

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 6/7 December 2007**

**Response to Written Comments for
Chevron U.S.A. Inc. and Cawelo Water District
Kern River Area Station 36
Kern River Oil Field, Kern County
Tentative Waste Discharge Requirements**

At a public hearing scheduled for 6/7 December 2007, the Regional Water Quality Control Board, Central Valley Region (Regional Water Board), will consider adoption of a tentative Waste Discharge Requirements Order (Order, NPDES Permit No. CA0082295) for Chevron U.S.A. Inc. (Chevron) and Cawelo Water District (CWD), Kern River Area Station 36 Facility. This document contains responses to written comments received from interested parties regarding the tentative Order circulated on 12 September 2007. Written comments from interested parties were due by noon on 15 October 2007 to receive full consideration. Written comments were received by CWD on 5 October 2007 and discussed further in a subsequent meeting with CWD, Chevron, and Regional Water Board staff on 9 October 2007. Comments from CWD are summarized below and followed by the response of the Regional Water Board staff.

CAWELO WATER DISTRICT (CWD)

CWD – COMMENT No. 2: CWD believes the Notice, Findings, and Fact Sheet each incorrectly reference Poso Creek as a water of the United States (U.S.) and cites a 26 April 2004 determination by the U.S. Army Corps of Engineers (Corps).

RESPONSE: The tentative Order is factually correct and remains as stated. The tentative Order will be issued pursuant to and pertains to an activity subject to Section 402 of the CWA. The U.S. Environmental Protection Agency administers Section 402 of the CWA and it has not disclaimed federal jurisdiction over the subject reach of Poso Creek. The Corps letter concerning Poso Creek pertains only to activities subject to Section 404 of the federal Clean Water Act (CWA).

CWD – COMMENT No. 3: CWD requests the tentative Monitoring and Reporting Program (MRP) be modified to eliminate monitoring requirements at EFF-002 (discharge of blended water to distribution canal) when discharge and monitoring occurs at EFF-003 (discharge from distribution canal to Poso Creek) as the monitoring would be duplicative.

RESPONSE: The MRP has been modified accordingly.

CWD – COMMENT No. 4: CWD questions monitoring requirements at EFF-003 when there is no flow in Poso Creek.

RESPONSE: The testing requirements at EFF-003 are appropriate. Regardless of flow, Poso Creek is considered a water of the State and, as noted in response to Comment

No. 2, a water of the U.S. Rationale for monitoring and reporting requirements developed for the tentative Order are included in the Fact Sheet.

CWD – COMMENT No. 5: CWD believes that monthly monitoring requirements for standard minerals are excessive and requests a frequency reduction to semi-annual.

RESPONSE: The testing requirements for standard minerals remain as is and are appropriate to document the characteristics of the discharge and to evaluate if individual constituents exceed water quality objectives. The tentative Order allows for the reduction of monitoring frequency after one year of monitoring and request by the Discharger.

CWD – COMMENT No. 6: CWD suggests the Area Map B-2 identify monitoring locations SPL-001, RSW-001, and RSW-002.

RESPONSE: Area Map B-2 has been modified accordingly.

CWD – COMMENT No. 7: For monitoring location SPL-001, CWD questions the monthly sampling requirement for turbidity and temperature. Also, CWD requests the reason for reporting natural flow of Poso Creek at RSW-001 and RSW-002.

RESPONSE: The MRP has been modified and no longer requires monthly testing of temperature and turbidity at SPL-001. Monitoring flow in Poso Creek is appropriate to document conditions of the receiving water and to determine whether conditions necessitate receiving water monitoring. Section VIII.B.1 of the MRP states, "Monitoring at RSW-001 and RSW-002 is not required unless discharge is occurring at Discharge 003 and measurable flow is passing, or anticipated to pass, through RSW-002".

CWD – COMMENT No. 8: CWD believes the frequency of acute toxicity testing for EFF-003 is excessive and suggests a monitoring frequency reduction to once per year.

RESPONSE: The monitoring requirement for acute toxicity testing is intended to generate no more than two sample results per year but results may necessitate additional sampling (i.e., samples exhibit toxicity). A footnote has been added to the sampling requirement to clarify the intent of "twice per discharge event." As described in the Fact Sheet, discharge to Poso Creek is intermittent and occurs when irrigation demand is low (i.e., winter months) within CWD. From 2001 to 2006, discharge to Poso Creek occurred between November 2004 and March 2005. For purposes of the tentative Order and monitoring requirements, this typical time span of discharge is considered a "discharge event". Thus, the expectation is that sampling for acute toxicity would occur when discharge to Poso Creek is initiated

(e.g., November) and again prior to cessation of the intermittent discharge (e.g., March). Considering the above, the MRP has also been modified to clarify the testing requirements for chronic toxicity. The MRP specifies that after one year of monitoring, and by request of the Discharger, a reduction of monitoring frequency may be considered for approval by the Executive Officer.

CWD – COMMENT No. 9: CWD notes the tentative Order includes provisions that reference sewage, sludge, manufacturing, commercial, mining, and silvicultural dischargers which should be removed.

RESPONSE: The cited references are included within the Standard Provisions of the tentative Order and are standard language in permits as adopted for all dischargers. The provisions cited do not apply to the Discharger.

CWD – COMMENT No. 10: CWD requests the purpose and content of the Salinity Evaluation and Minimization Plan. On 9 October 2007, CWD verbally requested the due date of the plan be extended to September 2008.

RESPONSE: The purpose for requiring the Salinity Evaluation and Minimization Plan is described in the Fact Sheet of the tentative Order. The Discharger is to develop the content of the plan considering the unique conditions of the Facility and characteristics of the discharge. The due date of the required submittal has been changed to 30 September 2008.

CWD – COMMENT No. 11: CWD requests the purpose and content of the Investigative Toxicity Reduction (TRE) Work Plan. On 9 October 2007, CWD verbally requested the due date of the plan be extended to September 2008.

RESPONSE: The purpose for requiring the TRE Work Plan, and guidance to develop the plan, is described in the Fact Sheet of the tentative Order. The due date of the required submittal has been changed to 30 September 2008.

CWD – COMMENT No. 12: CWD notes the correct Facility Contact for Chevron is Gary Piron.

RESPONSE: The tentative Order has been changed accordingly.

CWD – COMMENT No. 13: CWD requests the word “wastewater” be replaced with “produced water” on page F-4 of the Fact Sheet and requests the word “treated” be inserted before “produced water...” on page F-5 of the Fact Sheet. CWD also provides clarification of CWD rights to waters in Poso Creek, as presented on page F-7 of the Fact Sheet.

RESPONSE: The tentative Order has been changed.

CWD – COMMENT No. 14: CWD requests clarification of the data presented in the table on page F-9 of the Fact Sheet pertaining to monthly flows observed in Poso Creek. CWD notes that in most years, instruments record no flow at the Highway 65 gauging station during the months of July through November. CWD suggests a table of actual monthly flows for Poso Creek would provide more realistic data.

RESPONSE: The tentative Order has been modified accordingly.

CWD – COMMENT No. 15: CWD identifies typographic errors within Table Scenario 1 through Table Scenario 6 of the Fact Sheet, pages F-22 through F-24.

RESPONSE: The Fact Sheet has been modified accordingly.