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October 25, 2007

**Response to Comments
For
ConocoPhillips Los Angeles Refinery Carson Plant
Draft Post-Closure Permit
Carson, California**

On August 23, 2007, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) issued a public notice to accept public comments on the draft Hazardous Waste Facility Post Closure Permit (draft Permit) and the draft Notice of Exemption (NOE) of the California Environmental Quality Act (CEQA) for the ConocoPhillips Los Angeles Refinery Carson Plant, located at

A public meeting was held on September 11, 2007 to discuss and accept comments on these draft documentations. No public comments were received at the meeting. The 45-day public comment period ended on October 9, 2007.

During the public comment period, DTSC received three comments from ConocoPhillips dated October 3, 2007. The third comment was revised by ConocoPhillips on October 5, 2007. DTSC has considered, and prepared responses to each of the comments. The comments and responses in Attachment 1 are incorporated as part of the Administrative Records.

The revised Final Post Closure Permit, NOE, public meeting document, copies of all written comments, and other documents can be found at DTSC's office in Glendale and at the Carson Public Library.



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ATTACHMENT 1

Comments received during the public comment period started on August 23, 2007, and ended on October 9, 2007

Comment 1 by K. N. Wisdom of ConocoPhillips dated October 3, 2007:

Part III, Item 4. (g), Page 8

....Data for every detected monitoring parameter or constituent of concern shall be shown on a separate graph with the data from as many wells as can be legibly displayed.....

Response:

The semi-annual groundwater monitoring reports currently include current and historical data for each well sampled, as well as time series plots of concentrations of the key indicator constituents (benzene, toluene, ethylbenzene and xylenes). Additionally, recent reports also include concentrations vs. time graphs for new constituents of concern at the site, including tert butyl alcohol (TBA), methyl t-butyl ether (MTBE) and diisopropyl ether (DIPE). Complete analytical results for other constituents, including Appendix IX metals, PCBs, pesticides, herbicides and oxygenates are provided in the semi-annual reports. ConocoPhillips respectfully requests that graphs for all constituents not be required, due to the large volume of data involved and frequency of non-detected values. ConocoPhillips suggests that the excerpt from the Attachment A permit language noted above be modified as follows:

....Data for key monitoring parameters or constituents of concern obtained from the designated PWP compliance wells shall be shown on separate graphs. At a minimum, these constituents shall include benzene, toluene, ethylbenzene, xylenes and the fuel oxygenates TBA, MTBE and DIPE.....

Response to Comment 1:

Part III, Item 4. (g), Page 8 of the permit has been revised. The revised paragraph is as follows:

For the purpose of title 22, California Code of Regulations, section 66270.31, the monitoring, recording, and reporting program for the Facility is described in Section V and Appendix F of the approved Post Closure Application. Permittee shall collect groundwater

surface level measurements and monitoring data as required in the approved Application and Clean up and Abatement Order 94-139. Data for key monitoring parameters or constituent of concern obtained from the designated PWP compliance wells shall be shown on a separate graphs. At a minimum, these constituents shall include benzene, toluene, ethylbenzene, xylenes and the fuel oxygenates tert butyl alcohol (TBA), methyl t-butyl ether (MBTE) and diisopropyl ether (DIPE).

Comment 2 by K. N. Wisdom of ConocoPhillips dated October 3, 2007:

Part III, Item 5. Page 9: ANNUAL HAZARDOUS WASTE REDUCTION AND MINIMIZATION CERTIFICATION

The Permittee shall certify annually that it has a hazardous waste reduction and minimization program and method in place shall keep the annual certification as part of its Operating Record in accordance with Health and Safety Code 25202.9 and California Code of Regulations Title 22, section 66264.73(b)(9).

Response,

ConocoPhillips believes the references to the Health and Safety Code and Title 22 need to be modified to ensure that ConocoPhillips is only required to provide an annual certification of its hazardous waste reduction and minimization program. The referenced sections of the Health and Safety Code and Title 22 also require certification of: *(T)he proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment.* ConocoPhillips does not propose to treat, store or dispose of hazardous waste at the facility (or Process Water Pond) and suggests that the excerpt from the Attachment A permit language noted above be modified as follows:

~~....as part of its Operating Record in accordance with Health and Safety Code 25202.9(a), and California Code of Regulations Title 22, section 66264.73(b)(9).~~

Response to Comment 2:

Part III. Item 5, Page 9 of the permit has been revised. The revised paragraph is as follows:
The Permittee shall certify annually that it has a hazardous waste reduction and minimization program and method in place and shall keep the annual certification as part of its Operating Record in accordance with Health and Safety Code section 25202.9(a).

Comment 3 by K. N. Wisdom of ConocoPhillips dated October 3, 2007 and revised on October 5, 2007:

Part V, Page 13: SPECIAL CONDITIONS; subpart (b) – Land Use Covenant

Response,

ConocoPhillips is not adverse to recording in a deed a covenant that reasonably restricts use of the land underlying the Process Water Pond given the physical characteristics of that land and looks forward to discussing the details of such a covenant with DTSC. *Based on previous experience, ConocoPhillips requests that the length of time needed to record the deed be changed from 6 months to 18 months (Rev 1).*

Response to Comment 3:

Part V. (b), Page 13, of the permit has been revised. The revised paragraph is as follows: Pursuant to Civil Code section 1471(c), DTSC has determined that a covenant of land use is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on land of hazardous materials as defined in Health and Safety Code section 25260. The Permittee and DTSC shall sign and record in a deed a covenant to restrict use of property within eighteen months of authorization of this permit.