

**VALLEY WATER MANAGEMENT COMPANY**7500 MEANY AVE.  
BAKERSFIELD, CALIFORNIA 93308

May 13, 2015

Dane S. Johnson  
Senior Engineering Geologist  
Central Valley Regional Water Quality Control Board  
1685 E Street  
Fresno, CA 93706Re: Response to Notice of Violation for Valley Water Management Company's  
C-Plant Facility, Edison, Kern County

Dear Mr. Johnson:

Valley Water Management Company (VWMC) is in receipt of the April 10, 2015 Notice of Violation (NOV) and Facilities Inspection Report for its C-Plant Facility, and respectfully submits this response.

This facility is currently regulated by WDR No. 92-11037, which represents a Notice of Applicability for coverage under general Order No. 92-110, a permit which has not been updated for nearly 23 years, since May 29, 1992. The NOV and inspection documents allege 3 violations or threatened violations of Discharge Specifications B.1, B.4., and B.6. The following discusses each of these alleged violations.

**Discharge Specification B.1. (WDRs page 5)**

The NOV states that the wastewater effluent discharge to the ponds has not been demonstrated to meet the prescriptive construction criteria for classified waste management units. Order 92-110 at Discharge Specification B.1. does not require that demonstration, but instead includes requirements for "[w]astewater effluent discharge to sumps that do not meet the prescriptive construction criteria for classified waste management units as specified in Chapter 15." WDRs at Specification B.1. (emphasis added). For these discharges, the permit specifies limits for specific electrical conductance, chloride, and boron. Presumably, based on this, the inspection report points out that there is a "discharge of high salinity water to ponds." Facilities Inspection Report at p. 1/4.

However, Order 92-110 at Provision B.2. also recognizes that some dischargers may have wastewater effluent in excess of the permit's specified levels and expressly provided a time schedule to "submit a plan for achieving compliance" in one of four (4) ways, subject to the concurrence of the Executive Officer of the Central Valley Regional Water Quality Control Board (CVRWQCB), including one option to:

- 2.c. Demonstrate to the Board in public hearing that the proposed discharge will not substantially affect water quality or cause a violation of water quality objectives in accordance with Resolution No. 82-136.<sup>1</sup>

On May 24, 1996, Valley Waste Disposal Company, the predecessor of VWMC, submitted a "*Drilling and Data Acquisition Report*, Race Track Hill District, Edison Oil Field, Kern County, California" to the CVRWQCB pursuant to Order No. 92-110, Discharge Specification B.2.c. The report and transmittal letter specified that this facility "does not pose a threat to ground water quality and that no further action should be required for continued operation of the site." That same transmittal letter stated "[i]f a public hearing is necessary to demonstrate that this facility does not pose a threat to ground water quality, then please consider this letter to be a request for that hearing." (Emphasis added.)

The CVRWQCB's June 13, 1996 Inspection Report for this facility at page 2 acknowledged that "Valley Waste Disposal recently submitted a report, *Drilling and Data Acquisition Report*, to demonstrate that C-Plant (Fee 34) will not affect water quality." Notwithstanding this acknowledgement and the clear request made for a hearing, no hearing was ever held and no technical response letter was ever provided by the CVRWQCB. (See August 21, 2013 email from Ryan K. West, Engineering Geologist, CVRWQCB to Pam Ashby, VWMC.)

Therefore, even though VWMC fulfilled the permit's requirements regarding actions to be taken if wastewater effluent exceeded the specified salinity limitations, the CVRWQCB failed to undertake its responsibility to hold a public hearing to timely effectuate the intent of the time schedule in the permit. Furthermore, the next 15 years of inspections failed to indicate there were any violations of the permit. For these reasons, VWMC takes issue with the Inspection Report's allegation that "[d]ischarge of high-salinity water to the ponds in excess of Basin Plan limits is a violation of the WDRs and poses a threat to groundwater." This allegation is contrary to evidence presented in the *Drilling and Data Acquisition Report* that the surface impoundments "do not pose a threat to ground water quality," and ignores the fact that most all of the sumps at the C-Plant are gunite-lined.

#### Discharge Specification B.4. (WDRs page 6)

The NOV and Inspection Report discussed the presence of oil in ponds that are not covered or screened to preclude the entry of bird or animal life. The Oil Separation Ponds, Shipping Pond, and Oil Ponds are all netted. The Inspection Report noted "inadequate netting" and cited to Photo 5 to show a small "open gap (of approximately 6 inches) between the netting and the ground surface." VWMC has repaired that small hole and has checked the other netting to

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<sup>1</sup> Resolution No. 82-136, a Basin Plan amendment for discharge of oil field wastewater, allows salinity concentrations in excess of the Basin Plan effluent limitations for discharges to surface waters. (Tulare Lake Basin Plan at p. IV-15.)

ensure there are no other gaps. The Containment Pond does not contain oily water (*see accord* Inspection Report at p. 2/4 (“no oil was observed in pond”), so this pond does not require netting.

For the Wastewater Ponds, VWMC is exploring new skimmer technologies to avoid having any oil coating on those ponds in lieu of the expense of installing, maintaining, and working around the netting. However, should these new technologies not work effectively, VWMC will add nets over those two ponds as well.

**Discharge Specification B.6. (WDRs page 6)**

VWMC would also like to address the Inspection Report’s other allegation that the two Oil Separation Ponds and two Wastewater Ponds have “inadequate freeboard, less than 2 feet.” and are in violation of the WDRs. VWMC has never had an overtopping event at this facility since 1992 when the permit was issued, and believes that the amount of freeboard maintained is sufficient. These sumps are operated by a weir system that doesn’t allow for overflows. The whole system would have to be entirely revamped to consistently maintain 2 feet of freeboard throughout the system, when this level of freeboard is not needed at this facility. For these reasons, VWMC formally requested in a letter sent to the CVRWQCB on November 7, 2013 that the 1992 permit or the Notice of Applicability be immediately modified. VWMC asked that the freeboard requirements be adjusted to match those contained in VWMC’s other permits, specifically:

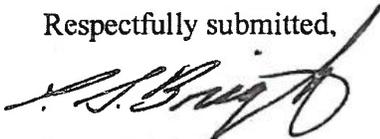
“The Discharger shall maintain the surface impoundments at all times to have sufficient freeboard to prevent overtopping due to conditions such as: heavy successive precipitation events, high velocity winds, or an increased volume of wastewater discharge.”

(*See accord* Order No. R5-2002-0223 at pg. 7, Discharge Specification B.2; Order No. 5-01-024 at pg. 5, Discharge Specification B.2; Order No. 5-01-026 at pg. 5, Discharge Specification B.2; Order No. 5-01-028 at pg. 5, Discharge Specification B.2; Order No. 5-01-029 at pg. 6, Discharge Specification B.2.) This requirement is more consistent with the Basin Plan’s policy that “[s]umps adjacent to natural drainage courses shall be protected from inundation or washout.” Basin Plan at IV-15. Although this Basin Plan provision is not directly applicable because this facility is *not* adjacent to a natural drainage course, this provision is more appropriate than a 2 foot freeboard requirement that is only applicable to drilling mud sumps. *See* Basin Plan at IV-27. No other provision of the Basin Plan requires 2 feet of freeboard, so that requirement is inapplicable to VMWC’s facility.

VWMC has received no response to its modification request even though almost a year and a half have passed. Continuing to allege violations without providing the relief requested 18 months ago is not reasonable.

VWMC remains committed to maintaining this facility in a manner compliant with state requirements to protect wildlife and useable groundwater, but those requirements need to be tailored to this particular facility.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bright", written in a cursive style.

Larry Bright