is reasonably assured that use of such site in the manner and for the purpose proposed will not adversely affect water quality or lead to nuisance conditions. Requests for site approval shall contain such information as may be required by the Executive Officer, and at a minimum shall contain:

    (a) A description of the site at which deposit and use of oil field waste materials will be made, and assurance that such materials will be used solely at and retained on such site

(b) A description of the type of oil field waste material which will be used, the purpose or purposes for which it will be used, and the maximum quantity or quantities which will be used.

(c) Assurance that the applicant or a competent agent, will be present at the time of each delivery of oil field waste material.

(d) A proposed plan of use, specifically including cultivation practices and/or other appropriate control uses and measures, which will be taken to protect water quality and prevent nuisance.

(e) Certification that the proposed use or uses of oil field waste materials comply with all city, county, or other local use and zoning requirements and that all necessary use permits will be obtained and maintained.

(f) Certification that the applicant will submit such monitoring and technical reports as may be required by the Executive Officer.

(g) Certification that the applicant is the owner of the site at which deposit and use of oil field waste materials will be made, or written consent of the owner of such site to the proposed use.

4. In the event that the Executive Officer determines that there is reasonable assurance that the use of oil field waste materials at the site proposed and in the manner proposed will not adversely affect water quality or lead to nuisance conditions, the Executive Officer may, in writing, approve such site. The approval shall be contingent upon full and exact compliance with all statements, representations and assurances contained in the request, and shall further provide that:

   (a) Site approval may be withdrawn at any time, in the discretion of the Executive Officer, upon a determination that further use of the site for deposit or use of oil field waste materials will or may adversely affect water quality or create nuisance conditions.

   (b) Site approval does not relieve the landowner, or any other person, from otherwise complying with all state and local laws, rules, regulations and ordinances, and specifically does not constitute a license for use of oil field waste materials except in strict accord with the request and approval.

5. The Executive Officer shall remove site approval in the event of violation of any of the statements, representations, and assurances contained in the request.

I, Kenneth R. Jones, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 14, 1973.

(Original Signed by Kenneth R. Jones.)