

ERRATA SHEET
for
Item 9
July 15, 2008, Board Meeting

PETITION OF THE ENVIRONMENTAL LAW FOUNDATION FOR REVIEW OF WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2007-0064 [NPDES NO. CA0078867] FOR BERRY PETROLEUM COMPANY, POSO CREEK/MCVAN FACILITY ISSUED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION. SWRCB/OCC FILE A-1871

1. Page 2, footnote 2, revise as follows:

The Poso Watershed is one of four “minor stream” watersheds that provide the second largest local source of surface water to Kern County for the ~~Tulare Lake Basin~~, after the Kern River. In 1998, the Poso Watershed provided about 163,100 acre-feet of water to the Tulare Lake Basin.

2. Page 9, first full paragraph, revise second and third sentences as follows:

This could be significant in other permits, because ~~it appears the Central Valley Water Board may have concluded that application of the 700 μ mhos/cm EC limit (and the other salt limitations) was a mistake based on its reading of in State Water Board Order No. WQO 2004-0010²⁹~~. In that order, the State Water Board concluded that: “the 700 μ mhos/cm EC value cannot be interpreted as an absolute value.

3. Page 11, paragraph following second data table, revise as follows:

As noted above, relevant provisions of the Clean Water Act afford an exception to antibacksliding if “material and substantial alterations or additions to the permitted facility occurred after permit issuance which *justify* the application of a less stringent effluent limitation.”³⁶ None of the data collected since 1986 exceed or appear to approach the more stringent 2001 Permit limits, ~~which were established for protection of the agricultural supply beneficial use, even when the Discharger employed steam flooding.~~ so additional evidence or findings are required to explain why higher limits would be justified.

4. Page 11, last paragraph, revise as follows:

The Central Valley Water Board's response to the petition notes: “Historic EC results of production water from this field have varied and once reached 900 μ mhos/cm.” Review of the record shows that the only result with this value was found in a lab analysis of a sample taken out of Sump 3 in 1977, ~~before the addition of the current wastewater treatment system. Moreover, it is not clear if, in 1977, discharges took place directly out of Sump 3 as it occurs now (after going through some treatment).~~ Therefore, Considering that an EC concentration this high has not been detected again in over 30 years, it is questionable whether this value is representative of current discharge conditions,

even if steam flooding is employed. Consequently, this one sample does not demonstrate that it is necessary to relax the pollutant limitations.

5. Page 12, first full paragraph, revise second sentence as follows:

Therefore, assuming the receiving water is a Tier II waterbody, for the Central Valley Water Board to grant an exception to the antibacksliding rule, it would have to explain why it is necessary to relax these limitations to accommodate important social and economic development in the discharge area, as required by federal antidegradation requirements.