

Central Valley Regional Water Quality Control Board
14/15 December 2023 Board Meeting

Response to Written Comments on
Tentative Order Amending Waste Discharge Requirements Order No. R5-2019-0043 for
Hathaway, LLC, Kern-Tulare Water District, and
Jasmin Ranchos Mutual Water Company
Produced Wastewater Reuse Project
Kern County

At a public hearing scheduled for 14/15 December 2023, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of a tentative Order that amends Waste Discharge Requirements Order No. R5-2019-0043 (WDRs) for the reuse of oil field produced wastewater (produced wastewater or discharge) for irrigation. This document contains responses to written comments received from interested persons and parties who commented on the tentative Order. Written comments from interested parties were required to be received by the Central Valley Water Board by 21 July 2023, in order to receive full consideration. Comments were received prior to the deadline from:

1. Kern-Tulare Water District (received on 5 July 2023)
2. Hathaway, LLC (received on 19 July 2023)
3. Kern-Tulare Water District, Hathaway, LLC, and Jasmin Ranchos Mutual Water Company (collectively referred to as Dischargers) (received on 19 July 2023)
4. Honorable Shannon Grove, Senator, District 12, State of California (received on 6 July 2023)
5. Honorable Vince Fong, Assemblymember, District 32, State of California (received on 13 July 2023)
6. Honorable Salvador Solorio-Ruiz, Mayor, City of Delano (received on 17 July 2023)
7. Honorable Jeff Flores, Chairman Supervisor, 3rd District, Kern County (received on 7 July 2023)
8. Honorable Zack Scrivner, Supervisor, 2nd District, Kern County (received on 14 July 2023)
9. Honorable Leticia Perez, Supervisor, 5th District, Kern County (received on 10 July 2023)
10. Cawelo Water District (received on 22 June 2023)
11. Southern San Joaquin Municipal Utility District (received on 22 June 2023)
12. Western Growers (received on 19 July 2023)
13. Center for Biological Diversity (received on 20 July 2023)

Written comments from the above interested parties are summarized below, followed by the response of Central Valley Water Board staff (Staff).

LETTERS OF SUPPORT

COMMENT #1 – SUPPORT OF TENTATIVE ORDER

The Central Valley Water Board received letters from the following in support of the Central Valley Water Board adopting the tentative Order as written:

1. Kern-Tulare Water District;
2. Hathaway, LLC;
3. Jasmin Ranchos Mutual Water Company;
4. Honorable Shannon Grove, Senator, District 12, State of California;
5. Honorable Vince Fong, Assemblymember, District 32, State of California;
6. Honorable Salvador Solorio-Ruiz, Mayor, City of Delano;
7. Honorable Jeff Flores, Chairman Supervisor, 3rd District, Kern County;
8. Honorable Zack Scrivner, Supervisor, 2nd District, Kern County;
9. Honorable Leticia Perez, Supervisor, 5th District, Kern County;
10. Cawelo Water District;
11. Southern San Joaquin Municipal Utility District; and
12. Western Growers.

RESPONSE:

No changes were made to the tentative Order in response to this comment.

CENTER FOR BIOLOGICAL DIVERSITY (CBD) COMMENTS

CBD COMMENT #1 – Flow Exceeds Parameters in Environmental Impact Report

The Environmental Impact Report for the Oil Field Reuse Project (SCH# 2015021024) (EIR), which identifies potential environmental impacts and satisfies the California Environmental Quality Act (CEQA), specifies that the project would allow up to 5,820 acre-feet (AF) per year of produced wastewater to be reused for irrigation. CBD states that section 3.3.3 of the EIR specifies that of this total, 2,640 AF of produced wastewater may be sourced from the Jasmin Oil Field and 3,180 AF from the Mount Poso and Dyer Creek Oil Fields. CBD asserts that further environmental review under CEQA is required since the source discussed in the tentative Order is limited to only the Jasmin Oil Field, and the volume of produced wastewater from the Jasmin Oil Field exceeds 2,640 AF.

RESPONSE:

Any time a further discretionary approval is required by the lead agency or a responsible agency for a project for which an EIR has already been certified, the agency is faced with the question of whether a subsequent or supplemental EIR should be required. (Kostka & Zischke, *Practice Under the Cal. Environmental Quality Act*, 2nd Ed. (Cont. Ed. Bar 2018) §§19.2, 19.40 [citing Public Res. Code, § 21166, 14 Cal. Code Regs., tit. 24, § 15162].) Once an EIR is certified, an agency may not require subsequent or supplemental CEQA unless one of three “triggering” events occurs:

- (1) Substantial changes are proposed in the project that will require major revisions of the EIR due to new or more severe significant environmental effects; or
- (2) Substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR due to new or more severe significant environmental effects; or
- (3) New information of substantial importance to the project that was not known and could not have been known at the time the EIR was certified as complete becomes available. (Public Res. Code, § 21166; Cal. Code Regs., tit. 14, § 15162; Kostka & Zischke, § 19.2.)

In addition, a public hearing or public process is not required for an agency’s determination whether subsequent or supplemental EIR is required. (See Kostka & Zischke §§ 1948 [no requirement for public notice and comment], 1949 [no requirement for public hearing].) In fact, “CEQA and CEQA guidelines do not mandate any specific procedure for agencies to follow in determining whether subsequent or supplemental CEQA is required.” (*Id.* § 19.41 [citing *Comm. for Re-Evaluation of T-Line Loop v. San Francisco Mun. Transportation Agency* (2016) 6 Cal. App 5th 1237, 1256].) “Any method should be legally sufficient as long as it includes a fact-based evaluation of the relevant factors under Pub Res C § 21166 and 14 Cal Code Regs § 15162, and a method for documenting the agency’s evaluation and disposition of the issues. The agency is entitled to make this determination on the basis of the entire record.” (*Id.* § 19.41 [citing *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1018].) “A variety of procedures for documenting the agency’s determinations are available.” (*Id.* §19.38.)

Changes to amend the WDRs would increase the maximum delivery of produced wastewater. CBD states that although the revised WDR allows for an expansion of the project, the increased flowrate from the Jasmin Oil Field is not permitted under the EIR. The proposed increase in the volume merely increases the amount coming from the Jasmin Oil Field but does not increase the overall amount of produced wastewater utilized in the project beyond that analyzed in the EIR. The EIR clearly states that the project would supply up to 5,820 AF per year (See Section 3.3.3. in the Project

Description). This maximum value identified in the EIR includes produced wastewater from the Jasmin, Mount Poso, and/or Dyer Creek Oil Fields. Currently, the project is not receiving any produced wastewater from the Mount Poso and Dyer Creek oil fields. With the increase in flow from the Jasmin Oil Field, the total volume of produced wastewater utilized in this project would be 3,320 AF/year, which is under the 5,820 AF/year evaluated in the EIR. The fact that more produced wastewater will be coming from the Jasmin Oil Field than identified in the EIR is not a substantive change compared to the environmental impacts of the overall amount of produced wastewater, which was adequately analyzed in the EIR. Therefore, staff finds that the proposed increase of the flowrate to 3,320 AF/year, as specified in the tentative Order, has been evaluated in the EIR since it is below the maximum flowrate of 5,820 AF/year and, therefore, does not need to be re-assessed under CEQA.

On 20 March 2019, the Dischargers submitted an updated antidegradation analysis (2019 Antidegradation Analysis). The 2019 Antidegradation Analysis included an assessment of the potential impacts to water quality from the increased flowrate of 3,320 AF/year. The 2019 Antidegradation analysis concludes that the proposed increased flowrate is not likely to impact groundwater, which was summarized in the findings of the WDRs and presented to the Central Valley Water Board while being considered for adoption. As a result of this finding, Staff prepared the WDRs with a provision that permitted the maximum flowrate to be increased from 2,640 AF/year to 3,320 AF/year, if the Dischargers prepared a technical report that demonstrates the Jasmin Treatment Facility has been adequately designed and constructed to maintain the treatment efficiency described in the WDRs at the increased flowrate. On 28 February 2022, the Dischargers submitted *Report for Increase in Permitted Annual Flowrate* (Technical Report) that includes a demonstration that the Jasmin Treatment Facility has been adequately designed and constructed to sustain the treatment efficiency at the increased flowrate. Based on the Technical Report and the findings in the WDRs, Staff finds that increasing the flowrate will not result in a significant impact to water quality.

Staff added Finding 9 and revised Finding 10 (formerly Finding 9 in the tentative Order) to the tentative Order in response to this comment:

Antidegradation Analysis

9. On 20 March 2019, the Dischargers submitted an updated antidegradation analysis (Antidegradation Analysis). The Antidegradation Analysis includes an assessment of the potential impacts to water quality from the increased flowrate of 3,320 AF/year. A description of the assessment completed in the Antidegradation

Analysis and the conclusion that there would not likely be a significant impact to water quality from the proposed discharge are discussed in the findings of the WDRs and were presented to the Central Valley Water Board when being considered for adoption. Staff finds that the Antidegradation Analysis identified in the Findings of the WDRs appropriately assess any potential impacts to water quality.

10. The Central Valley Water Board finds that additional California Environmental Quality Act (CEQA) review is not required pursuant to Public Resources Code section 21166 and California Code of Regulations, title 14, section 15162. Kern-Tulare prepared an Environmental Impact Report (EIR) for the use of produced wastewater for irrigation and groundwater recharge. The EIR analyzed the impacts of a total of 5,820 AF/year from multiple sources. The increased flow rate of 3,320 AF/year allowed in this Order was therefore considered in the EIR. The Central Valley Water Board concludes that there are no changes, or new information within the meaning of Public Resources Code section 21166 that will create new or more severe environmental effects which would require a subsequent or supplemental EIR.

CBD COMMENT #2 – Discharge Contains Harmful Chemicals

CBD states that produced wastewater has the potential to contain dangerous substances (e.g., benzene and hydrocarbons) that can degrade soil, water, and air quality. CBD references a 1993 study by state oil and gas regulators, which identified numerous produced wastewater samples that had benzene at concentrations that exceed maximum contaminant levels for drinking water. CBD also states that although the concentration for hydrocarbons in the proposed discharge is within discharge limitations, other harmful chemicals associated with hydrocarbons may accumulate over time. In addition, CBD states that since the oil industry has failed to fully disclose the chemicals used at various stages of development, there is the potential that other unknown harmful chemicals may be present.

RESPONSE:

As part of the application process for Waste Discharge Requirements Order No. R5-2019-0043 (WDRs), the Dischargers completed the EIR and Antidegradation Analysis. Between these two documents, the Dischargers examined potential impacts including air emissions, environmental impacts, and impacts to groundwater from the proposed discharge. These assessments are based on the flowrates that are either at or greater than the proposed flowrate in the tentative Order and are based on produced wastewater quality data of the proposed discharge. Based on these assessments, Staff

concludes that the use of the best management practices described in the WDRs will ensure that there are not significant impacts to water quality or the environment. For specific information related to this discussion, see the findings in the WDRs.

As a part of a study that reviewed oil production additives in produced wastewater, the Central Valley Water Board issued Orders to chemical manufacturers under section 13267 of the California Water Code to obtain a complete list of constituents that comprises the chemicals and additives used during petroleum exploration, production, and treatment. Under these Orders, chemical manufacturers were required to submit the entire make-up of chemicals and additives, including those considered trade secret.

Table II of Monitoring and Reporting Program Order No. R5-2019-0043 (MRP) is a compilation of this list and identifies constituents that may be in produced wastewater as a result of using chemicals and additives. Under the MRP, the Dischargers are required to complete regular analyses of chemicals and additives, with an Environmental Laboratory Accreditation Program (ELAP) approved analytical method, that may be present in the produced wastewater. In addition to these chemicals and additives, the Dischargers will have to analyze for known produced wastewater constituents, including benzene and hydrocarbons.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #3 – Potential Environmental Impacts Due to Spills

According to CBD, a 2015 Initial Study prepared by the Dischargers states that it can be assumed that the project “may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, which could be a significant impact.” CBD states these potential impacts are not thoroughly evaluated in the EIR. CBD states that due to these potential impacts from the discharge, the Central Valley Water Board needs to re-evaluate potential impacts due to the higher flowrate presented in the tentative Order.

RESPONSE:

The Central Valley Water Board considered spills when drafting the WDRs. For example, Provision E.6 of the WDRs requires the Dischargers to properly operate and maintain their respective facilities. This includes complying with Prohibition A.1 of the WDRs, which prohibits the discharge of wastes, to any locations or in a manner that is not described in the WDRs. The annual reporting required by the MRP requires the

Dischargers to submit a summary of all spills, if any, that occurred during the calendar year, and describe tasks undertaken in response to those spills.

In addition, the EIR describes spill prevention, control, and countermeasures, for the complete project of 5,820 AF/year, which is greater than the proposed discharge volume of 3,320 AF/year. Due to the spill prevention, control, and countermeasures identified in the EIR for 5,820 AF/year and maintenance requirements in the WDRs, Staff finds that these are appropriate measures to adequately prevent accidental releases. The spill prevention, control, and countermeasures in the EIR include protocols, established by the federal government, that address cleanup in the event of an accidental release.

Also, the State of California requires oil field operators to report spills to the California Governor's Office of Emergency Services (CalOES). CalOES is responsible for alerting the appropriate agency in the event of a spill. When spills occur, CalOES contacts Staff, who respond as appropriate.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #4 – Chemical Composition May Change with Increased Flowrate

CBD states that the California Council on Science and Technology reported that there is "ample evidence of groundwater contamination from percolation pits in California and other states." In addition, CBD states that the Central Valley Water Board found that several percolation pits in Lost Hills and North and South Belridge Oil Fields have impacted groundwater and are pursuing closure of these facilities. Also, in Texas and Ohio there have been numerous incidents in which groundwater contamination has been attributed to unlined ponds used for the disposal of produced wastewater. CBD states that since the concentration of chemicals may be different after increasing the volume of produced wastewater available for irrigation, the Central Valley Water Board needs to complete an analysis of whether increasing the flowrate will result in poorer water quality after blending.

RESPONSE:

As part of the application process for the tentative Order, the Dischargers submitted a technical report titled *Report for Increase in Permitted Annual Flowrate* (Report) dated 28 February 2022. The Report examines the treatment efficiency of the Jasmin Treatment Facility, which treats the produced wastewater reused for irrigation regulated under the WDRs. Produced wastewater undergoing treatment for beneficial reuse, is

intended for temporary storage, not for disposal (percolation pits described above are used only for disposal). The produced wastewater for this project has been treated, assessed for reuse, and is of good quality. Therefore, the comparison of this project to projects with discharge of poorer quality water, which has not undergone treatment, and being discharged for disposal is not appropriate.

The WDRs also require the discharge to meet concentration standards for certain constituents, including for salts, boron, and oil and grease. The Report includes a technical demonstration that shows the expansion of the Jasmin Treatment Facility has been designed and constructed to treat the proposed increased flowrate and maintain the quality proscribed by the WDRs. Staff reviewed this Report and concurred with the findings. Based on what was presented in the Report, the Jasmin Treatment Facility can maintain the quality of the discharge, even with the larger flow permitted in the tentative Order.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #5 – Reassess Impacts to Groundwater from Increased Flowrate

CBD states that the EIR states that some reservoirs connected to the project would not meet agricultural suitability requirements for total dissolved solids in normal or dry years and the weighted average “does not meet agriculture suitability standards for TDS, sodium, and boron for all climate conditions.” Increasing the volume of produced wastewater would alter the percentage of blended water and potentially worsen the concentrations of harmful substances in the discharge and percolate. According to CBD, this poses a significant risk to groundwater that the Central Valley Water Board should reassess.

RESPONSE:

Staff reviewed the EIR and found that the weighted average of salt concentrations referenced by CBD in this comment also includes the 3,180 AF/year of produced wastewater from the Mount Poso and Dyer Creek Oil Fields. As described in the EIR, the poorest quality produced wastewater (i.e., highest concentrations of salts and boron) identified are from the Mount Poso and Dyer Creek Oil Fields. Since the use of produced wastewater from the Mount Poso and Dyer Creek Oil Fields is not included in the tentative Order or the WDRs, the concentration of salts and boron from the proposed increased flowrate in the tentative Order will be below the threshold assessed in the EIR. In addition, the EIR finds that the discharge from the Jasmin Oil Field would meet the effluent limits in the *Water Quality Control Plan for the Tulare Lake Basin*,

Third Edition, Revised May 2018 (Basin Plan), agricultural supply, and livestock suitability standards (Ayers and Westcot, 1985) for all climate conditions. Also, the 2019 Antidegradation Analysis considers the increased flowrate of 3,320 AF/year and shows that it can meet the water quality described in the findings of the WDRs and does not appear to pose a significant threat to water quality.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #6 – Evaluation of Air Emission Reductions

CBD states that the State of California currently requires a 5% reduction for non-attainment emissions per year. Since the evaporation of produced wastewater has the potential to result in the release of air pollutants and malodors, the Central Valley Water Board has not assessed how increasing the potential flowrate of produced wastewater will comply with the states 5% reduction.

RESPONSE:

The WDRs (and tentative Order, if adopted) state that the discharge shall not create objectionable odors. Also, the EIR includes an assessment for potential air emissions, with a total maximum flowrate of 5,820 AF/year. The proposed increased flowrate of 3,320 AF/year described in the tentative Order is less than that evaluated in the EIR. In addition, emissions from evaporation of ponds falls under the purview of a separate state agency, who will regulate the release of air pollutants from the ponds, if any.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #7 – Consideration of Project Subsidence

CBD states that the 2012 Kern Tulare Water District Water Management Plan requires the water district to “limit land subsidence to the greatest extent possible.” This plan was adopted in 2022 and is based on 2020 water use standards. As such, the 2016 EIR did not and could not have incorporated these standards or used new information to assess the Project’s impacts on subsidence. CBD states that the EIR only evaluates subsidence based on the project “as currently designed” in 2016. CBD states that the Central Valley Water Board should re-evaluate the increased wastewater usage in light of the new Water Management Plan and address the inconsistency between the plan and this project.

RESPONSE:

Section 1.12 (Summary of Environmental Impacts and Mitigation Measures) of the EIR includes an evaluation of the possibility of subsidence. The mitigation measure for subsidence is to avoid constructing facilities over unstable soil based on vetted geologic data. In addition, the reuse of produced wastewater, as proposed in the tentative Order, will reduce the demand for groundwater and, therefore, may limit the potential impacts from subsidence.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #8 – Consideration of New Petroleum Wells

CBD states that authorizing the increase of produced wastewater reused for irrigation has the potential to lead to more oil and gas wells being emplaced in the Jasmin Oil Field. CBD states that this has the potential to impact the environment, which does not appear to have been considered in the tentative Order and is not considered in the EIR.

RESPONSE:

Staff finds that this is not within the purview of the Central Valley Water Board. The development and use of petroleum wells is not regulated by the Central Valley Water Board; rather, the discharge or potential discharge of wastes to surface and/or groundwater is regulated. The Central Valley Water Board does not have legal authority under the Porter-Cologne Water Quality Control Act to regulate the extraction of petroleum wells, nor does it seek to do so in the tentative Order. The development of new petroleum wells is regulated by the California Geologic Energy Management Division (CalGEM).

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #9 – EIR Needs to be Updated for the Proposed Expansion

CBD states that there are specific conditions that warrant a project to require further environmental review under CEQA. CBD states that the following items meet these conditions and require the Central Valley Water Board to assume lead agency status and conduct a new environmental analysis:

- *Significant Changes* - CBD states that the proposed expansion outlined in the tentative Order would increase the flowrate by approximately 25%, resulting in a significant change to the project that has not been considered in the EIR; and

- *Changed Circumstances and New Information Available Regarding Potential Impacts* - CBD states that new studies have been published since the EIR was completed in 2016 highlighting the potential impacts to the environment and human health from oil field wastewater. These potential impacts have not been evaluated in the EIR and, therefore, need to be considered for the proposed expansion.

CBD states that due to these circumstances, the Central Valley Water Board should not rely on the EIR for the tentative Order and requests that the EIR be updated for the proposed expansion.

RESPONSE:

See CBD Comment No. 1.

As discussed in CBD Comment No. 1, there are limited circumstances under CEQA that trigger a new environmental analysis. Although CBD alleges that there are significant changes to the project as well as new information and changed circumstances, the Central Valley Water Board does not agree that further analysis is required. The EIR evaluated the use of produced wastewater up to a total of 5,820 AF/year. Although the percentage of produced wastewater from the Jasmin Oil Field has increased by 25%, this does not exceed the volume of produced wastewater delivered to the project and the total volume of produced wastewater evaluated in the EIR. In addition, the Antidegradation Analysis evaluates an increase in produced wastewater volume discharges from the Jasmin Oil Field. The Antidegradation Analysis reports the following averages for constituents in produced wastewater sourced from the Jasmin Oil Field: electrical conductivity of 657 micromhos per centimeter, boron of 0.70 milligrams per liter, chloride of 59 milligrams per liter, sodium of 133 milligrams per liter, and total dissolved solids of 438 milligrams per liter. These concentrations show that even before blending, an increase of produced wastewater sourced from the Jasmin Oil Field meets water quality standards, will meet the limits set in the WDRs, and is not likely to degrade the quality of groundwater underlying the proposed project. Therefore, Staff finds that the increased flowrate permitted in the tentative Order is not expected to have negative impacts on water quality or the environment, and remains within the parameters evaluated in the EIR.

The Central Valley Water Board established a panel of experts in food safety to examine the most relevant information related to crops irrigated with produced wastewater. This five-year study utilized crop sample results where crops were analyzed for known produced wastewater constituents and additives, findings from a

comprehensive literature review, and produced wastewater quality data to evaluate the potential impacts to crops irrigated with produced wastewater. In a White Paper dated 8 September 2021, the study made several conclusions, including that there was no evidence that the reuse of produced wastewater for irrigation poses an elevated threat to human health or crop safety. Therefore, there are not any changed circumstances or additional information that would necessitate a new CEQA analysis.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #10 – Required CEQA Findings

CBD states that responsible agencies have independent duties under CEQA to make findings about the project in the WDR, including a brief explanation for the rationale for each finding.

RESPONSE:

Additional CEQA review is not required as discussed in Comments #1 and #9. Therefore, the Central Valley Water Board does not need to make findings about the project in this WDR.

No changes were made to the tentative Order in response to this comment.

CBD COMMENT #11 – Mitigation Measures

CBD states that the Central Valley Water Board has not justified why mitigation measures are not included in the tentative Order. CBD states the tentative Order should, for example, require oil companies to disclose chemicals used during petroleum exploration, treatment, and reuse; ponds to be lined to prevent percolation, ponds to be netted as to protect wildlife; more frequent air and water quality monitoring, and/or require a mitigation plan to address odor. CBD states that if the Board rejects these mitigation measures, rationale must be provided.

RESPONSE:

Staff has reviewed the mitigation measures proposed by CBD and has found that these have either been addressed in the WDRs or are outside the purview of the Central Valley Water Board. Provided below is a response to each mitigation measure proposed by CBD:

- Disclosure of chemicals – See response to Comment No. 2.

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- Line Ponds – See response to Comment Nos. 2 and 5.
 - Pond Netting Requirements – Discharge Specification C.8 of the WDRs requires ponds to be either free of visible oil or oil accumulation or effectively netted to preclude the entry of wildlife.
 - More frequent air and water quality monitoring –
 - See response to comment No. 6. Air quality monitoring is outside the purview of the Central Valley Water Board.
 - Under the MRP, the Dischargers are required to conduct semi-annual sampling events at four locations described in the MRP. These monitoring locations include produced wastewater from the Jasmin Treatment Facility, produced wastewater stored in the Guzman Reservoir, blended produced wastewater stored in the Big Four Reservoir and reused for irrigation, and blended produced wastewater stored in the Jasmin Ranchos Mutual Water Company Reservoir and reused for irrigation. In addition, in May 2023, Staff reviewed water quality data submitted to comply with the MRP and found that the character of the discharge has not varied significantly since the MRP was issued.
 - Mitigation Measure for Odors – Discharge Specification C.4 of the WDRs states that the discharge of produced wastewater shall not create objectionable odors at the facilities identified in the WDRs that are perceivable beyond the limits of the reservoirs at an intensity that creates or threatens to create nuisance conditions.

No changes were made to the tentative Order in response to this comment.