

**RESPONSE TO COMMENTS
FOR
Tesoro Refining and Marketing Company
Los Angeles Refinery
2101 East Pacific Coast Highway
Wilmington, California 90744
EPA I.D. No. CAD041520644**

SECTION I. RESPONSE TO COMMENTS RECEIVED BY E-MAIL

Comment 1 by Anna Totta dated December 3, 2010:

" I would like to strongly oppose the backfill of two toxic ponds in Wilmington. Tesoro is not a responsible neighbor when it comes to environmental issues. Please note that it was Tesoro and Valero that financially supported Prop 23 to avoid implementing green energy. In addition, it is Wilmington that is greatly affected with increases in Asthma and breathing related issues due to pollution from refineries and the Ports of Los Angeles and Long Beach. This community has been heavily impacted. The removal of toxic substances to some other more remote area would be a better solution. Of course, the reduced amount of toxic waste would be even better.

Please see below. We are constantly getting these notices from Tesoro which just add to the problems our citizens face here."

Response to Comment 1

DTSC's mission is to protect public health and environment. This mission can be achieved by permitting facilities that manage hazardous wastes. The DTSC uses the permit process as a means to control operation of different facilities by requiring facilities to reduce their pollution and comply with different environmental laws and regulations.

The site is a 300-acre oil refinery located in Wilmington, California. The surrounding area is industrialized and includes several other refineries, bulk oil terminals, and light industries. The nearest residential area is located about 1,000 feet west of the refinery. Process units are concentrated in both the southern and central part of the Plant.

This post closure permit pertains to Ponds 8 and 9, which cover less than one acre of the 300 acre-refinery. These Ponds were constructed in 1969 in an abandoned channel

created when the Dominguez channel was built in the 1940s. Ponds 8 and 9 consist of two lined surface impoundments formerly used for flow equalization (Pond 9) and polishing (Pond 8) of storm water and process wastewaters before treatment and discharge to the Los Angeles County Sanitation District (LACSD).

As part of the DTSC Post Closure Permit, these Ponds are required to be backfilled. The backfilled area shall include an appropriate cap to minimize infiltration of precipitation and surface water into the backfill material. An 80,000 barrel above-ground storm water storage tank shall be constructed on top of the backfill area of Pond 9 to replace the capacity lost by backfilling the Ponds. No Hazardous Waste is going to be stored in this tank. This will minimize any impacts that the surface impoundments may cause. Furthermore, the project activities include field inspections, groundwater sampling and monitoring of the wells and caps.

Sore throats, coughing and respiratory problems may be due in part to air pollution. Air pollution is known to have adverse health effects. The Southern California Air Quality Management District (SCAQMD) is the local government agency responsible for reducing air pollution. Reductions in air emissions will reduce health impacts from air pollution. While air quality in Southern California has continually improved despite an enormous increase in population and cars, some regional and localized problems have not been solved.

Mobile sources of air pollution today represent 65% of the harmful emissions released into California's air. Stationary sources of air pollution represent 8% of the emissions currently being discharged to California's air. In addition, petroleum related activities comprise a small portion of the stationary source emissions. For more information please see Western States Petroleum Association (WSPA), Air Quality Update, February 2010.

Asthma causes breathing problems due to a narrowing of the airways causing the lungs to get less air. Attacks are characterized by a tight feeling in the chest, coughing and wheezing.

"Air pollution plays a well-documented role in asthma attacks, however, the role air pollution plays in initiating asthma is still under investigation and may involve a very complex set of interactions between indoor and outdoor environmental conditions and genetic susceptibility. The Research Division of the Air Resources Board (ARB) has been a leader in developing and supporting research to understand the relationship between air pollution and asthma. Most notably, the ARB-funded Children's Health Study at the University of Southern California found that children who participated in several sports and lived in communities with high ozone levels were more likely to develop asthma than the same active children living in areas with less ozone pollution. In another ARB-funded study, researchers at the University of California, Irvine found a positive association between some volatile organic compounds and symptoms in asthmatic children from Huntington Park. Additional ARB studies are underway and many will focus on the role of particulate matter pollution on asthma. In the Central

Valley, the ARB F.A.C.E.S. project is examining the role of particulate matter pollution in the exacerbation of childhood asthma.”

Quote from the California Air Resources Board website on Asthma and Air Pollution.

<http://www.arb.ca.gov/research/asthma/asthma.htm>

DTSC will regulate the facility through a post closure permit and will conduct inspections to ensure that Tesoro is in compliance with the permit. The SCAQMD is the regulatory agency responsible for evaluating odor complaints and identifying sources. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors from the facility. In addition, this oil refinery operates under a permit issued by the SCAQMD. These ponds are no longer used and the owner/operator will secure all required permits for backfilling the ponds, minimizing the duration of the activity, and minimizing impact to air quality.

A key component of the RCRA permit is compliance with all applicable local, state and federal laws and regulations including SCAQMD regulations and requirements. As long as a facility is in compliance with these requirements, including control of nuisance odors, they will be in compliance with the DTSC/RCRA permit requirement.

The facility is consistent with both zoning and land use designations established by the City of Wilmington and the City of Carson. The authority to establish zoning and land uses is pursuant to the City’s authority under California Land Use Law and regulations.

No evidence has been provided for the denial of the draft permit. The commenter raises no issues with regard to the draft permit and, therefore, no further response is necessary.

SECTION II. RESPONSE TO COMMENTS RECEIVED BY LETTER

Comment 2 by David W. Reed, Tesoro Refining and Marketing Company, dated January 25, 2011:

Tesoro is requesting a few minor changes in the RCRA Permit for Ponds 8 and 9. They are listed as follows:

1. On page 3, Part II, number 5 – Tesoro produces “lubricating oil feed stocks”
2. On page 4, , Part II, number 5 – “City of Carson” will need to approve construction plans
3. On page 11, third paragraph of Physical Description -- “the sump shall transfer water to the 80,000 barrel storm water tank or other storm water handling facilities”
4. On page 12, last paragraph of Physical Description -- “City of Carson” will approve the construction

5. On page 14, Part V, section e – “The storm water sump will be epoxy coated” and “the tank will be built with a 30-mil thick engineered liner under its foundation to prevent any leakage to the Pond” (the tank surface containment area will not be epoxy coated)

Response to Comment 2

DTSC has reviewed the proposed changes to the draft Post Closure Permit for the Ponds 8 and 9. The following changes have been made to the permit:

1. On Page 3, Part II, number 5, line 4 – added “feed stocks” after “lubricating oil”.
2. On page 4, Part II, number 5, last sentence – replaced “Los Angeles Department of Building and Safety (LADBS)” with “City of Carson”.
3. On page 11, third paragraph of Physical Description, line 5 – added “or other storm water handling facilities” after “storm water storage tank”.
4. On page 12, last paragraph of Physical Description – replaced “Los Angeles Department of Building and Safety (LADBS)” with “City of Carson”.
5. On page 14, Part V, section e – replaced the last sentence “The storm water sump surface and the aboveground tank surface containment area should be epoxy coated to make it impervious to any spills. “, with “The storm water sump will be epoxy coated and the tank will be built with a 30-mil thick engineered liner under its foundation to prevent any leakage to the Pond.”