

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Torrance Refining Company, LLC
3700 West 190th Street
Torrance, California 90504-2929
EPA ID No. CAD008354052

Respondent: Torrance Refining
Company, LLC

Docket No. HWCA 2018-7414

ORDER TO CORRECT
VIOLATIONS

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Order to Correct Violations (Order) to Torrance Refining Company, LLC (Respondent).

1.2. Facility. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following facility: 3700 West 190th Street, Torrance California 90504 (Facility).

1.3. Generator. Respondent generates the following hazardous wastes: federally listed oil refinery wastes and California regulated oily wastes.

1.4 Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that on or before December 6, 2016, and continuing thereafter, Respondent violated Health and Safety Code section 25201(a) in that Respondent speculatively accumulated at least 329 roll-off bins (approximately 20 cubic yards each) containing oil bearing materials (OBM). Such OBM, if speculatively accumulated, are RCRA listed hazardous wastes, including F037, K049, K050, K051, or K169. Respondent did not have the necessary equipment to recycle or process these OBM, and stored and speculatively accumulated hazardous wastes without a permit or other grant of authorization from the Department.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1. By April 2, 2018, Respondent shall submit to the Department for review and approval, a Work Plan describing how Respondent will recycle, process, or dispose of OBM contained in the 329 roll-off bins, and any other roll-off bins containing OBM stored at the Facility as of the effective date of this Order. At a minimum, the Work Plan shall include the following:

- a. A description of the method(s) Respondent will use to recycle, process, and/or dispose of the OBM contained in roll-off bins stored at the Facility as of the effective date of this Order.
- b. The total volume of OBM stored at the Facility as of the effective date of this Order.

c. An implementation schedule which, at a minimum, includes the following:

(i) At least 50% of the total volume of OBM, as identified in Section 3.1(b) above, shall be recycled or disposed of by June 30, 2018.

(ii) All of the remaining OBM, as identified in Section 3.1(b) above, shall be recycled or disposed of by September 30, 2018.

d. A monthly report to the Department on the status of the Work Plan implementation. Each report, due on the last business day of each reporting month, shall include, at a minimum, the volume of OBM that have been recycled or disposed of during the month. The first monthly report is due on the last business day of the first full month after the effective date of this Order.

e. The final report, due to the Department no later than October 31, 2018, shall include a certification prepared pursuant to Section 66270.11(d) of Title 22 of the California Code of Regulations stating that Respondent has completed all work required in the Work Plan.

3.2. Submittals. All submittals from Respondent pursuant to this Order shall be sent to the following individuals:

Roberto Kou, Branch Chief
Enforcement and Emergency Response Division, Chatsworth Branch
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

Andrea Kopecky
Senior Counsel
Office of Legal Counsel
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by Roberto Kou, Branch Chief, Enforcement and Emergency Response Division, Department of Toxic Substances Control, or his designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may do the following:

- a. Modify the document as deemed necessary and approve the document as modified, or
- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to, requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial

endangerment to the health or welfare of people at the Facility or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Facility Access: Access to the Facility shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Facility at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Facility; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this

Order.

3.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order.

Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order.

Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to

this Order are incorporated in this Order upon approval by the Department.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions and impose penalties for the violations as stated in Section 2 of this Order. By issuance of this Order, the Department does not waive the right to take further enforcement actions and impose penalties for any other violations of applicable federal and state statutes and implementing regulations.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

4.5. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

RIGHT TO A HEARING

5. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

6. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: March 2, 2018

ORIGINAL SIGNED by Roberto Kou

Roberto Kou, Branch Chief
Enforcement and Emergency Response
Division, Chatsworth Branch
Department of Toxic Substances Control