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## Central Valley Regional Water Quality Control Board

28 December 2017

Chad Hathaway  
Hathaway, LLC  
PO Box 81385  
Bakersfield, CA 93380

**CERTIFIED MAIL**  
**7017 1070 0000 8973 8653**

**CALIFORNIA WATER CODE DIRECTIVE PURSUANT TO SECTIONS 13267 AND 13267.5. You are legally obligated to respond to this Order. Please read this Order carefully.**

Hathaway, LLC (Hathaway) has been identified as a provider of petroleum production wastewater (produced water) used for the irrigation of crops intended for human or livestock consumption. Hathaway receives produced water at an oil production facility in the Jasmin Oil Field (Facility). Produced water is provided to the Kern-Tulare Water District and Jasmin Ranchos Mutual Water Company (Districts) for use in crop irrigation. Produced water discharges at the Facility are regulated under Waste Discharge Requirements, Order Number 98-205. Characterizations of discharges previously submitted to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) may be incomplete due to missing information on additives and chemicals.

On 19 October 2017, the Governor signed Assembly Bill 1328 (AB1328). AB1328 makes changes to the California Water Code (CWC) that enable the State Water Resources Control Board and the California Regional Water Quality Control Boards, when conducting investigations pursuant to CWC 13267, to require information directly from suppliers and manufacturers of chemicals and additives (herein referred to as manufacturers) used by oil field operators, if the manufacturers will not provide the information to the entities subject to the investigation. The changes become effective on 1 January 2018.

Pursuant to (CWC) Sections 13267 and 13267.5, by **12 January 2018**, Hathaway must provide a complete list of all additives and their associated constituents, that may be found in produced water supplied to the Districts including those: (1) added to production wells, (2) used in the oil recovery process, (3) added during treatment and separation, and (4) used during the transportation process.

Specifically, Hathaway must provide the following:

1. A list of all additives used in the Jasmin Oil Field;
2. The name and address of the suppliers of the additives;
3. Material Safety Data Sheets for each additive; and
4. A complete list of all chemicals, active and inert that comprise the additives, and their associated CASRN numbers.

If Hathaway cannot obtain from the manufacturer all of the above information for any reason, including assertion of trade secret claims, then Hathaway shall provide a report containing either:

1. A written statement from the manufacturer describing what information is not being provided and the reason it is not being provided, or
2. A written statement from Hathaway that the manufacturer has refused to provide the required information, and a description of what information has been requested and what information has not been provided.

Produced water supplied by Hathaway is blended with other water sources that have beneficial uses which include agricultural supply and industrial service supply, as designated by the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition, Revised January 2015* (Basin Plan). Additionally, reservoirs and canals associated with the discharge overlies groundwater with beneficial uses designated by the Basin Plan. The technical information and report required by this Order are necessary to assess concerns associated with potential impacts to waters of the State and the use of produced water for the irrigation of crops. The need to understand potential water quality issues that may impact the beneficial uses of waters of the State justifies the need for the information and reports required by this Order. Hathaway is a provider of produced water to the Districts. The information required by this Order is solely within the possession of Hathaway and/or the manufacturers. Due to the nature and possible consequences of the produced water discharges, the burden of providing the required information, including the reporting costs, bears a reasonable relationship to the need for the report, and the benefits to be obtained.

Based on the information submitted in the technical report, the Central Valley Water Board may require additional information or take additional action.

With the report required by this Order, Hathaway shall provide a "Certification" statement to the Central Valley Water Board. The "Certification" shall include the following signed statement:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

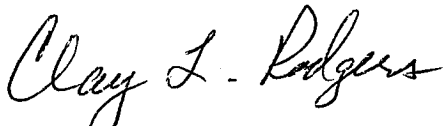
Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code. The State Water Board must receive the petition by 5:00 p.m., within 30 days after the date of this directive, except that if the thirtieth day following the date of this directive falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the laws and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or may be provided upon request.

The technical report required by this Order must be submitted to the attention of:

Ronald Holcomb  
Central Valley Water Board  
1685 E Street  
Fresno, CA 93706

The report may be submitted electronically. Documents that are less than 50 MB may be emailed to: [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov). Larger files must be submitted via post.

If you have any questions regarding this matter, please contact Rebecca T. Asami of this office at (559) 445-5548 or at [rebecca.asami@waterboards.ca.gov](mailto:rebecca.asami@waterboards.ca.gov).



Clay L. Rodgers  
Assistant Executive Officer

Enclosure: Assembly Bill No. 1328

cc: Patrick Pulupa, Office of Chief Counsel, State Water Resources Control Board, Sacramento  
Julie Macedo, Office of Enforcement, State Water Resources Control Board, Sacramento  
John Borkovich, Division of Water Quality, State Water Resources Control Board, Sacramento  
Mike Toland, Senior Engineer, DOGGR, Bakersfield  
Steven Dalke, Kern-Tulare Water District, Bakersfield  
Shae Lehr, Jasmin Ranchos Mutual Water Company, Westlake Village