



**California Environmental Protection Agency
Department of Toxic Substances Control
DRAFT
HAZARDOUS WASTE POST CLOSURE FACILITY PERMIT**

Facility Name:
Golden Eagle Refinery
150 Solano Way
Martinez, California 94533-1487

Owner Name:
Tesoro Refining and Marketing Company
150 Solano Way
Martinez, California 94533-1487

Operator Name:
Tesoro Refining and Marketing Company
150 Solano Way
Martinez, California 94533-1487

Facility EPA ID Number:
CAD 000072751

Effective Date:

Expiration Date:

Pursuant to California Health and Safety Code section 25200, this Resource Conservation and Recovery Act (RCRA)-equivalent Hazardous Waste Post Closure Facility Permit is hereby issued to: Tesoro Refining and Marketing Company.

The Issuance of this Permit is subject to the terms and conditions set forth in the Approved Application dated April 2009. The Permit consists of 18 pages.

Peter Bailey, P.G., Team Leader
Permit Renewal Team
Department of Toxic Substances Control

Date: May 2009

**Golden Eagle Refinery
Waste Management Unit 17
Contra Costa County
EPA ID NO. CAD 000072751**

HAZARDOUS WASTE POST CLOSURE FACILITY PERMIT

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PART I. DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, division 20, chapter 6.5 and California Code of Regulations, title 22, division 4.5, unless expressly provided otherwise by this Permit.

1. **“DTSC”** as used in this Permit means the California Department of Toxic Substances Control.
2. **“Facility”** as used in this Permit means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage resource recovery, and disposal or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling operational units or combinations of these units. The name of the Facility is Golden Eagle Refinery, hereafter referred to as "Facility".

For the purpose of implementing corrective action under California Code of Regulations, title 22, division 4.5, a hazardous waste facility includes all contiguous property under the control of the owner or operator required to implement corrective action.

3. **“Permittee”** as used in this Permit means the Owner and Operator.
4. **“RCRA”** as used in this Permit means the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.).

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. OWNER OF FACILITY

The facility owner is Tesoro Refining and Marketing Company (hereafter "Owner").

2. OWNER OF REAL PROPERTY

The owner of real property is Tesoro Refining and Marketing Company located at 150 Solano Way, Martinez, California 94553-1487.

3. OPERATOR OF FACILITY

The owner of real property is Tesoro Refining and Marketing Company located at 150 Solano Way, Martinez, California 94553-1487.

4. LOCATION

The Golden Eagle Refinery Facility (Facility) is located at 150 Solano Way in Martinez, California, which is about 25 miles northwest of San Francisco in the vicinity of State Route 4 and Interstate 680 interchange. The Facility is bounded to the north by Suisun Bay to the south by State Route 4, to the east by open space and land marsh, and to the west by Pacheco Creek. Further west is Interstate 680 (Figure 1 through Figure 3).

5. DESCRIPTION OF FACILITY OPERATIONS

The Facility began operation in 1913 and now encompasses an area of approximately 2,100 acres. The Facility processes approximately 145,000 barrels of petroleum crude oil per day. The Facility's primary products are gasoline and diesel fuel while other products include liquid petroleum gas, heating oil, and petroleum coke.

SURFACE IMPOUNDMENTS

Waste Management Unit 17 (WMU 17) is the subject of this permit. Other names for WMU 17 include Solid Waste Management Unit (SWMU) 17 and Oily Waste Impoundment (OWI). WMU 17 was constructed in 1966 and consisted of two rectangular shaped ponds which covered approximately 4 acres. WMU 17 was

utilized from 1966 to 1983 as oily waste ponds with residence times of 6 to 9 months.

DEED NOTICE

On July 16, 1993, Tosco Corporation, the former owner of the Facility, certified that they recorded a notation on the Facility property deed notifying any potential purchaser of the property of the following:

- a) the land has been used to manage hazardous wastes;
- b) use of the land is restricted under California Code of Regulations, title 22, chapter 15, article 7; and
- c) a survey plat and record of the type, location, and quantity of hazardous wastes managed of within [*sic*] each waste management unit has been submitted to the Contra Costa County Community Development Department and to the Department of Toxic Substance Control.

DTSC has determined that a land use covenant is necessary as set forth in Part V, section 2 of this Permit.

6. FACILITY HISTORY

Prior to 1955, the area in the vicinity of WMU 17 was undeveloped. The ponds of WMU 17 were originally constructed to depths of three feet below grade and were subsequently excavated to a depth of six to seven feet during their operation. WMU 17 was utilized from 1966 to 1983 as oily waste ponds with residence times of 6 to 9 months. Materials stored in WMU 17 included American Petroleum Institute (API) separator sludge, dissolved air floatation float, slop oil emulsion solids, and crude oil and unleaded tank bottoms. Oil and waste sludge were allowed to separate in the ponds before they were subsequently removed from the ponds for recycling. WMU 17 was removed from service in December 1983. At the time of their closure, both pond depths were approximately 6 feet below ground surface and the areas of the west and east ponds were approximately 425 by 150 feet and 500 by 175 feet, respectively. The closure of WMU 17 was approved by the California Department of Health Services (DHS) and the United States Environmental Protection Agency (EPA) in a letter dated December 6, 1988.

Based on information in previous reports, it was estimated that approximately 4 million barrels of liquid waste was treated in WMU 17. This approximation is based on the following assumptions: the area of WMU 17 was 151,250 square

feet; the average depth was 6 feet; the operating time was 17 years; and residence time of waste in WMU 17 was approximately 7.5 months.

7. FACILITY SIZE AND TYPE FOR FEE PURPOSES

The Facility is categorized as a large Post Closure Facility pursuant to Health and Safety Code section 25205.7(d)(5). For the purpose of Health and Safety Code section 25205.4, the Post Closure period for the Facility shall be deemed to have commenced on December 6, 1988 which is the date when the closure of WMU 17 was officially approved by the DHS and the EPA.

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PART III. GENERAL CONDITIONS

1. PERMIT APPLICATION AND DOCUMENTS

The DTSC-approved Post Closure Permit Application dated April 2009 (Approved Application) is hereby made a part of this Permit by reference. The Approved Application includes the following documents by reference:

- Post Closure Permit Application for WMU 17– Part B, April 2009;
- Revised Sampling and Analysis Plan, July 2008 (SAP), including subsequent revisions;
- Regional Water Quality Control Board, San Francisco Region (RWQCB) Waste Discharge Requirement (WDR) Order No. R2-2004-0056, or its updates or revisions;
- RWQCB Site Cleanup Requirements (SCR) Order No. 00-021, or its updates or revisions; and
- RCRA 3008(h) Order No. 09-89-0013a.

2. EFFECT OF PERMIT

- (a) The Permittee shall comply with the terms and conditions of this Permit and the provisions of the Health and Safety Code and California Code of Regulations (Cal. Code Regs.), title 22, division 4.5. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, those required by the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Facility.
- (b) The Permittee is permitted to operate, monitor and maintain this Facility for post closure activities in accordance with the terms and conditions of this Permit and the Approved Application. Any management of hazardous wastes not specifically authorized in this Permit is strictly prohibited.
- (c) Compliance with the terms and conditions of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.

- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee.
- (e) Failure to comply with any term or condition set forth in the Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to Health and Safety Code section 25187.
- (f) Failure to submit any information required in connection with the Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Cal. Code Regs., title 22, §66270.43).
- (g) In case of conflicts between the Approved Application and the Permit, the Permit conditions take precedence.
- (h) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the Facility by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the Water Code.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Notice of Exemption has been prepared in accordance with the requirements of Public Resources Code section 21000 et seq. and the CEQA Guidelines, section 15070 et seq. of California Code of Regulations, title 14.

4. ENVIRONMENTAL MONITORING

- a) For the purpose of California Code of Regulations, title 22, section 66264.91(b), the elements of the Groundwater Monitoring and Response Program for the Permittee are those described in the SAP as part of the Approved Application.

- b) For the purpose of California Code of Regulations, title 22, section 66264.92, the Water Quality Protection Standard is described in the SAP as part of the Approved Application.
- c) For the purpose of California Code of Regulations, title 22, section 66264.93, the Constituents of Concern for the Permittee are described in the SAP as part of the Approved Application.
- d) For the purpose of California Code of Regulations, title 22, section 66264.94, the Concentration Limits for the Permittee are described in the SAP as part of the Approved Application.
- e) For the purpose of California Code of Regulations, title 22, section 66264.95, the Monitoring Points and Points of Compliance are described in the SAP as part of the Approved Application.
- f) For the purpose of California Code of Regulations, title 22, section 66264.96, the Compliance Period for each regulated unit at the Facility is described in the SAP as part of the Approved Application.
- g) For the purpose of California Code of Regulations, title 22, section 66270.31, the monitoring, recording, and reporting program for the Facility is described in the SAP as part of the Approved Application.
- h) For the purpose of California Code of Regulations, title 22, section 66264.96, the Compliance Period for the regulated unit at the Facility is 30 years. DTSC may extend the Post Closure monitoring period beyond the 30-year minimum to protect human health and the environment. Under California Code of Regulations, title 23, section 2580(a), the Post Closure care monitoring period for Class I facilities “shall be extended for as long as wastes pose a threat to water quality.”

The Permittee shall comply with the applicable environmental monitoring and response program requirements of California Code of Regulations, title 22, division 4.5, chapter 14, articles 6 and 17.

5. 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 and shall keep the annual certification as part of its Operating Record in accordance with Health and

Safety Code section 25202.9 and California Code of Regulations, title 22, section 66264.73(b)(9).

6. ACCESS

- (a) DTSC, its contractors, employees, agents, and/or any EPA representatives are authorized to enter and freely move about the Facility for the purposes of interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of Part VI of the Permit; conducting such testing, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit, Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of any provision of this Permit, Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5, and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to the entire Permit or undertake any other activity necessary to determine compliance with applicable requirements.
- (b) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable State or federal laws and regulations.

PART IV. PERMITTED UNITS AND ACTIVITIES

This Permit authorizes the operation, monitoring, and maintenance only of the Facility units and activities listed below. The Permittee shall not treat, store, or otherwise manage hazardous waste in any unit other than those specified in this Part IV. Any modifications to a unit or activity authorized by this Permit require the written approval of DTSC in accordance with the permit modification procedures set forth in California Code of Regulations, title 22, division 4.5.

For the purpose of California Code of Regulations, title 22, section 66270.1(c) and other similar, unit-specific regulatory requirements, this Facility has one Hazardous Waste Management Unit. The unit is described in detail in the Approved Application as follows:

1. UNIT NAME:

Waste Management Unit 17 (WMU 17)

2. LOCATION:

The Golden Eagle Facility is located at 150 Solano Way, in the city of Martinez, Contra Costa County. WMU 17 is located in the east portion of the Facility. (Figure 1 through Figure 3).

3. ACTIVITY TYPE:

Currently the WMU 17 is closed. Hazardous waste is not managed at WMU 17 as part of normal activities. Activities at WMU 17 as part of this permit will include landfill cover and monitoring systems maintenance, groundwater monitoring, inspections and surveys, security, and other activities associated with the post closure care of the unit as presented in the Approved Application.

4. ACTIVITY DESCRIPTION:

Specific post closure care activities for WMU 17 are detailed in the Approved Application.

5. PHYSICAL DESCRIPTION:

WMU 17 was removed from service in December 1983. The remaining oily sludge in the impoundments was excavated. Residual oily sediments from the sides and bottom of the empty impoundments were excavated as well. Confirmation samples, however, were not collected to verify the quantity or contaminant level of residual oily sediments left in place. After excavation, a two-foot low-permeability clay layer was placed in the impoundment. The following materials were then placed over the clay liner: a 60-mil high density polyethylene liner; a subsurface collection and drainage system, a geotextile layer; and a finish grade with a vegetative soil cover (2 feet thick; minimum). A subsurface drainage system was installed as well. A steel-reinforced concrete retaining wall was constructed along the northern portion of WMU 17 in 1999 to improve stability of this portion of the impoundment.

6. MAXIMUM CAPACITY

Historically, an estimated 4 million barrels of liquid waste were treated in WMU 17. WMU 17 was removed from service in December 1983 and closed. For this permit, the WMU 17 is closed, capped, and does not receive additional waste.

7. WASTE TYPES:

None, unit is closed.

8. RCRA HAZARDOUS WASTE CODES:

None, unit is closed.

9. CALIFORNIA HAZARDOUS WASTE CODES:

None, unit is closed.

10. SURFACE WATER MONITORING AND AIR EMISSION STANDARDS

Surface water monitoring is conducted outside of WMU 17 in the following water bodies: the Clean Water Canal, Oily Water Canal, surge ponds, coke pond,

Hastings Slough and its tributaries, and the canal adjacent to Waterfront Road. Surface water monitoring data gathered from these areas are used to collectively assess potential surface migration of contaminants Facility-wide as well as the local area of WMU 17. Due to the shallow depth to groundwater within WMU 17 (generally less than 5 feet below ground surface), unsaturated zone monitoring was determined to be inappropriate.

The Facility has an air monitoring program in place that is regulated by Bay Area Air Quality Monitoring District (BAAQMD). The existing Facility-wide air monitoring program addresses air quality at WMU 17 by continuous ground level monitoring at Tract 3 and Mallard Reservoir. WMU 17 is located midway between these two stations.

PART V. SPECIAL CONDITIONS

1. NO HAZARDOUS WASTE MAY BE DISPOSED OF ON-SITE

No hazardous wastes may be disposed at WMU 17.

2. GROUNDWATER QUALITY OVERSIGHT AND WASTE DISCHARGE REQUIREMENTS

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) regulates groundwater quality at the Facility in accordance with Health and Safety Code, section 25204.6 (Stats. 1993, c. 418 (S.B. 1082)). The development of revised concentration limits for routine constituents, Constituents of Concern, and statistical procedures are overseen by the SFBRWQCB as the lead regulatory agency. However, to achieve compliance with requirements set forth in California Code of Regulations, title 22, division 4.5, chapter 14, article 6, the Facility shall submit revised trigger levels for WMU 17 to DTSC and SFBRWQCB approval within 6 months from the date of issuance of this permit. Within 60 days following both DTSC and SFBRWQCB approval, the Facility shall implement the revised trigger levels during scheduled groundwater monitoring. Revised trigger levels shall then become part of the Approved Sampling and Analysis Plan.

3. MONITORING PROGRAM

Permittee shall conduct semi-annual groundwater sampling at well locations specified in the section 3.0 of the SAP in the Approved Application and the Permittee shall analyze the groundwater samples for the laboratory methods identified in the WDR or its updates.

4. GROUNDWATER LEVEL MEASUREMENTS

For the purpose of California Code of Regulations, title 22, section 66270.31, the Permittee shall conduct the monitoring, recording, and reporting program as described in the SAP of the Approved Application. Permittee shall collect groundwater surface level measurements quarterly and groundwater samples semi-annually as described in the Approved Application. In the event that the Permittee can technically demonstrate to the DTSC that semi-annual water level measurements are justifiable, and the requirements of California Code of Regulations, title 22, section 66264.97 (e)(15) are amended to allow semi-annual groundwater surface level measurements, the Permittee may match the water level measurement events with the semi annual groundwater sampling events

upon receiving written approval from the DTSC without applying for a permit modification.

5. LAND USE COVENANT

Pursuant to Civil Code section 1471(c), DTSC has determined that a land use covenant 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 a covenant to restrict use of property within one year of authorization of this permit.

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PART VI. CORRECTIVE ACTION

CORRECTIVE ACTION BACKGROUND

Corrective action is being performed under the directives of the RWQCB for the entire Facility in accordance with Waste Discharge Requirements (WDRs) and Site Cleanup Requirements (SCRs). WMU 17 has been identified in previous investigations as a SWMU under RCRA. Closure, post closure, and permitting actions at the WMU 17, however, have remained under DTSC oversight.

POTENTIAL CORRECTIVE ACTION

1. In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new SWMUs not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within 10 days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment.
2. DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment and newly identified SWMUs or releases of hazardous waste and/or hazardous constituents. If and when corrective action is required at the Facility, the Permittee shall conduct corrective action under either a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action issued by DTSC pursuant to Health and Safety Code sections 25187 and 25200.10.
3. To the extent that work being performed pursuant to Part VI of the Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part of the Permit from the present owner(s) of such property within 30 days of approval of any workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within 30 days of approval of any workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within 14 days thereafter

regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property. If there is any conflict between this Permit condition on access and the access requirements in any agreement entered into between DTSC and the Permittee, this Permit condition on access shall govern.

4. Nothing in Part VI of the Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the Facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

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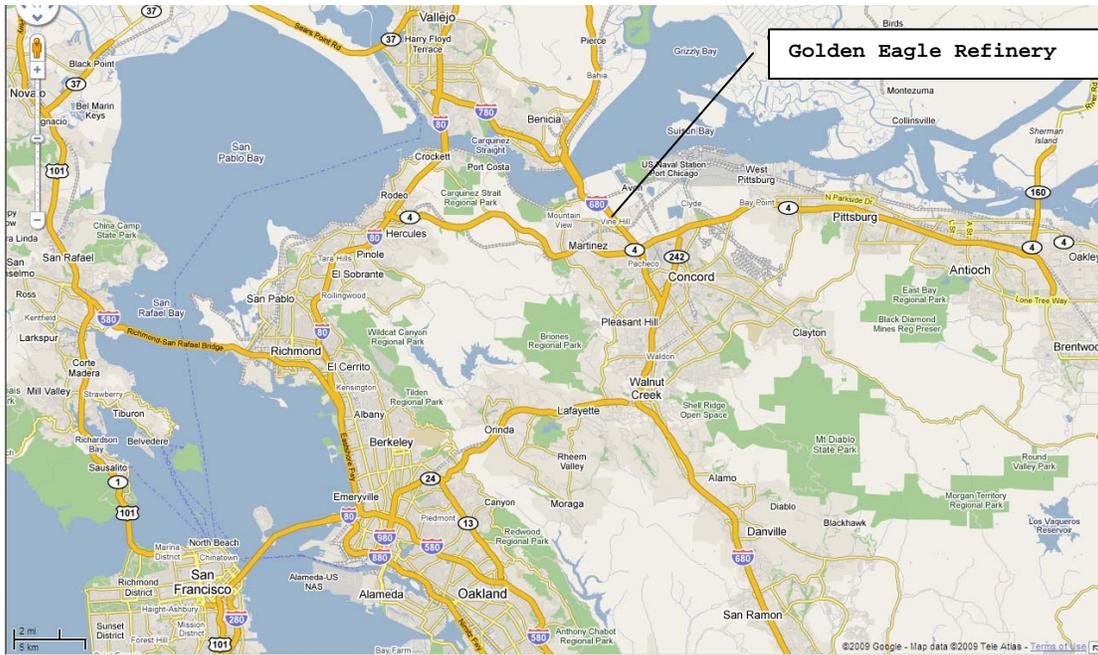


Figure 1. Regional Map

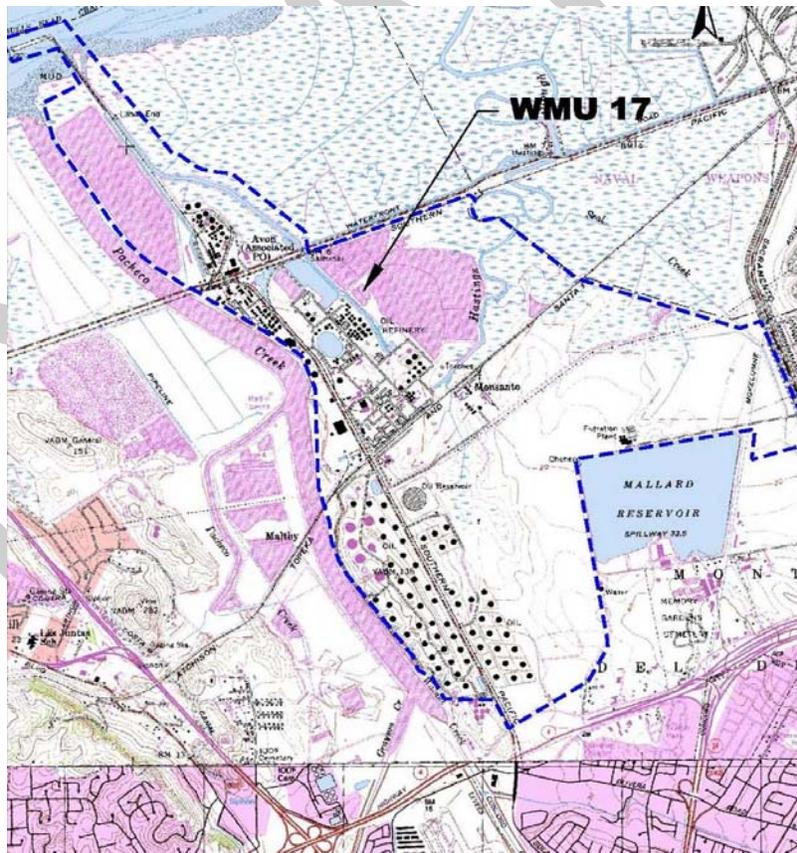


Figure 2. Golden Eagle Tesoro facility and WMU 17 location map

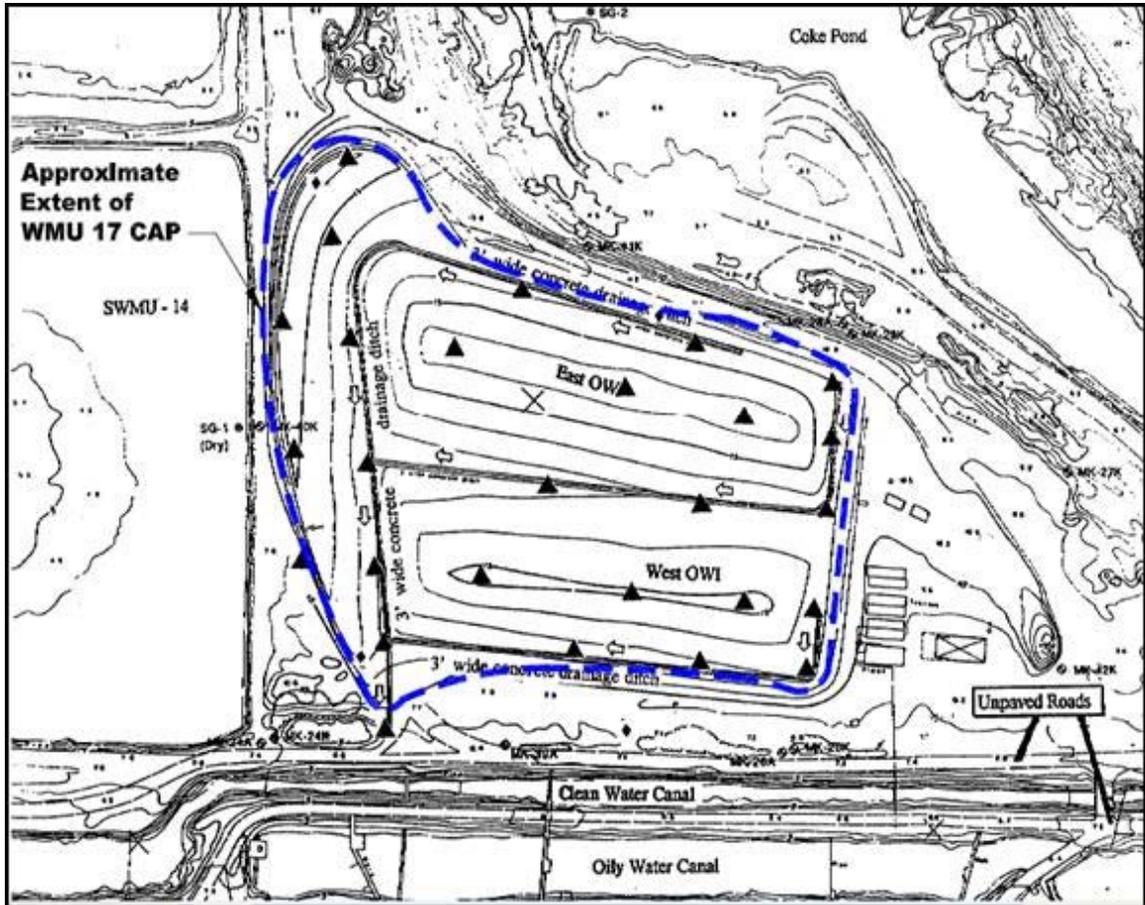


Figure 3. WMU 17