

ORDER REQUIRING THE PHILLIPS PETROLEUM COMPANY TO
CEASE AND DESIST FROM DISCHARGING WASTES CONTRARY
TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL
WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

ORDER NO. 71-9

The California Regional Water Quality Control Board, San Francisco Bay Region finds:

1. On June 13, 1967 this regional board adopted resolution No. 67-31 prescribing discharge requirements covering the discharge by Phillips Petroleum Company from its Avon Refinery.
2. The discharge requirements provide, in part, as follows:

"D. The discharge of Waste "A" or any portion thereof through Outfall "A-2" during lower-low slack water shall not cause the waters of Suisun Bay to exceed the following limits of quality at any point which is more than 95 feet from a vertical line through the geometric center of the diffuser discharge ports

... ..

7. Toxicity, long-term None

a. The Regional Board will consider the following procedure adequate to implement this requirement:

(1) Determine the 96-hour TL_m of the waste as discharged into the Outfall; this waste shall be continuously diluted between the point of TL_m determination and the edge of the 95-foot cylinder defined in Paragraph VI D above, to a concentration equal to or less than one-tenth of that 96-hour TL_m concentration;

... ..

E. The quality of Waste "A" or any portion thereof which is discharged through Outfall "A-2" shall be maintained within the following limits in any sample:

... ..

5. MPN coliform 1000/100 ml moving median based upon the most recent five samples, samples to be collected at least twice weekly at times when instantaneous discharge rate of the sampled stream(s) is at least 70% of their maximum rate for the sampling day

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a. The discharger may make this determination on the combined effluent from the oxidation pond, or on the several sewage effluents discharged into conduits feeding into that pond, at his option ...".

- 3. Data submitted by the discharger indicates that he is not complying with requirements on toxicity and MPN coliform for Waste "A".
- 4. By telephone on January 5, 1971 and by conference on January 6, 1971 the Regional Board staff notified the discharger of the violations of requirements and requested action to eliminate the violations as soon as possible.
- 5. On February 19, 1971 at 7:30 p.m. in the Board Room of the Contra Costa County Water District Center in Concord, California, after due notice to the discharger and all other affected persons, a hearing panel of the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
- 6. Upon the basis of the evidence received, the hearing panel recommended that the Board issue a cease and desist order against the discharger requiring that it comply with the aforesaid requirements.
- 7. The discharger is violating the requirements listed in (2) above.

IT IS HEREBY ORDERED THAT

- 1. The Phillips Petroleum Company cease and desist from discharging wastes contrary to requirements listed in (2) above,
- 2. Compliance with the Board's discharge requirements be completed according to the following time schedule:

Complete and place in service the facilities needed to comply with the toxicity requirements for Waste "A"	by August 1, 1971
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Demonstrate compliance with the toxicity requirements for Waste "A"	by September 1, 1971
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Complete and place in service the facilities needed to comply with the MPN coliform requirements for Waste "A"	by September 1, 1971
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Demonstrate compliance with the MPN coliform requirements for Waste "A"	by October 1, 1971
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- 3. The Phillips Petroleum Company is required to provide to the Board by March 15, 1971 and monthly thereafter a report, under penalty of perjury on progress toward compliance with requirements.

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4. If, in the opinion of the Executive Officer, the Phillips Petroleum Company fails to comply with the provisions of this order, the Executive Officer is directed to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.

I, Fred H. Dierker, Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Board at a meeting held on February 25, 1971.

Executive Officer