

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

In the Matter of:

**Phillips 66 Company
San Francisco Refinery
1380 San Pablo Avenue
Rodeo, California 94572**

ID No. (CAD009108705)

Respondent.

Docket HWCA20167293

CONSENT ORDER

**Health and Safety Code
Section 25187**

The Department of Toxic Substances Control (Department) and Phillips 66 Company (Respondent), a Delaware corporation doing business in California, enter this Consent Order and agree as follows:

1. Respondent generates, handles, and stores hazardous waste at its facility, an oil refinery, located at 1380 San Pablo Avenue, Rodeo, California 94572.
2. The Department inspected the facility on March 15, 16, and March 17, 2016.
3. The Department alleges the following violations:
 - 3.1. The Respondent violated Health and Safety code section 25201(a), in that from January 2013 through March 23rd, 2016, the Respondent improperly stored a dry mercury-contaminated solid at a point not authorized by the

Department. The mercury-contaminated solid was stored at an area at the facility named Sulfur Removal Unit 234 inside of an open vertical vessel named West Stack E-8. The improper storage resulted in the mercury-contaminated solids falling to the ground and exposing the environment to hazardous waste.

3.2. The Respondent violated Health and Safety code section 25201(a), in that on or about March 16, 2016, the Respondent disposed of hazardous waste, a dry mercury-contaminated solid, at a point that is not authorized by the Department. The mercury-contaminated solid was disposed of on the floor of a cement platform beneath West Stack E-8, exposing the environment to hazardous waste.

3.3. The Respondent violated Health and Safety code section 25201(a), in that on or about March 16, 2016, the Respondent stored and disposed of used oil at a point that is not authorized. DTSC inspectors found that used oil, which must be managed as a hazardous waste, was placed in a bin labeled, "Trash Only" and "NO HAZARDOUS WASTES ACCEPTED."

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute a full settlement of the violations alleged above, and any other alleged violations, based on the Department's inspection of the facility on March 15, 16, and 17, 2016 described in Paragraph 2. This settlement does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

8. The violations have been corrected.

PAYMENTS

9. Within 30 days of the effective date of this Consent Order, Respondent shall:

9.1. Pay the Department a total administrative penalty of \$30,000.00.

Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

9.2. Send a photocopy of the check and payment voucher to:

Christopher Law
Attorney, Office of Legal Counsel
Department of Toxic Substances Control
1001 "I" Street
Sacramento, California 95814

Maria Soria
Environmental Program Manager I
Hazardous Waste Management Program – Enforcement Division
Department of Toxic Substances Control
700 Heinz Ave
Berkeley, California 94710

10. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil 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.

11.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

11.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

11.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

11.6. 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.

11.7. Authorized Signatory: Respondent warrants and guarantees its signatory below has been duly authorized and has full authority to execute this Agreement on behalf of Respondent.

Dated: 7-24-2017

Original signed by Mark Evans

Mark Evans
Manager
San Francisco Refinery
Phillips 66 Company

Dated: 7-27-17

Original signed by Maria Soria

Maria Soria
Environmental Program Manager I
Berkeley/Clovis Branch
Department of Toxic Substances Control

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PAYMENT VOUCHER

Docket No.: **HWCA 20167293**

Respondent: **PHILLIPS 66 COMPANY**

ID No.: **CAD 009 108 705**

County: **Contra Costa**

Total Due: **\$30,000.00**

Payment No.	Due Date	Payment Amount
1	Within 30 days from the effective date of this Consent Order	\$30,000