

**12 OCTOBER 2023 BOARD MEETING  
CONTESTED AGENDA ITEM**

**AGENDA ITEM: 12**

**SUBJECT:**

Following are proposed Waste Discharge Requirements (WDRs) that regulate the disposal of oil field produced wastewater discharged to surface impoundments.

**BOARD ACTION:**

Consideration of new Waste Discharge Requirements Order No. R5-2023-XXXX.

**BACKGROUND:**

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 (Facility). Premier is seeking individual WDRs to dispose of oilfield produced wastewater (produced wastewater or discharge) to surface impoundments at the Facility. Currently, Premier disposes of produced wastewater at either Central Valley Waste Water's South Belridge facility or California Resource Corporation's North Antelope Hills facility.

Due to the quality of the discharge (e.g., exceeds maximum contaminant levels for some radionuclides and metals, exceeds 9,000 milligrams per liter in total dissolved solids, contains volatile organic compounds, etc.), there are no intended uses of the produced wastewater. If adopted, the WDRs will permit Premier to discharge up to 1,000 barrels per day (bpd) of produced wastewater to three surface impoundments (ponds). Produced wastewater will be treated before it is discharged to the ponds. Treatment will generally focus on fluid separation (separating oil from water). If a probe finds that produced wastewater contains oil and grease above 1 part per million, the discharge to the ponds will be temporarily terminated until the exceedance is addressed.

If adopted, the WDRs include prohibitions for the discharge, including prohibiting the discharge of any fluids from wells that have undergone well stimulation, as defined by California Code of Regulations (CCR), title 14, section 1761. The WDRs will also prohibit any objectionable odors leaving the Facility, preclude the entry of wildlife to ponds that may contain oil on the pond's surface, and require regular pond and Facility maintenance. In addition, the Discharger will have to analyze produced wastewater, and submit monitoring reports on a regular basis.

The Facility overlies Quaternary Alluvium, which in the North Antelope Hills Oil Field, overlies the Tulare Formation. Groundwater within the Quaternary Alluvium is either absent or, if present, is expected to be of poor quality. The Tulare Formation downgradient of the Facility is folded and exposed at the surface. This geological structure provides a natural barrier that will prevent produced wastewater from reaching

the valley floor, where good quality groundwater is encountered in both the Quaternary Alluvium and Tulare Formation.

**ISSUES:**

Issue No. 1

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). In November 2015, Kern County certified the 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).

On 26 January 2023, a Fifth District Court of Appeal Court issued an order staying a Superior Court decision that the Revised Kern County SREIR complied with CEQA and reinstating a suspension of the oil and gas ordinance. Under Public Resources Code section 21167.3, because the Kern County EIR is being challenged as insufficient, 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 in January 2023, 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.

**Issue No. 2 (if comments received)**

**RECOMMENDATION:**

Adopt the WDRs as currently drafted.

**REVIEWS:**

Management Review:	
Legal Review:	

**BOARD MEETING LOCATION:**

Central Valley Regional Water Quality Control Board  
Redding City Hall  
777 Cypress Avenue  
Redding, CA 96001

**AND VIA VIDEO AND TELECONFERENCE**