

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 84-19

AN ORDER REQUIRING

PACIFIC REFINING COMPANY, CONTRA COSTA COUNTY, TO CEASE AND
DESIST FROM DISCHARGING WASTES CONTRARY TO REQUIREMENTS
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

The California Regional Water Quality Control Board, San Francisco Bay
Region (hereinafter called the Board), finds that:

1. Pacific Refining Company, hereinafter the discharger, discharges
wastes from its Hercules oil refinery into San Pablo Bay. On July 18,
1978, the Board reissued NPDES Permit No. CA0005096 as Order No.
78-48 which prescribes waste discharge requirements for the
discharge.

2. The requirements of Order No. 78-48 provide in part as follows:

"A. Effluent Limitations

1. The discharge of Waste 001 containing constituents in excess
of the following limits is prohibited:

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>Maximum Daily</u>
BOD ₅	lbs/day	306	551
	kg/day	139	250
...
Oil and Grease	lbs/day	89	167
	kg/day	40.4	76
	mg/l	-	15
Phenolic Compounds	lbs/day	2.01	4.12
	kg/day	0.91	1.87

2. The following allocations attributable to runoff and ballast
which is treated and discharged as part of Waste 001 shall
be added to the effluent limitations specified in Waste 001.
The allocations below shall be calculated by the method
specified in Section B of the Self-Monitoring Program.

ADDITIONAL POUNDS (KILOGRAMS) OF POLLUTANT PER THOUSAND
GALLONS OF FLOW TREATED AND DISCHARGED AS PART OF WASTE 001

POLLUTANT	STORM RUNOFF		BALLAST	
	30-day Average	Maximum Daily	30-day Average	Maximum Daily
5-day 20°C BOD	0.21 (0.0953)	0.40 (0.181)	0.21 (0.0953)	0.40 (0.181)
Total Suspended Solids	0.17 (0.077)	0.26 (0.118)	0.17 (0.077)	0.26 (0.118)
....

3. In any representative set of samples Waste 001 as discharged shall meet the following limit of quality:

The survival of test fishes in 96-hour bioassays of the effluent shall be a 90 percentile value of not less than 50 percent survival.

....

C. Provisions

....

4. (Standard Provision A.1.)

Neither the treatment nor the discharge of wastes shall create a nuisance or pollution as defined in the California Water Code."

3. After a shut-down of refinery facilities for approximately one year, the discharger started up operations in early 1983. The discharger's self-monitoring reports indicate recurring violations of effluent limitations A.1. (BOD, Oil and Grease, and Phenolic Compounds), and A.3. (toxicity) of Order No. 78-48 since that time. The discharger has further indicated that upstream upsets, mechanical problems, and low biological treatment efficiency have caused these violations.
4. Inspections of the discharger's facility by Regional Board staff on March 23, March 29, and April 3, 1984 indicated that the discharger's wastewater treatment system was not operating properly and that violation of effluent limitations A.1. and A.3. of Order No. 78-48, as specified in Finding 2, were occurring and were threatening to occur.
5. Recent communications between Regional Board staff and the staff of the Bay Area Air Quality Management District has indicated that the District Hearing Board is currently holding enforcement hearings regarding the odor nuisance issue at the facilities.

6. Clean-up and Abatement Order (CAO) No. 84-002 was issued by the Board on March 27, 1984 as a result of the violations described in the Findings of this Order. The CAO required the discharger to submit a written report describing the nature and causes of wastewater treatment upsets, to submit a detailed plan and time schedule to eliminate the violations and threatened violations of Order No. 78-48, and to implement daily monitoring of the effluent.
7. The discharger informed the Board in a report dated April 4, 1984 and in a meeting on April 16, 1984 of its intent to implement corrective measures to achieve compliance of Order No. 78-48. It was reported that upstream upsets and malfunctions in the wastewater treatment system have significantly impaired the performance of the biological treatment pond, and that several process design changes would be necessary to insure system efficiency and reduce its susceptibility to upsets.
8. Review of recent daily effluent monitoring data required by Clean-up and Abatement Order No. 84-002 indicates the discharger is continuing and threatening to continue to violate the requirements listed in Finding 2 of this Order. This verifies the problems cited in Finding 7, and indicates the need to expedite implementation of the proposed process changes.
9. Section F.3., Part A, of the discharger's Self-Monitoring Program (Attachment to Order No. 78-48) requires the discharger to file monthly written self-monitoring reports by the fifteenth day of the following month. The discharger has consistently failed to submit self-monitoring reports in a timely manner.
10. The Board finds that as the Bay Area Air Quality Management District is currently conducting proceedings regarding the odor nuisance issue, no finding is made at this time regarding compliance or non-compliance with Provision 4 (Standard Provision A.1 - prohibition against nuisance).
11. The Board finds that in view of all the terms and conditions of this order, Cleanup and Abatement Order No. 84-002 is no longer necessary and should be rescinded.
12. The Board on May 16, 1984, after due notice to the discharger and other affected persons, conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
13. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED THAT Pacific Refining Company cease and desist from discharging wastes contrary to the requirements contained in Order No. 78-48. Compliance shall be achieved in accordance with the following specifications:

- A. The discharger shall comply with Effluent Limitation A.1. (BOD, Oil & Grease, and Phenolic Compounds) and A.3. (Toxicity) of Order No. 78-48 in accordance with the following schedule:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
1. Submit a report to the Board that describes in detail the process design changes that are proposed		by May 31, 1984
2. Install new inlet distribution system to biological treatment pond	by May 18, 1984	by June 1, 1984
3. Install pH monitoring and control system to improve treatment reliability and efficiency	by Sept. 1, 1984	by Sept. 15, 1984
4. Implement an enclosed emergency diversion system to provide adequate storage and surge capacity for the wastewater treatment system	by July 1, 1984	by July 15, 1984
5. Achieve full compliance	by Sept. 1, 1984	by Sept. 15, 1984
B. The discharger shall submit a report, reviewed and approved by a registered engineer, by September 30, 1984 which evaluates the effectiveness and reliability of the wastewater treatment system including completed modifications, and recommends further measures and an implementation time schedule necessary to improve the reliability of the wastewater treatment system to assure full and consistent compliance with the requirements of Order No. 78-48, as listed in Finding 2 of this Order.		
C. The discharger shall file written Self-Monitoring Reports for the month of March, 1984 by May 18, 1984, for the month of April, 1984 by May 31, 1984, and the month of May, 1984 by June 30, 1984. Thereafter, the discharger shall file written Self-Monitoring Reports regularly for each calendar month by the fifteenth day of the following month. The reports shall be submitted in accordance with Section F.3., Part A, of the discharger's Self-Monitoring Program.		
D. The Board intends to amend the Order to include a time schedule for facilities determined to be necessary as a result of the evaluation required in B. above.		
E. The Board continues consideration of compliance with Provision C.4 (Standard Provision A.1 - prohibition against nuisance) until such time as the Bay Area Air Quality Management District proceedings are concluded, provided that the Executive Officer is satisfied that substantial progress is being made in these proceedings.		
F. If the Executive Officer finds that the discharger has failed to comply with provisions of this Order, he is authorized after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.		

- G. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.
- H. The Board will consider rescission of this Order after the discharger has demonstrated 90 days of consistent compliance with the terms and conditions of this Order and Order No. 78-48.
- I. Cleanup and Abatement Order No. 84-002 is rescinded.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 16, 1984.

ROGER B. JAMES
Executive Officer