SDMS DOCID # 1150003

letters, Responses, Consent Order
and other documents for
CENCO / Powerine oil Co

	Date	type	from	To
1	12-17-97	letter	June	Mukul
2	12-18-97	"	"	Ahmed
3	1-20-98	"	"	Ahmed
4	2-12-98	"	"	Mukul
5	3-13-98	Response to SOV	"	"
copy 6	5-19-98	RCRA notice	Gerald Johnston	R. Hoffman
7	5-29-98	letter (for June mtg w/POC)	"	Ahmed
8	6-8-98	proposal/ background Cenco doc.	June	Mukul
9	6-11-98	Document/ background mtg w/ POC/DTS	"	DTSC (Mukul
10	July 2, 1998	Response to Inspection report	"	Mukul
11	Aug. 5, 98	Document Reduction of Volume in tank 1 & 2	"	"
12	Aug 11, 98	Alkyl Certification	"	DTSC
13	Aug 13,			
14	Jan. 8, 1999	Doc. on Cenco financial	"	Mukul

	Date	type	from	To
15	October 7, 99	Consent Order	~~CenCo~~ DTSC	CenCo
16	October 7, 99	"	"	"
17	October 21, 99	Response to Consent Order	CenCo	Florence
18	12-6-99	Sign sheet	DTSC / CenCo	
19	8-1991	Source for POC reduction		
20	7-14-98	to Notes & from	Norm Riley — Ahmed Makal — etc	
21	1-7-99	Notes (for Powerm)	Denise Hoffman	Every one
22.	April 21, 1999	Draft Env. Impact Rept for Cenco	City of Santa fe Spring	
23	9-13-98	Letter	LA times	
24	———	Regulation	———	
25	———	Cleanup abatement	WQCB Order 97-118	

1

DEC 1 8 1997

Powerine Oil Company

December 17, 1997

Mr. Mukul Agarwal
Cal/EPA
DTSC Region 3
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Mr. Agarwal:

Enclosed is a copy of the Closure Certification issued on October 2, 1995 for Powerine Oil Company's Alky Neutralization Unit Basins. The soil beneath the basins was analyzed and found to be non-hazardous. The basins were capped on June 19, 1995.

Please feel free to contact with any questions you may have.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ahmed Hegub
Ray Huie
File
Reader File

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2

DEC 2 4 1997

Powerine Oil Company

December 18, 1997

Ahmend E. Hegub, Ph.D.
Cal/EPA
Dept. of Toxic Substance Control
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Dr. Hegub:

Powerine requests a 30-day extension to respond to your Complaint Inspection Report received by Powerine on October 23, 1997 and due on December 22, 1997. As discussed with you, Powerine is waiting for the Department's official laboratory analyses prior to disposing of the wastes discussed in your report. Powerine is prepared to correct the violations as soon as we have the information required for disposal.

To date Powerine has requested and received several quotes for disposal of the hazardous waste drums noted in your report. These bids are based on a worst case assumption; that the drums contain RCRA waste. As you know, RCRA wastes have special handling and disposal requirements. Therefore, the difference in disposal cost between RCRA and non-RCRA is significant. Powerine is waiting for the Department's official laboratory analysis of the samples you obtained during your inspection of these drums so that Powerine can select the proper disposal method. The vendors submitting bids are experienced hazardous waste disposal companies capable of handling RCRA or non-RCRA type wastes.

In summary, Powerine requests a 30-day extension until January 21, 1997 to respond to your Complaint and Inspection Report. Please feel free to contact me or Ray Huie of my staff if you have questions.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ray Huie
File 41005.07
Reader File
(jmc\dtscinsp.doc)

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3

JAN 2 2 1998

Powerine Oil Company

January 20, 1998

Ahmend E. Hegub, Ph.D.
Cal/EPA
Dept. of Toxic Substance Control
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Dr. Hegub:

Powerine requests an additional 30-day extension to respond to your Complaint Inspection Report received by Powerine on October 23, 1997. As discussed with you in our prior correspondence, Powerine is waiting for the Department's official laboratory analyses prior to disposing of the wastes discussed in your report. Powerine is prepared to correct the violations as soon as we have the information required for disposal.

Powerine has requested and received several quotes for disposal of the hazardous waste drums noted in your report. In fact, the light ballasts potentially containing PCB that you noticed during your inspection were shipped off site for proper disposal yesterday. Once Powerine has received the Department's official analytical results for the other wastes, Powerine will need a few days in order to select the vendor and initiate the disposal process. In order not to rush the process and to ensure that all wastes are properly handled, Powerine requests an additional 30-day extension for waste disposal. This extension request is based on the assumption that Powerine will receive the Department's official laboratory analyses in January or early February.

In summary, Powerine requests a 30-day extension until February 20, 1998 to respond to your Complaint and Inspection Report. Please feel free to contact me or Ray Huie of my staff if you have questions.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ray Huie
File 41005.07
Reader File
(ray\dtscwext.doc)

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4

FEB 1 7 1998

Powerine Oil Company

February 12, 1998

Mr. Mukul Agarwal
California Environmental Protection Agency
Department of Toxic Substances Control
Statewide Compliance Division, Region 3
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Mr. Agarwal:

As discussed with you yesterday, Powerine Oil Company will be responding to the February 9, 1998 Summary of Violations ("SOV") issued by your staff in early March 1998. I believe the SOV misrepresents recycling activities at Powerine Oil Company and request that Powerine's response to the SOV be considered in your staff's Report of Violation. Unfortunately, I am leaving the country for the next two weeks and will not be able to respond to the SOV until early March, 1998.

Please feel free to contact me with any questions you may have.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ahmed Hegab

(jmc/dtscsov.doc)

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#

5

Powerine Oil Company

March 13, 1998

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

Re: Response to Summary of Violations Issued February 9, 1998

Dear Mr. Agarwal:

Powerine appreciates the opportunity to respond to the Department of Toxic Substances Control's ("the Department's") Summary of Violations ("SOV") issued by your staff on February 9, 1998. Responses to the individual violations cited by your staff are provided in Attachment 1. First however, I must take this opportunity to review Powerine's status with you.

As you may be aware, Powerine Oil Company's ("Powerine's") Refinery has temporarily suspended refining operations since mid-1995. Since that time, Powerine's Management has diligently pursued every possible option to restart the refinery and remains committed to a refinery restart in 1998. Powerine is currently negotiating with a party interested in purchasing and operating the refinery. In addition, several parties are interested in providing financing for the refinery restart. Powerine will continue to vigorously pursue these restart options.

If in the future, the startup plans fail to materialize, Powerine will be forced to liquidate. At that time Powerine will initiate refinery-wide remediation. Powerine would clean and dismantle the refinery equipment. Obviously, residual materials in the tanks would be properly disposed of at that time. After all equipment is removed, Powerine would remediate any contaminated soil and prepare the refinery property for sale. The lead agency responsible for oversight of Powerine's subsurface remedial activities is the Los Angeles Regional Water Quality Control Board ("LARWQCB"). The LARWQCB has agreed that remediation of any contaminated refinery soil is an activity that will be pursued only after refinery equipment is dismantled. Meanwhile, Powerine continues to monitor groundwater in the vicinity of the refinery.

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As discussed in more detail in Attachment 1, the allegations of storage of hazardous waste in the SOV are incorrect. All of the material in Tank #10006 and Tank #27105, which the Department has characterized as waste is viable feedstock material that will be further processed in Powerine's Delayed Coker Unit once the refinery is back in operation.

The Department must realize that Powerine is still a viable refinery and not an abandoned site. While the refinery has temporarily suspended refining operations, no hazardous waste is being generated. However, Powerine has, even with its limited resources, disposed of the hazardous waste remaining from past operations. There is currently no hazardous waste being stored at the refinery from past operations.

As mentioned above, Attachment 1 is Powerine's response to the February 9, 1998 SOV. I would have responded to the SOV sooner but, as you may recall, I was out of the country from February 12 through the beginning of March, 1998. Please feel free to contact me or Ray Huie of my staff with any questions you may have.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:rh

cc: Ahmed Hegab
Ray Huie
File 41005.07
Reader File

(ray/dtscsov1.doc)

Attachment 1
Powerine's Response to the SOV

1. Illegal Storage

Health and Safety Code (HSC) section 25201 (a) and 25213 (b).

Allegation: *Powerine stored in excess of 5000 gallons of hazardous waste (K050, F037 and F038) in tanks (#10006 and #27105) and failed to obtain from DTSC a hazardous waste storage permit or other grant of authorization.*

Response: Perhaps beginning here with a general discussion of how waste streams were handled throughout the refinery during normal operations would be helpful to the Department. As was appropriate, waste streams were segregated for recycling or disposal. For example, catalyst from individual reactors in the refinery was segregated, tested for hazardous constituents and appropriately handled. Specific waste streams, such as API separator sludge, were separately stored in Baker Tanks and prioritized for injection in the Delayed Coker Unit.

Reusable sludges and slop (off-specification products and intermediates) were routed to one of several tanks in the refinery. These tanks sit for some time to allow for gravity separation to occur and the resulting free floating hydrocarbon product to be recovered. The remaining sludge was then reused in the Delayed Coker Unit. The tanks may contain any or all of the following recyclable materials: refinery tank bottom sludge, residuals from cleaning process equipment, and slops or off-specification product or intermediate feedstocks.

From process knowledge, the contents of these tanks are known to be non-listed materials. The contents are not a waste, but reusable material within the refinery. Once the refinery resumes operations this material will be reintroduced into the Delayed Coker Unit.

2. Integrity Assessment

Title 22, Cal. Code Regs., section 66262.34 and 66265.191

Allegation: *Powerine failed to have on file a written integrity assessment reviewed by an independent qualified professional engineer that attests that its hazardous waste tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be transferred, stored or treated to ensure that it will not collapse, rupture or fail. To wit, there*

is no documented report to indicate the integrity of tank #10006 or tank #27105.

Response: From Powerine's process knowledge, these tanks do not contain wastes. The material is reusable hydrocarbon material waiting to be reintroduced into the refining process once the refinery comes back on-line. These tanks contain neither RCRA hazardous nor RCRA listed waste. Therefore, an integrity assessment as specified in Title 22 is not required.

Additionally, Section 66265.191 applies only to small and large quantity hazardous waste generators with tanks containing hazardous waste without secondary containment. All tank systems in the Powerine refinery have a secondary containment system. The tank farm areas are all bermed in accordance with Powerine's SPCC plan.

3. Illegal Disposal

HSC section 25189 (c)

Allegation: *Powerine caused the disposal of hazardous waste to a point not authorized by DTSC. Powerine mixed sand with wastewater treatment impoundment sludge (F037) and tank bottom (K052) which is RCRA listed hazardous waste, generated from emptying tanks and shipped these wastes as offsite roadbase feedstock.*

Response: Powerine has never sent any tank bottoms from the refinery to be used as roadbase. Confusion may have resulted from a comment by Powerine Environmental staff that vacuum residuum or asphalt tank bottoms are so benign that they **could** be used as roadbase.

We believe this particular allegation refers to roll-off bins and barrels in the southwest corner of the refinery. The material in these containers is not RCRA listed K037 or K-52 waste. Without question, the material is usable hydrocarbon consisting of vacuum residuum or asphalt tank bottoms and product.

There are two separate and distinct activities that produced this non-hazardous hydrocarbon feedstock.

At an unknown date long ago, one of Powerine's asphalt tanks (either tank 10004 or 10006) overflowed onto the ground in the tank farm. Given the known non-hazardous properties of asphalt, the asphalt was consolidated and left on the ground.

In 1992, Tank 96066 which contained vacuum residuum (asphalt) was taken out of service for roof repairs which required hot work (welding). In order to perform the hot work, the tank was cleaned and the tank bottoms removed during the cleaning of Tank 96066 were placed in drums and roll-off bins. The tank bottoms were analyzed to verify that they were non-hazardous. A copy of the 12-16-92 laboratory results is enclosed as Attachment A.

Powerine decided to handle the asphalt by melting it and returning it to Tank 10046, for asphalt sales or as feed to the Delayed Coker Unit. This project took a long time to accomplish because it was very labor- intensive and it took a long time to find an effective means of melting the asphalt. Eventually, after experiencing success in using Tank 96066 bottoms as asphalt, the former asphalt spill was scooped up from the ground and placed in roll-off bins to also be returned to the asphalt tank to be used as feed to the Delayed Coker or for sale.

The asphalt was never associated with the wastewater system. Therefore, EPA code F037 does not apply. Powerine's wastewater system remains active handling primarily washdown and rain water. Although sediments may be accumulating in the system, these wastes have not yet been generated.

The asphalt is also not leaded tank bottoms, therefore EPA Code K052 does not apply. EPA code K052 applies only to tank bottoms containing organic lead. The only substance which contained organic lead that was stored in the refinery in the past was leaded gasoline. Gasoline, unlike crude and other heavy products, does not tend to leave residuals after being stored in tanks. Powerine has not produced leaded gasoline for over a decade. There is no residual leaded gasoline in the refinery or the tanks. With the absence of organic lead, EPA Code K052 does not apply.

4. Title 22 Section 66262.11

Allegation: *Powerine failed to determine if the waste generated by the facility is hazardous.*

Response: Because the materials stored in Tanks 10006 and 27105 are not wastes, the material need not be characterized in accordance with Section 66262.11. Additionally, Section 66262.11 states "A person who generates a solid waste, as defined in 40CFR261.2, must determine if that waste is a hazardous waste using the following method:...(b)(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used and the characteristics set forth in Article 3 of Chapter 11 of this division." In short, hazardous characteristics of a waste may be determined by generator process knowledge. Oil refining is an established

chemical process. Materials are from know origins. Most process and waste streams are known. All waste known to Powerine to be hazardous is labeled as such. Materials that are not labeled are either not wastes or are known to be non-hazardous.

5. No Use of the Manifest

Title 22, Cal. Code Regs., section 66262.20 (a)

Allegation: *Powerine offered H.W. for offsite transfer, treatment, storage or disposal without manifests. The facility failed to use manifest for disposal from tank primary oil / water / solid separation sludge tanks (F037) and other listed K-waste and shipped as a recyclable materials.*

Response: Powerine believes this allegation is a result of the confusion over Powerine staff's comments with regard to Allegation 3. Once again, this material was not transferred offsite, is not a waste and is non-hazardous; therefore, no manifest was required. All hazardous waste that were shipped offsite for disposal and/or recycling have been manifested, and shipped by and to licensed facilities.

6. Operations

Title 22, Cal. Code Regs., section 66262.34 (a)(3) and possible 66265.31

Allegation: *Powerine failed to maintain and operate the facility in a manner that minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste constituent to air, soil which could threaten human health and environment. Suspected asbestos, friable, stored on the ground, wastewater, oily and asphalt on different section of facility's ground.*

Response: With regard to asbestos, Powerine never suspected that the pipes laying on the ground contained asbestos insulation. In the 1980's Powerine initiated a program to find and remediate asbestos-containing insulation throughout the refinery. Because of this, Powerine is confident that asbestos insulation has been either removed or encapsulated. To confirm Powerine's knowledge of no exposed asbestos, samples were taken of the insulation on the pipes laying on the ground. A copy of the analyses and photographs denoting sample locations are provided as Attachment B confirming that the pipes do not contain asbestos.

Powerine is permitted (LACSD permit #13539) to discharge wastewater meeting specific criteria to the public sewer system. Wastewater is stored in

tanks (tanks 55, 57 and 58). The wastewater is treated and discharged to LACSD through Powerine's sewer outfall. Before discharging, different layers of the wastewater tank are tested to meet the discharge criteria for pH, oil & grease, sulfides, thiosulfates, ammonia and RSH. Additional discharge parameters are tested and reported quarterly by an independent laboratory. A list of the additional analyses is available upon request. Wastewater is neither stored nor allowed to leak onto unlined, exposed ground. Once collected, even stormwater is not allowed direct contact with the exposed ground.

Asphalt is a product, not a hazardous waste. Additionally, it is non-hazardous. Asphalt on the ground in the asphalt tank farm area is from an overflow of an asphalt tank many years ago. The majority of this past spill was gathered and placed in bins for return to the asphalt tank for further processing in the Delayed Coker Unit or for sales.

7. Labeling

Title 22, Cal. Code Regs., section 66262.34 (a)(2), (f)(1) and (f)(3)

Allegation: *Powerine failed to label tanks 10006 and tank 27105, 55-gallon drums filled with asbestos, 55-gallon drum filled with acid batteries and other containers filled with hazardous waste with*

a- Date of accumulation began
b- Date 90-day storage period began
c- Composition and physical state (flammable,____etc).

Response: Tanks 10006 and 27105 are not labeled according to hazardous waste regulations because they do not contain hazardous waste.

Powerine believes that the remaining items listed in this allegation duplicate issues raised in the Department's Complaint Inspection Report dated October 11, 1997. The following is Powerine's response to the Compliant Inspection Report as well as Allegation 7.

Drums containing asbestos were stored in an area specifically created for the storage of the asbestos. This area is fenced and labeled as an area storing asbestos-containing materials. A single drum which was not covered was corrected before the Department inspector left the facility on his first inspection. All other drums containing asbestos were correctly stored and sealed at the time of the inspection. Since the inspection all drums in the asbestos storage area have been disposed of offsite as hazardous waste. Attachment C is the manifest for asbestos disposal.

The drum containing spent lead-acid batteries was labeled as containing lead-acid batteries; no date was marked. At the time of the inspection, Powerine had seven (7) spent lead-acid batteries in the HWAA. Having fewer than ten (10) batteries, Powerine is exempt from the requirements of storing the batteries as hazardous waste per Article 7, §66266.81. This drum of lead-acid batteries has since been removed from the refinery as documented by Attachment D.

After the Department's first inspection, the Department and Powerine agreed that Powerine would wait for the Department's laboratory analyses before disposing of the wastes described in the Department's report. Powerine received legible copies of the analyses in mid-February 1998. As of February 19, 1998 all RCRA hazardous and non-RCRA hazardous waste in the Hazardous Waste Accumulation Area (HWAA) was removed from the refinery. HTS, Inc. of Santa Fe Springs shipped the waste to a TSD facility in Missouri as documented in Attachment E. As of March 5, 1998, all known asbestos waste was removed from the refinery. HTS, Inc. of Santa Fe Springs shipped the asbestos to a landfill in Azusa, California as documented in Attachment C.

Attachment A

Western Atlas International
A Litton/Dresser Company

CORE LABORATORIES

LABORATORY TESTS RESULTS
01/20/93

JOB NUMBER: 922049 CUSTOMER: Powerine Oil Company ATTN: Ms. Judi R. Gardner

CLIENT I.D.....:
DATE SAMPLED.....: 12/16/92
TIME SAMPLED.....: 00:00
WORK DESCRIPTION...: TANK 66

LABORATORY I.D...: 922049-0007
DATE RECEIVED....: 12/18/92
TIME RECEIVED....: 12:10
REMARKS.....: 2, 8OZ-GLS 2, 4OZ-GLS-SOIL

Reg limits

TEST DESCRIPTION	FINAL RESULT	LIMITS/*DILUTION	UNITS OF MEASURE	TEST METHOD	DATE	TECHN
TCLP Volatiles		*1		EPA 8240	12/19/92	ST
Benzene 0.5	0.058	0.025	mg/l	EPA 8240		
Carbon tetrachloride	ND	0.025	mg/l	EPA 8240		
Chlorobenzene	ND	0.025	mg/l	EPA 8240		
Chloroform	ND	0.025	mg/l	EPA 8240		
1,2-Dichloroethane	ND	0.025	mg/l	EPA 8240		
1,1-Dichloroethene	ND	0.025	mg/l	EPA 8240		
Methyl ethyl ketone	ND	0.050	mg/l	EPA 8240		
Tetrachloroethene	ND	0.025	mg/l	EPA 8240		
Trichloroethene	ND	0.025	mg/l	EPA 8240		
Vinyl chloride	ND	0.025	mg/l	EPA 8240		
d4-1,2-Dichloroethane (SURROGATE)	112	0	% Recovery	92-133% QC LIMITS		
d8-Toluene (SURROGATE)	96	0	% Recovery	89-114% QC LIMITS		
Bromofluorobenzene (SURROGATE)	104	0	% Recovery	92-113% QC LIMITS		
TCLP Semivolatiles		*1		EPA 8270	12/28/92	ST
Date Extracted	12-21-92	0				
1,4-Dichlorobenzene	ND	0.020	mg/l	EPA 8270		
2,4-Dinitrotoluene	ND	0.020	mg/l	EPA 8270		
Hexachlorobenzene	ND	0.020	mg/l	EPA 8270		
Hexachlorobutadiene	ND	0.020	mg/l	EPA 8270		
Hexachloroethane	ND	0.020	mg/l	EPA 8270		
Nitrobenzene	ND	0.020	mg/l	EPA 8270		
Pentachlorophenol	ND	0.040	mg/l	EPA 8270		
Pyridine	ND	0.20	mg/l	EPA 8270		
Total Cresols	ND	0.020	mg/l	EPA 8270		
2,4,5-Trichlorophenol	ND	0.020	mg/l	EPA 8270		
2,4,6-Trichlorophenol	ND	0.020	mg/l	EPA 8270		
2-Fluorophenol (SURROGATE)	61	0	% Recovery	21-100% QC LIMITS		
d6-Phenol (SURROGATE)	42	0	% Recovery	10-94% QC LIMITS		
d5-Nitrobenzene (SURROGATE)	87	0	% Recovery	35-114% QC LIMITS		
2-Fluorobiphenyl (SURROGATE)	86	0	% Recovery	43-116% QC LIMITS		
2,4,6-Tribromophenol (SURROGATE)	94	0	% Recovery	10-123% QC LIMITS		
d14-Terphenyl (SURROGATE)	90	0	% Recovery	33-141% QC LIMITS		
CAM METALS SOLID		*1		EPA 6020	12/23/92	RVJ
Antimony (Sb)	ND	5.0	mg/kg	EPA 6020		
Arsenic (As)	ND	5.0	mg/kg	EPA 6020		
Barium (Ba) 10,000	200	5.0	mg/kg	EPA 6020		
Beryllium (Be)	ND	5.0	mg/kg	EPA 6020		
Cadmium (Cd)	ND	5.0	mg/kg	EPA 6020		
Chromium (Cr)	ND	5.0	mg/kg	EPA 6020		

1250 Gene Autry Way
Anaheim, CA 92805
(714) 937-1094

The analyses, opinions or interpretations contained in this report are based upon observations and material supplied by the client for whose exclusive and confidential [illegible] represent the best judgement of Core Laboratories. Core Laboratories, however, assumes no responsibility and makes no warranty or representation, express or implied [illegible] or other mineral property, well or sand in connection with which such report is used or relied upon for any reason whatsoever. [illegible]

Western Atlas International
A Litton/Dresser Company

CORE LABORATORIES

LABORATORY TESTS RESULTS
01/20/93

OB NUMBER: 922049 CUSTOMER: Powerine Oil Company ATTN: Ms. Judi R. Gardner

LIENT I.D.....:
ATE SAMPLED.....: 12/16/92
IME SAMPLED.....: 00:00
ORK DESCRIPTION...: TANK 66

LABORATORY I.D...: 922049-0007
DATE RECEIVED....: 12/18/92
TIME RECEIVED....: 12:10
REMARKS.....: 2, 8OZ-GLS 2, 4OZ-GLS-SOIL

EST DESCRIPTION		FINAL RESULT	LIMITS/*DILUTION	UNITS OF MEASURE	TEST METHOD	DATE	TECHN
Cobalt (Co)		ND	5.0	mg/kg	EPA 6020		
Copper (Cu)	2,500	21	5.0	mg/kg	EPA 6020		
Lead (Pb)	1,000	18	5.0	mg/kg	EPA 6020		
Mercury (Hg)		ND	10	mg/kg	EPA 6020		
Molybdenum (Mo)		ND	5.0	mg/kg	EPA 6020		
Nickel (Ni)	2,000	7.1	5.0	mg/kg	EPA 6020		
Selenium (Se)		ND	10	mg/kg	EPA 6020		
Silver (Ag)		ND	5.0	mg/kg	EPA 6020		
Thallium (Tl)		ND	5.0	mg/kg	EPA 6020		
Vanadium (V)	2,400	5.1	5.0	mg/kg	EPA 6020		
Zinc (Zn)	5,000	97	10	mg/kg	EPA 6020		
CLP Glass Jar Extraction		COMPLETED	-----	N/A	EPA 1310	12/21/92	GQ
[illegible]action For Metals		N/A	N/A	N/A	EPA 1310	12/28/92	CS
CLP Extraction Metals			*20		EPA 6020	12/29/92	RVJ
Arsenic (As)		ND	0.100	mg/l	EPA 6020		
Barium (Ba)	100	0.27	0.100	mg/l	EPA 6020		
Cadmium (Cd)		ND	0.100	mg/l	EPA 6020		
Chromium (Cr)		ND	0.100	mg/l	EPA 6020		
Lead (Pb)		ND	0.100	mg/l	EPA 6020		
Mercury (Hg)		ND	0.200	mg/l	EPA 6020		
Selenium (Se)		ND	0.200	mg/l	EPA 6020		
Silver (Ag)		ND	0.100	mg/l	EPA 6020		
Soil Aquatic Toxicity		>750	750	mg/l	Static	12/19/92	*AT
TCLP Zero Headspace Extraction		COMPLETED	N/A	N/A	EPA 1310	12/18/92	ST

1250 Gene Autry Way
Anaheim, CA 92805
(714) 937-1094

The analyses, opinions or interpretations contained in this report are based upon observations and material supplied by the client for whose exclusive and confidential use this report is made. The interpretation of this report represent the best judgement of Core Laboratories. Core Laboratories, however, assumes no responsibility and makes no warranty or representation [illegible] or other mineral property, well or sand in connection with which such report is used or relied upon for any reason whatsoever. This report [illegible]

Tank-66

GTEL Client Number:
Project I.D.: Core Laboratories
Work Order Number: T212275

ANALYTICAL RESULTS

Semi-Volatile Organics in Water
Modified EPA Method 8270[a]

GTEL Sample Number					
Client Identification		922049-7			
Date Sampled					
Date Extracted					
Date Analyzed		12-28-92			
Analyte	Reporting Limit, ug/L	Concentration, ug/L			
1,2,4-Trichlorobenzene	10	<10			
Naphthalene	10	98			
4-Chloroaniline	20	<20			
Hexachlorobutadiene	10	<10			
4-Chloro-3-methylphenol	20	<20			
2-Methylnaphthalene	10	150			
Hexachlorocyclopentadiene	10	<10			
2,4,6-Trichlorophenol	10	<10			
2,4,5-Trichlorophenol	10	<10			
2-Chloronaphthalene	10	<10			
2-Nitroaniline	50	<50			
Dimethyl phthalate	10	<10			
Acenaphthylene	10	<10			
3-Nitroaniline	50	<50			
Acenaphthene	10	12			
2,4-Dinitrophenol	50	<50			
4-Nitrophenol	50	<50			
Dibenzofuran	10	<10			
2,4-Dinitrotoluene	10	<10			
2,6-Dinitrotoluene	10	<10			

Table continued on next page

GTEL Client Number:
Project I.D.: Core Laboratories
Work Order Number: T212275

ANALYTICAL RESULTS

Semi-Volatile Organics in Water
Modified EPA Method 8270[a]

GTEL Sample Number					
Client Identification		992049-7			
Date Sampled					
Date Extracted					
Date Analyzed		12-28-92			
Analyte	Reporting Limit, ug/L	Concentration, ug/L			
Diethyl phthalate	10	<10			
4-Chlorophenylphenyl ether	10	<10			
Fluorene	10	<10			
4-Nitroaniline	50	<50			
4,6-Dinitro-2-methylphenol	50	<50			
N-Nitrosodiphenylamine[b]	10	<10			
4-Bromophenyl phenyl ether	10	<10			
Hexachlorobenzene	10	<10			
Pentachlorophenol	50	<50			
Phenanthrene	10	<10			
Anthracene	10	<10			
Di-n-butylphthalate	10	<10			
Fluoranthene	10	<10			
Pyrene	10	<10			
Butyl benzyl phthalate	10	<10			
3,3'-Dichlorobenzidine	20	<20			
Benzo[a]anthracene	10	<10			
bis(2-ethylhexyl)phthalate	10	<10			
Chrysene	10	<10			
Di-n-octyl phthalate	10	<10			

Table continued on next page

GTEL Client Number:
Project I.D.: Core Laboratories
Work Order Number: T212275

ANALYTICAL RESULTS

Semi-Volatile Organics in Water
Modified EPA Method 8270[a]

GTEL Sample Number					
Client Identification		922049-7			
Date Sampled					
Date Extracted					
Date Analyzed		12-28-92			
Analyte	Reporting Limit, ug/L	Concentration, ug/L			
Benzo[*b*]fluoranthene	10	<10			
Benzo[*k*]fluoranthene	10	<10			
Benzo[*a*]pyrene	10	<10			
Indeno[1,2,3-*c,d*]pyrene	10	<10			
Dibenz[*a,h*]anthracene	10	<10			
Benzo[*g,h,i*]perylene	10	<10			
Benzidine	50	<50			
Dilution Multiplier[c]					
2-Fluorophenol surrogate[d]	% Recovery				
Phenol-d5 surrogate[d]	% Recovery				
2,4,6-Tribromophenol surrogate[d]	% Recovery				
Nitrobenzene-d5 surrogate[e]	% Recovery				
2-Fluorobiphenyl surrogate[e]	% Recovery				
p-Terphenyl surrogate[e]	% Recovery				

a. Test Methods for Evaluating Solid Waste, SW-846, Third Edition, Revision 0, US EPA November 1986. Extraction by EPA Method 3510.

b. Cannot be separated from diphenylamine.

c. Indicates the adjustments made for sample dilution.

d. Acid surrogates expected results = 100 ug/L. Recovery acceptability limits are derived from US EPA Contract Laboratory Program (CLP) requirements.
2-Fluorophenol = 21-100%, Phenol-d5 = 10-94%, 2,4,6-Tribromophenol = 10-123%. Source = Supelco Lot #20931.

e. Base surrogates expected results = 50 ug/L. Recovery acceptability limits are derived from US EPA Contract Laboratory Program (CLP) requirements.
Nitrobenzene -d5 = 35-114%, 2-Fluorobiphenyl = 43-116%, p-Terphenyl = 33-141%. Source = Supelco Lot #LA30292.

Health Science Associates

Attachment B

LABORATORY REPORT

Report No.: 981802
Purchase Order: CASH
External No.:

RAY HUIE
POWERINE OIL COMPANY
12354 LAKELAND ROAD
SANTA FE SPRINGS CA 90670

Date Received: 10-FEB-98
Date Completed: 12-FEB-98
Date Sent: 17-FEB-98
Page 1 of 1

Analytical Method: EPA 600/R-93-116

RESULTS TABLE
Sample Count (3) / Separable Layers (3)

Sample No.	Description	Sample Homogeneity	Asbestos Fibers	Nonasbestos Fibers
#1 (137449)	BEIGE INSULATION	COMPOSITE	BELOW LIMIT OF DETECTION	CELLULOSE : 10 %
#2 (137450)	BEIGE INSULATION	COMPOSITE	BELOW LIMIT OF DETECTION	FIBROUS GLASS : 5 % SYNTHETIC : 5 %
#3 (137451)	BEIGE INSULATION	COMPOSITE	BELOW LIMIT OF DETECTION	CELLULOSE : 20 %

Remarks : Sample(s) and sampling data as provided by RAY HUIE

Analyst : JMB / LAN

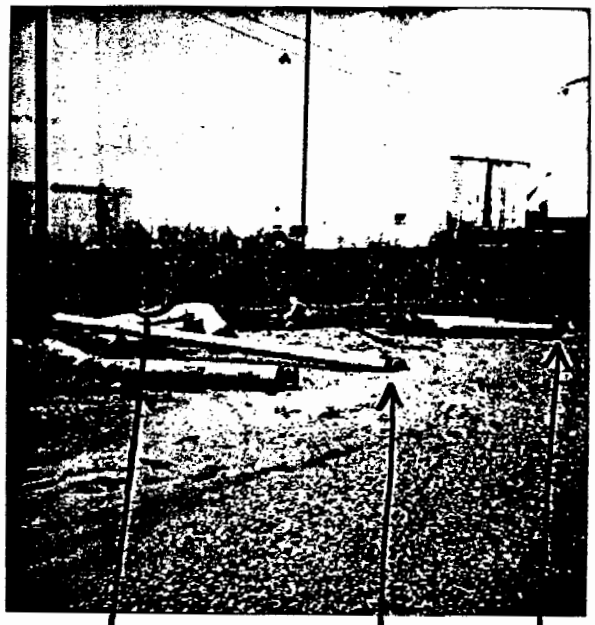
Reviewed by: Donald R. Bissing
Asbestos PLM Supervisor, Donald R. Bissing, PhD

AIHA ELLAP Accreditation No.: 10985
AIHA Accreditation No.: 172
California ELAP No.: 1406
NVLAP Accreditation No.: 101384

Technical Approval: Susan Rosenberg
Laboratory Director, Susan B. Rosenberg, CIH

10771 Noel St., Los Alamitos, CA 90720 714/220-3922 FAX 714/220-2081 e-mail hsa@earthlink.net

This report pertains only to the samples investigated and does not necessarily apply to other apparently identical or similar materials. This report is submitted for the exclusive use of the client to whom it is addressed. Any reproduction of this report or use of this Laboratory's name for advertising or publicity purposes without written authorization is prohibited.



sample 3 sample 2 sample 1
insulation samples

sample 1
insulation sample

sample 2
insulation sample

Sample 3
insulation sample

Attachment C

State of California—Environmental Protection Agency
Form Approved OMB No. 2050-0039 (Expires 9-30-99)
Please print or type. *Form designed for use on elite (12-pitch) typewrite*

Department of Toxic Substances Control
Sacramento, California

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.: CAD008383291 — Manifest Document No.: 98001 — 2. Page 1 of 1

Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address
Powerine Oil Company
12345 Lakeland Road
Santa Fe Springs CA 90670

4. Generator's Phone (562) 944-6111

5. Transporter 1 Company Name: Hazardous Waste Transportation Services, Inc.
6. US EPA ID Number: CAD981446156

7. Transporter 2 Company Name:
8. US EPA ID Number:

9. Designated Facility Name and Site Address
The Azusa Land Reclamation
1211 Gladstone Street
Azusa CA 91701
10. US EPA ID Number: CAD009007626

State Manifest Document Number: 97303534
State Generator's ID:
State Transporter's ID:
Transporter's Phone: (562) 906-0588
State Transporter's ID:
Transporter's Phone:
State Facility's ID: CAD009007626
Facility's Phone: (626) 334-0719

11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	Waste Number
a. RQ, Waste Asbestos, 9, NA2212, PGIII	014	DM	02400	P	
b.					
c.					
d.					

Additional Descriptions for Materials Listed Above: 11a) Friable Asbestos

Handling Codes for Wastes Listed Above: 03

15. Special Handling Instructions and Additional Information
USE PROPER SAFETY EQUIPMENT
DOT Emergency Guidebook
a) 171

BILL TO: HTS
Emergency Response Contact
(562)944-6111 or (562)906-0588

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name	Signature	Month Day Year
[signature]	[signature]	03 05 98

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month Day Year
STEVE BACHMAN	[signature]	03 05 98

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name	Signature	Month Day Year
Gloria Barrera	Gloria Barrera	03 06 98

GENERATOR — TRANSPORTER — FACILITY

IN CASE OF EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA, CALL 1-800-852-7550

97303534

DO NOT WRITE BELOW THIS LINE.

Yellow: TSDF SENDS THIS COPY TO GENERATOR WITHIN 30 DAYS.
(Generators who submit hazardous waste for transport out-of-state, produce completed copy of this copy and send to DTSC within 30 days.)

DTSC 8022A (4/97)
EPA 8700—22

This Shipping Order Must be legibly filled in, in Ink, in Indelible Pencil, or in Carbon and retained by the Agent.

Shipper's #

Carrier Agent's No.

RECEIVE, subject to the classifications and tariffs in effect on the date of the issue of this Shipping Order,

at SANTA FE SPRINGS 19____ from POWERINE

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown) marked, consigned and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

Consigned to HTS 11911 GREENSTONE (Mail or street address of consignee—For purposes of notification only.) (TRUSTONE BATTERY)

Destination SANTA FE SPRINGS State of ____ Zip Code ____ County of ____

Routing ____ Delivering Carrier ____ Vehicle or Car Initial ____ No. ____

Collect On Delivery

$ ____ and remit to: ____

Street ____ City ____ State ____

C. O. D. charge to be paid by { Shipper ☐ Consignee ☐

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column
7	X	BATTERIES, WET, ACID 8, UN2794 III	300	P	

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write or stamp here, "TO BE PREPAID."

Received $ ____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per ____

(the signature here acknowledges only the amount Prepaid.)

Charges Advanced:

$ ____

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE—Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ____ per ____

Shipper, Per ____

Permanent post-office address of shipper, 12345 LAKELAND ROAD, SANTA FE SPRINGS

☛ **Agent must detach and retain this Shipping Order and must sign the Original Bill of Lading.**

2

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

DEPARTMENT OF NATURAL RES[illegible]

DIVISION OF ENVIRONMENTAL [illegible]
Hazardous Waste Program
P.O. Box 176 Jefferson City, Missou
573-751-3176

Attachment E

THIS FORM ARE ON A SEPARATE SHEET.

CHEM TREC 1-800-424-9300 | DEPT. OF NATURAL RESOURCES 573-634-2436

Please print or type (Form designed for use on elite (12-pitch) typewriter.)

Form Approved OMB No 2050-0039, Expires 9-30-99

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.: CAD008383291 | Manifest Document No.:

2. Page 1 of 1 — Information in the shaded areas is required by State law.

3. Generator's Name and Mailing Address:
POWERINE OIL COMPANY
12345 Lakeland Road
Santa Fe Springs, CA 90670

4. Generator's Phone (562) 944-6111

A. Missouri Manifest Document Number: [redacted]

B. G.S.I. (Gen. Site Address):

5. Transporter 1 Company Name: Hazardous Waste Transportation Services, INc.

6. US EPA ID Number: CAD981446156

C. MO. Trans. ID:

D. Transporter's Phone: (562) 906-0588

7. Transporter 2 Company Name: Rust & Sons

8. US EPA ID Number: CAD981634116

E. MO Trans. ID: H2026

F. Transporter's Phone: (800) 444-6193

9. Designated Facility Name and Site Address:
Essex Waste Management, Inc.
1483 SW 58 Highway
Kingsville, MO 64061

10. US EPA ID Number: MOD980962849

G. State Facility's ID: 004037RR0257

H. Facility's Phone: (816) 732-5561

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers Number	Type	13. Total Quantity	14. Unit Wt/Vol.	I. Waste No.
a. Waste Ethylene Dichloride, 3, UN1184, PGII	001	DM	00055	G	EPA WASTE CODE D001 / STATE 211
b. RQ, Waste Corrosive Liquid, n.o.s., (Sulfuric Acid) 8, UN1760, PGIII	003	DF	00165	G	EPA WASTE CODE D002 / STATE 491
c. Hazardous Waste Liquid, n.o.s., 9, NA3082, PGIII	002	DM	00110	G	EPA WASTE CODE K51 / STATE 491
d. NON-RCRA Hazardous Waste Solid (Support Balls) (California Regulated Only)	011	DM	03900	P	EPA WASTE CODE NONE / STATE 352

J. Additional Descriptions for Materials Listed Above	K. HANDLING CODE (FACILITY USE ONLY) INTERIM	FINAL	COMMENTS
a. 9800469: Waste Ethylene Dichloride	a.		
b. 9800468: Sulfuric Acid Sludge	b.		
c. 9800467: API Sludge	c.		
d. 9800470: Ceramic Support Balls	d.		

15. Special Handling Instructions and Additional Information
USE PROPER SAEETY EQUIPMENT
DOT Emergency Guidebook
a) 129 b) 154 c) 171 d) None

BILL TO: HTS
Emergency Response Contact
(562)944-6111 or (562)906-0588

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and applicable state regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method available to me that I can afford.

Printed/Typed Name: ROBERT A. WENOM | Signature: [signature] | Month Day Year: 02 19 98

17. Transporter 1 Acknowledgement of Receipt of Materials | Date

Printed/Typed Name: STEVE BACHMAN | Signature: [signature] | Month Day Year: 02 19 98

18. Transporter 2 Acknowledgement of Receipt of Materials | Date

Printed/Typed Name | Signature | Month Day Year

19. Discrepancy Indication Space

20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. | Date

Printed/Typed Name | Signature | Month Day Year

GENERATOR / TRANSPORTER / FACILITY

EPA Form 8700-22 (Rev. 6-91) MDNR-HWG 10 PREVIOUS EDITIONS ARE OBSOLETE

CONTAINS 50% RECYCLED PAPER WHICH INCLUDES NOT LESS THAN 20% POST CONSUMER WASTE.

MISSOURI MANIFESTED COPY - PART 1

BY THE DESIGNATED

6

JUL 0 2 1998

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards

Peter M. Rooney
Secretary for Environmental Protection

Pete Wilson
Governor

MEMORANDUM

TO: Robert P. Hoffman
Chief Counsel
Department of Toxic Substances Control

FROM: Gerald G. Johnston MB
Deputy Secretary for Law Enforcement
and Counsel

DATE: May 19, 1998

SUBJECT: RESOURCE CONSERVATION AND RECOVERY ACT NOTICE

Attached please find RCRA notice(s) and/or materials which have been received by the California Environmental Protection Agency. If you have any questions, please call me at 327-2064.

Attachment(s)

555 Capitol Mall • Suite 525 • Sacramento, California 95814 • (916) 445-3846 • Fax: (916) 445-6401

Printed on Recycled Paper

ISOLA ◆ BOWERS, LLP
ATTORNEYS AT LAW

SECOND FLOOR
701 SOUTH HAM LANE
LODI, CALIFORNIA 95242
TELEPHONE (209) 367-7055
FACSIMILE (209) 367-7056

May 1, 1998

VIA REGISTERED MAIL
No. R 785 840 483

TEXACO, INC., AS SUCCESSOR IN
INTEREST TO GETTY OIL COMPANY
Attention: Ms. Christine White
10 Universal City Plaza
Universal City, California 91608-7812

RE: NOTICE OF ENDANGERMENT UNDER §7002(b)(2)(B) OF THE SOLID WASTE DISPOSAL ACT, AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, 42 U.S.C. §6972(b)(2)(B).

Dear Ms. White:

This letter constitutes a notice of endangerment under §7002(b)(2)(B) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as further amended by the Hazardous and Solid Waste Amendments of 1984 and further amended by the Asset Conservation, Lender Liability and Deposit Insurance Protection Act of 1996 ("RCRA").

Please be advised that Powerine Oil Company, Inc. ("Powerine") is a corporation organized and existing under the laws of the State of California. Powerine is the owner of real property located at 12345 Lakeland Road, Santa Fe Springs, California and at the northeast corner of Bloomfield Avenue and Lakeland Road, Santa Fe Springs, California ("SFS Properties"). On or about August 23, 1997, the California Regional Water Quality Control Board-Los Angeles Region ("RWQCB") adopted Cleanup and Abatement Order No. 97-118 ("CAO"), requiring *inter alia* that Powerine investigate cleanup, and otherwise abate soil and groundwater contamination allegedly associated with its SFS Properties. Further pursuant to the CAO, Powerine must investigate, cleanup, and otherwise abate soil and groundwater contamination allegedly associated with a historic leasehold interest held by Powerine on a portion of a twenty-two (22) acre parcel of real property located at 11240 Bloomfield Avenue in Santa Fe Springs, California ("Walker Property").

The SFS Properties, and Powerine's use and enjoyment of the SFS Properties have been impacted by Texaco, Inc.'s, as successor in interest to Getty Oil Company ("Texaco"), contributing to and/or

having contributed to the past or present or, potentially, future handling, storage, treatment, transportation or disposal of hazardous waste, as that term is defined in Section 1004(27) of RCRA, 42 U.S.C. §6903(27), including but not limited to: cis-1,2-dichloroethene, Vinyl Chloride, 1,1-dichloroethane, Benzene, Total Petroleum Hydrocarbons as Gasoline (TPH-g), Isopropylbenzene, n-propyl benzene, sec-butyl benzene, PCBs (Aroclor 1248, 1254, and 1260), Lead, Barium, Toluene, Ethylbenzene, Xylenes, Tetrachloroethene (PCE), Trichloroethene (TCE), 2-methyl-naphthalene, Benzo(a)pyrene, Benzo(b)flouranthene, Chrysene, Fluorene, Naphthalene, Phenanthrene, Pyrene, TPH-gasoline, TPH-diesel.

These substances discharged into the environment by Texaco and/or Texaco's lessees (other than Powerine) at the Walker Property have intermingled with other sources of contamination to create a single and indivisible harm at and emanating from the Walker Property, and, as a result, have presented and may present in the future an imminent and substantial endangerment to health and the environment at the Walker Property and in the surrounding environment, including the surface and sub-surface soils and groundwater. Powerine's initial investigation results suggest that contaminants originating from the Walker Property, including but not limited to benzene, have commingled with other contaminants found in regional groundwater. Pursuant to the terms of the CAO, Powerine is presently liable for investigating and remediating this regional groundwater problem.

As such, please be advised that Powerine intends to commence in no fewer than ninety days following issuance of this Notice and diligently prosecute to completion a civil action against Texaco and any other responsible parties that Powerine might subsequently uncover. Powerine has the right to file a civil action following ninety days after issuance of this Notice pursuant to Section 7002(a)(1)(B) of RCRA, 42 U.S.C. §6972(a)(1)(B). Powerine will commence this civil action unless Texaco and Powerine reach a settlement of the matters alleged herein in the form of an Agreed Injunction, Consent Decree, or other appropriate relief which adequately resolves the matters alleged in this Notice, which properly remedies the adverse public health and environmental endangerment, and which receives the approval of the United States District Court for the Central District of California. In this civil action, Powerine will seek preliminary and final injunctive relief pursuant to RCRA Section 7002(a)(1)(B), 42 U.S.C. §6972(a)(1)(B), together with its litigation costs, including attorneys' and expert witness fees and costs.

DEFINITIONS

1. **Barium** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

2. **Benzene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

3. **Benzo(a) pyrene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(k).

4. **Benzo(b) flourantiene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(k).

5. **Chrysene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

6. **cis-1,2-Dichloroethene: cis-1,2-Dichloroethene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

7. **1,1-Dichloroethane: 1,2-Dichloroethane** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

8. The term **"discharge"** as used herein means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water as provided in 40 C.F.R. §260.10.

9. The term **"disposal"** as used herein means as the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater, as provided in 42 U.S.C. §6903.

10. **Ethylbenzene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

11. The term "**facility**" as used herein means all contiguous land, and structures, other appurtenances and improvements on land used for treating, storing, or disposing of **hazardous waste** as provided in 40 CFR 260.10.

12. **Fluorene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

13. The term "**generator**" as used herein means any person, by site, whose act or process produces hazardous waste identified or listed in Subchapter III of RCRA, or whose act first causes a hazardous waste to become subject to regulation.

14. The term "**hazardous waste**" as used herein means shall have the meaning set forth in 40 CFR 261.3.

15. **Isopropylbenzene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

16. **Lead** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(k).

17. **2-methyl-naphthalene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

18. **Naphthalene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

19. **n-propyl benzene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

20. The term "**operator**" as used herein means the person who is responsible for the overall operation of a facility, as provided in 40 C.F.R. §260.10.

21. The term "**owner**" as used herein means the person who owns a facility or part of a facility, as provided in 40 C.F.R. §260.10.

22. **Phenanthrene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

23. **Pyrene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

24. **Sec-butyl benzene** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

25. **Toluene** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

26. **Total Petroleum Hydrocarbons as Gasoline (TPH-g)** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

27. **Total Petroleum Hydrocarbons as Diesel (TPH-d)** is a hazardous waste subject to the provisions of RCRA, as defined by 42 U.S.C. 6903(5).

28. **Tetrachloroethene (PCE)** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

29. **Trichloroethene (TCE): Trichloroethene (TCE)** is a listed **hazardous waste** subject to the provisions of Subchapter III as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

30. **Vinyl Chloride** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

31. **Xylenes** is a listed hazardous waste subject to the provisions of Subchapter III of RCRA, as defined by 42 U.S.C. 6903(5) and further defined in 42 U.S.C. 6921(b) and as further listed pursuant to 40 C.F.R. § 261.33(f).

Powerine Oil Company

JUN 0 2 1998

May 29, 1998

Ahmed Hegub, PhD.
California Environmental Protection Agency
Department of Toxics Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Dr. Hegub:

Thank you for returning my phone call yesterday regarding a meeting between Department and Powerine staff to discuss the Report of Violations ("ROV") you issued following an inspection you conducted at Powerine Oil Company. We discussed the fact that your Branch Chief will not be available until the second week in June, at the earliest. Mukul Agarwal contacted me today and we have tentatively scheduled a meeting for June 11th at 10:00 a.m. in the Department's offices. If our June 11th meeting must be rescheduled, I am available to meet with Department staff any time during the weeks of June 8th or June 15th with the exception of June 12th and 19th and the morning of June 17th. We agreed that we would have this meeting before Powerine submits its formal response to your ROV.

Accordingly, Powerine will require a 15-day extension to respond; and therefore, requests an extension until June 23, 1998 to submit its formal response to your ROV.

Please feel free to contact with any questions you may have.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ray Huie
File 41005.07
Reader File
(jmc/dtscsov2.doc)

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 944-8522

CENCO Refining Company

FAX TRANSMITTAL COVER SHEET

DATE: June 8, 1999

TO: Mukul Agarwal
DTSC

FAX: 818-551-2850

FROM: June Christman

Number of pages including cover page: 20

NOTE: Originals with enclosures will be sent by:

- ☐ U.S. Mail
- ☐ Overnight Courier
- ☐ Messenger
- ☒ Will not be sent

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41005 07

CENCO Refining Co.

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 903-8911

April 9, 1999

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

Dear Mr. Agarwal:

Last week we had another discussion regarding CENCO's status and I updated you on CENCO's financing activities. You requested that I provide you with additional evidence of CENCO's good intentions to resolve our issues with the Department of Toxic Substances Control (the Department) by demonstrating that CENCO continues to eliminate financing obstacles and is indeed close to receiving the financing it requires to resume refinery operations. The high yield bond market remains strong and the recent increase in gasoline prices in California makes CENCO's bond offering extremely attractive. Financing is imminent, and CENCO anticipates receiving funding during the first week in May 1999.

CENCO's confidence in receiving financing increases as we continue to eliminate obstacles to obtaining the financing. My January 8, 1999 letter to you detailed the major obstacles CENCO has already overcome to allow financing to proceed, specifically the bond market collapse of 1998 and reinstatement of the Refinery air quality permit. We discussed another obstacle to resumption of refining that was eliminated when CENCO, the real party in interest in the lawsuit *Communities for a Better Environment v. City of Santa Fe Springs*, prevailed in court over every challenge CBE made to the City of Santa Fe Spring's actions to modify CENCO's Conditional Use Permit (CUP). The background and a summary of the current status of these issues are provided below.

During 1998 as part of its due diligence assessment to acquire the Refinery, CENCO approached the City of Santa Fe Springs (The City). to address any issues that the City had with resumption of refining. The City responded that it wanted safety and environmental improvements made at the Refinery prior to resuming refining. Exhibit A is a copy of the Supplemental Conditions that were ultimately approved after numerous meetings and months of negotiations between CENCO and the City.

On September 2, 1998, the City authorized the supplemental conditions to the Refinery's CUP, which is necessary for Refinery operations, in conjunction with the proposed reactivation of the Refinery. The City determined that this approval was exempt from CEQA. Its decision was challenged in a lawsuit filed by Communities for a Better Environment (CBE), a statewide environmental health organization, which purports to have members who live in and around Santa Fe Springs. CBE claimed, among other things, that the City's determination should have been subject to CEQA review, including prior public review and comment. On March 12, 1999 CBE v. City of Santa Fe Springs and CENCO Refining Company, was heard in Superior Court, County of Los Angeles, Central District, BC 198661. The court upheld the City's action.

The final issue that was raised by Warburg Dillon Read LLC, the underwriter of the bonds, is that they require certainty that the scope of work required to reactivate and complete improvements to the Refinery can be accomplished for a specific amount. CENCO has been negotiating with an engineering, procurement and construction (EPC) contractor. The EPC contractor will be responsible for management of the vast majority of fieldwork required to complete reactivation of and improvements to the Refinery. CENCO and the EPC contractor have agreed to the terms of the formal contract, which will be executed between CENCO and the EPC contractor. On April 6, 1999, CENCO and the EPC contractor signed a memorandum of understanding (MOU) memorializing the terms to be included in the contract. The final contract will be signed within the next two weeks and will enable the bond offering to proceed as planned. As stated above, CENCO anticipates that this will enable receipt of financing during the first week of May 1999.

In light of CENCO's progress made to date and its imminent receipt of financing, CENCO requests that the Department consider allowing additional flexibility, up to a maximum of 90 days to trigger condition 2 of CENCO's January 8, 1999 revised proposal to the Department. Additionally, CENCO is interested in pursuing a creative settlement with the Department to resolve these issues. CENCO is evaluating environmentally beneficial projects, which would be implemented at its Refinery in lieu of cash penalties. We look forward to discussing a creative settlement with you in the next several weeks.

Please feel free to contact me with any questions you may have.

Truly yours,

June Christman

June Christman

ORIGINAL FILED

SEP 02 1998

LOS ANGELES, COUNTY CLERK

City of Santa Fe Springs

11710 Telegraph Road • CA • 90670-3658 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

Notice of Exemption

To: [ ] Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

[X] County Clerk
County of Los Angeles
Environmental Filings
12400 E. Imperial Highway #1101
Norwalk, CA 90650
Attention: Angel Shells

From: City of Santa Fe Springs
11710 E. Telegraph Road
Santa Fe Springs, CA
90670-3658

Project Title: Installation of health and safety protection devices and other safety related modifications and improvements, including the restoration or rehabilitation of deteriorated or damaged mechanical equipment to meet current public health and safety standards, related to the continuation of refinery process operations at the existing CENCO (former Powerine) Oil Refinery facility

Project Location - Specific: 12354 Lakeland Road, the approximately 65 acre refinery facility bounded by Florence Avenue to the north, Lakeland Road to the south, east of Norwalk Boulevard, and located on both the east and west sides of Bloomfield Avenue, in the M-2, Heavy Manufacturing zone, within the City of Santa Fe Springs, as shown on the attached map.

Project Location - City: *Santa Fe Springs* Project Location - *County: Los Angeles*

Description of Nature, Purpose, and Beneficiaries of Project: The Nature and Purpose of the Project is to install new public health and safety related improvements and modifications, including actions to restore or rehabilitate deteriorated or damaged equipment to current health and safety standards, related to the continuation of refinery process operations at the existing petroleum refinery. The installation of said health and safety improvements and modifications, including the restoration or rehabilitation of damaged or deteriorated equipment to current fire, life safety and environmental standards, will directly benefit the employees of the refinery facility and the community in general, while also providing greater protection to the environment.

City of Santa Fe Springs
11710 Telegraph Road • CA • 90670-3658 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

September 2, 1998

Mr. Nelson Happy
Chief Executive Officer
CENCO Refining Co.
1000 Regent University Drive
Virginia Beach, Virginia 23464

Dr. Mr. Happy:

SUBJECT: Conditional Use Permit No. 323

In accordance with Condition No. 20 of Section II of Resolution No. 19-80 approved by the Planning Commission of the City of Santa Fe Springs, you are hereby authorized to install new health and safety related improvements and modifications in conjunction with the continued operation of the existing (former Powerine) refinery subject to your complying with the list of health and safety related conditions attached as Exhibit A.

This approval is not effective until the attached Affidavit has been signed, notarized, and returned to this office to indicate your willingness to accept and abide by the conditions of this approval.

Concurrent with this approval letter, a Notice of Exemption prepared in accordance with the California Environmental Quality Act is being filed with the County Recorder. A copy of the Notice of Exemption is attached for your files.

Very truly yours,

ROBERT G. ORPIN
Director of Planning and Development

cc: Donald R. Powell, City Manager
Steve Skolnik, City Attorney

11710 Telegraph Road • CA • 90670-3658 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

DEPARTMENT OF PLANNING AND DEVELOPMENT

ACCEPTANCE OF CONDITIONS

AFFIDAVIT

I, _____, HEREBY STATE THAT I am the owner, or the authorized agent of the owner, of property subject to Conditional Use Permit No. 323.

I FURTHER STATE THAT I have read, understand, and accept, and will comply with all of the "Supplemental Conditions of Approval" attached as Exhibit A.

I AM ALSO AWARE THAT if any of the provisions of this approval are violated or held to be invalid, or if any law, statute, or ordinance is violated, the Permit shall be void and the privileges granted thereunder shall lapse.

_____
Signature

_____
Title

_____
Company Name

_____
Mailing Address

_____

_____
Phone

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

Subscribed and sworn to before me, this _____ day of _____, 1998.

_____
Notary Public

EXHIBIT A

SUPPLEMENTAL CONDITIONS OF APPROVAL
FOR
CONDITIONAL USE PERMIT CASE NO. 323
CENCO REFINING CO. REFINERY
12345 Lakeland Road
Santa Fe Springs, CA 90808

The following Supplemental Conditions of Approval are being added to Conditional Use Permit Case No. 323 pursuant to Condition No. 20 of Planning Commission Resolution No. 19-80, thus not requiring any amendment to said Conditional Use Permit, and are limited to health and safety conditions to protect and enhance the environment.

SECTION I - RAILROAD TANK CARS

New railroad tank car safety-related technologies or conditions may be added as deemed appropriate by the Fire Department.

1. The loading and unloading of tank cars shall comply with the requirements of UFC 7904.5 including the installation of foam and/or water sprinkler protection systems as approved by the Fire Department.

2. CENCO shall provide manual and/or automatic fire suppression systems which provide coverage for all tank cars that contain Class I flammable or Class II combustible liquids; flammable gases; toxic or highly toxic liquids or gases, extremely hazardous substances as defined by 40 CFR Part 355 Appendix A; and any other chemicals deemed hazardous by the City of Santa Fe Springs Fire Department which are plumbed for off loading and/or filling. In certain instances, manually activated monitor nozzles connected to the underground water supply may be provided in lieu of an automatic fire suppression system for rail siding protection. An adequate number of nozzles shall be provided such that all tank cars that are connected for unloading shall be protected. Nozzles shall be capable of remote activation from a safe location.

3. CENCO shall provide automatic and manual shut-off valves and secondary containment if CENCO loads tank cars on-site and unloads tank cars by pressurizing the car, pumping the liquid under pressure or using a bottom connection. CENCO shall also provide a hazardous gas detector in the site drainage system and at other approved locations to detect a spill of liquid on-site that might otherwise go unnoticed. The detector shall sound an alarm if the Short Term Exposure Limit (STEL) or 10% of the Lower Explosive Limit (LEL) is exceeded. The hazardous gas detector shall be connected to a local visual and audible alarm, at a location in the refinery that is manned 24 hours per day, and at Station 1 of the Santa Fe Springs Fire Department.

4. CENCO shall provide secondary containment for all in-use tank cars, piping, pumps and related storage and use vessels. Containment shall be provided for all hazardous as well as industrial grade liquids. Fire suppression water and foam runoff shall be contained. Piping utilized for unloading tank cars and extending beyond the limits of areas provided with secondary containment or drainage shall be provided with liquid receptors that shall capture leakage and route leaked liquids to an area provided with secondary containment or drainage. Flexible connections used to connect to tank cars shall be mounted at a level above fixed piping and above the top of tank cars so that if a leak in such a connection occurs, liquid will drain from the connecting line into the tank car upon loss of suction. Drainage shall be to an approved location.

5. CENCO shall ensure that all non-emergency vents from tank cars shall be connected into an approved scrubber, treatment system, or vapor recovery system. Where a STEL may be exceeded upon loading or unloading of the tank car, CENCO shall install a scrubber, treatment system, or vapor recovery system to reduce any emissions to below applicable STELs.

6. CENCO shall provide sensors which automatically shut off pumps utilized for loading or unloading of tank cars. Sensors shall also activate a local audible and visual alarm. In order to properly implement the sensors, CENCO shall set up a central control center in the refinery to monitor all alarms from the sensors on the air monitoring system, hazardous gas detectors at the loading racks and storage tank site drainage systems. The control center shall also contain the monitors for all the video cameras in the refinery. The control center shall be manned 24 hours per day and the Fire Department shall be notified immediately by CENCO of any alarm condition or release that has the potential for impacting the surrounding community. CENCO shall install a monitor that records all alarm conditions and provide a copy of the alarm record to the Fire Department on a monthly basis. An evaluation of CENCO's notification practices shall be performed monthly after the continuation of refinery processing operations to determine CENCO's performance in timely notification of the Fire Department. Unacceptable performance as determined by the Fire Department shall result in CENCO connecting the alarms to a U.L. listed central station.

SECTION 2 - TANK VEHICLES

1. CENCO shall install foam and/or water sprinkler protection systems as approved by the Fire Department and shall comply with all of the requirements of UFC 7904.5 in connection with the loading and unloading of tank vehicles.

2. CENCO shall provide automatic fire suppression systems which provide coverage for all tank vehicles that contain Class I flammable or Class 11 combustible liquids; flammable gases; toxic or highly toxic liquids or gases, extremely hazardous substances as defined by 40 CFR Part 355 Appendix A; and any other chemicals deemed hazardous by the City of Santa Fe Springs Fire Department which are plumbed for off loading and/or filling. A system designed by a professional Fire Protection Engineer may be installed in lieu of an automatic system. Any system shall be approved by the Fire Department prior to installation.

3. CENCO shall provide a remote drainage system and a manual or automatic fire protection system for tank vehicles that are loaded and unloaded; said tank vehicles shall only be loaded or unloaded in locations approved by the Fire Department. CENCO shall also provide a hazardous gas detector at approved locations to detect a release of hazardous material on-site that might otherwise go unnoticed. The detector shall sound an alarm if the STEL or 10% of the lower explosive limit (LEL) is exceeded. The hazardous gas detector shall be connected to a local visual and audible alarm and at a location in the refinery that is manned 24 hours per day.

4. CENCO shall provide secondary containment for all in-use tank vehicles. Containment shall be provided for all hazardous as well as industrial grade liquids. Fire suppression water and foam runoff shall be contained. Drainage shall be to an approved location.

5. CENCO ensures that all non-emergency vents from tank vehicles shall be connected into an approved scrubber, treatment system, or vapor recovery system. Where a STEL may be exceeded upon loading or unloading of the vehicle, CENCO shall install a scrubber, treatment system, or vapor recovery system to reduce any emissions to below applicable STELs.

SECTION 3 - STATIONARY TANKS & OTHER CONTAINERS

1. CENCO shall install flanges (for foam nozzles) on all gasoline and gasoline blendstock storage tanks prior to the continuation of refinery processing operations. Installation of the foam nozzles and associated piping on these gasoline tanks shall be installed on a schedule whereby 25% is completed by December 31 each year beginning in 1999. The installation of the foam nozzles and associated piping on the remaining storage tanks shall commence in 2004 with 25% being completed by December 31 each year. Manual or Automatic fire suppression systems shall be provided for tanks that contain flammable gases, toxic or highly toxic liquids or gases, extremely hazardous substances as defined by 40 CFR Part 355 Appendix A, ammonia, chlorine, sulfuric acid, and any other hazardous materials deemed by the Fire Department to have the potential for offsite consequences. WHICH ARE PLUMBED FOR OFFLOADING AND/OR FILLING

2. CENCO shall provide stationary tanks with liquid level limit alarms. Stationary tanks that contain flammable gases, toxic or highly toxic liquids or gases, extremely hazardous substances as defined by 40 CFR Part 355 Appendix A, or other hazardous materials deemed by the Fire Department to have potential offsite consequences shall be equipped with remotely controlled valves prior to the continuation of refinery processing operations. CENCO shall pay for a consultant retained by the City to evaluate the applicable recognized standards and industry practices for the storage of Class I flammable liquids in above ground storage tanks. The consultant's evaluation shall take into consideration the applicability of remote control valves and other safety related equipment. The consultant's evaluation shall be completed a minimum of 60 days prior to the continuation of refinery processing operations. Recommendations from this evaluation shall be implemented in a manner and time frame approved by the Fire Department. CENCO shall provide hazardous gas detectors in the site drainage system at the inlet to any containment ponds to detect a spill of liquid on-site that might otherwise go unnoticed or exceed a STEL or 10% LEL. The hazardous gas detector shall be connected to a local visual and audible alarm and at a location that is manned 24 hours a day.

3. CENCO shall provide secondary containment (a drainage and/or containment system) for all in-use tanks, drums, tote bins, piping, pumps and related storage and use vessels. Containment shall be provided for all hazardous as well as industrial grade liquids. Fire suppression water and foam runoff shall be contained. Drainage shall be to an approved location. Tote bins containing waste paper, lumber, scrap metal, and similar materials are excluded from this requirement.

4. CENCO shall ensure that all non-emergency vents from stationary tanks and other related vents shall be connected into an approved scrubber, treatment system, or vapor recovery system. Where a STEL may be exceeded upon loading or unloading of the tank, CENCO shall install a scrubber, treatment system, or vapor recovery system to reduce any emissions to below applicable STELs. Emergency vents for toxic and highly toxic liquids and gases shall discharge to an approved scrubber, treatment system, or vapor recovery system.

5. In order to meet current standards of public Health and Safety, and related to the improvements required in Sections 1,2,4 and 5, CENCO shall complete a Spill Prevention Control and Countermeasure (SPCC) Plan and have the plan stamped by a licensed Professional Engineer (PE) prior to the continuation of refinery processing operations.

6. All floating lid tanks shall be inspected and a report submitted as to their integrity prior to the continuation of refinery processing operations.

7. CENCO shall install intermediate dikes between aboveground storage tanks at locations approved by the Fire Department. Dikes shall be a minimum of 18 inches in height and shall be installed on a schedule whereby 25% is completed by December 31 of each year, beginning in 1999.

8. At a minimum, CENCO shall install sensors and automatic shut-off valves on all storage vessels that contain chlorine or ammonia.

9. CENCO shall design, install and maintain an air monitoring system to continuously monitor at the property fence line and at specific locations within the refinery the ambient concentrations of the following compounds: combustible gas, chlorine, ammonia, hydrogen sulfide, and sulfur dioxide. The system shall automatically trigger an audible and visual alarm if the listed threshold concentration of a compound is exceeded. Whenever an alarm is triggered, CENCO shall immediately investigate the source of the emissions and take corrective action to mitigate such emissions. If an established concentration is exceeded, the air monitoring system shall automatically notify the Santa Fe Springs Fire Department immediately. CENCO shall set up a central control center in the refinery to monitor all alarms from the sensors on the air monitoring system, hazardous gas detectors at the loading racks and storage tank site drainage systems. The control center shall also contain the monitors for all the video cameras in the refinery. The control center shall be manned 24 hours per day and the Fire Department shall be notified immediately by CENCO of any alarm condition or release that has the potential for impacting the surrounding community. CENCO shall install a monitor that records all alarm conditions and provide a copy of the alarm record to the Fire Department on a monthly basis. An evaluation of CENCO's notification practices shall be performed monthly after the continuation of refinery processing operations to determine CENCO's performance in timely notification of the Fire Department. Unacceptable performance as determined by the Fire Department shall result in CENCO connecting the alarms to a U. L. listed central station. The list of compounds and the threshold concentrations shall be approved and subject to annual review and modification by the Fire Department. If the list of compounds is updated, CENCO shall have the system modified to accommodate any changes in a time frame approved by the Fire Department.

NOT NEW

10. CENCO shall install a Fire Department approved foam suppression system in the Rothschild containment pond.

11. In order to meet current standards of public Health and Safety, CENCO shall obtain approved plans for any Underground Storage Tank installations prior to tanks being brought on site.

NOT NEW

12. CENCO shall ensure that entire facility meets secondary containment requirements.

13. CENCO shall ensure that distribution racks meet secondary containment requirements, are protected by an approved fire suppression system, have a gas sensor system which sounds a local alarm if the STEL or 10% of the lower explosive limit (LEL) is exceeded, and are equipped with shut-off valves capable of activation from remote locations.

14. CENCO shall install a television camera and panic button at each loading and unloading rack area.

SECTION 4 - GENERAL HEALTH AND SAFETY DEVICE INSTALLATION AND REHABILITATION OR RESTORATION OF EXISTING EQUIPMENT RELATED TO THE EXISTING CENCO ALKYLATION SYSTEM

1. CENCO shall install the necessary equipment to convert the existing alkylation unit to the modified hydrogen fluoride (MHF) technology developed by Mobil Oil Corporation and Phillips Petroleum Company (REVAP). CENCO shall not start the alkylation unit until the REVAP facility is ready for operation. CENCO shall not bring any hydrofluoric acid into the refinery until the alkylation unit is ready for startup. CENCO shall only bring hydrofluoric acid into the refinery that has the additive in it. The REVAP facility shall be put in service when the alkylation unit is started and shall be operated whenever the alkylation unit is in operation.

2. CENCO shall purchase a minimum of six hydrogen fluoride compatible fully encapsulated Level A chemically resistant suits. A minimum of two of these suits shall be located at the refinery and four shall be maintained by the Fire Department.

3. CENCO shall provide guard posts to protect the alkylation unit and other fire protection systems that may be impacted by vehicular damage. Guard posts shall be located along the edge of the property adjacent to the street and shall protect the deluge and fire water system as well as the alkylation unit. Additional guard posts shall be installed around the actual alkylation unit in areas that are subject to vehicle damage.

NOTE NEW 4. CENCO shall maintain gas detection equipment, decontamination solutions and first aid equipment specifically for hydrogen fluoride and any other refinery related hazardous materials.

5. CENCO shall provide secondary containment for all vessels, process lines, pumps, and related equipment, which contain any quantity of hydrofluoric acid.

6. CENCO shall install remotely operated television monitors in the alkylation unit. The number of cameras and their locations shall be approved by the Fire Department. All remote cameras shall send a signal to the refinery control room and the office at the main gate, which may be utilized in the event of a release.

7. The Fire Department shall review a risk assessment performed by CENCO's consultant on the adequacy of the hydrofluoric acid deluge system. The assessment shall address all Fire Department concerns related to system adequacy. No hydrofluoric acid shall be brought on site until all Fire Department concerns are addressed and subsequent deluge system modifications are completed.

8. Every flange on valves, pumps, and any other likely leak sources in the alkylation unit that contain any quantity of hydrofluoric acid shall be painted with hydrofluoric acid sensitive paint.

9. The total quantity of hydrofluoric acid on site shall not exceed 13,000 gallons (excluding the volume of the additive).

10. CENCO shall install additional hydrogen fluoride gas detectors around the alkylation unit and at other approved locations. The detectors shall be tied to a supervised audible and visual alarm system which automatically notifies the Santa Fe Springs Fire Department. CENCO shall set up a central control center in the refinery to monitor all alarms from the sensors on the air monitoring system, hazardous gas detectors at the loading racks and storage tank site drainage systems. The control center shall also contain the monitors for all the video cameras in the refinery. The control center shall be manned 24 hours per day and the Fire Department shall be notified immediately by CENCO of any alarm condition or release that has the potential for impacting the surrounding community. CENCO shall install a monitor that records all alarm conditions and provide a copy of the alarm record to the Fire Department on a monthly basis. An evaluation of CENCO's notification practices shall be performed monthly after the continuation of refinery processing operations to determine CENCO's performance in timely notification of the Fire Department. Unacceptable performance as determined by the Fire Department shall result in CENCO connecting the alarms to a U.L. listed central station.

11. CENCO shall install new rapid acid transfer system (RATS) on the alkylation unit for the hydrofluoric acid. The new RATS shall be a gravity system and shall not rely on pumps for the transfer of the hydrofluoric acid. The RATS shall incorporate a dedicated storage vessel capable of holding 125% of the volume of the hydrofluoric acid contained in the fresh acid storage drum, settler, and acid circulation loop. The piping to the dedicated storage vessel shall be in an underground trench, and the storage vessel shall either be below ground or behind a blast wall. The RATS shall be capable of complete hydrofluoric acid removal within 10 minutes of activation from either of two remotely located control panels. Control panels shall also be capable of activating isolation/shut off valves. Prior to restart of the alkylation unit, CENCO shall make the necessary modifications to complete the installation of the RATS by December 31, 1999. CENCO shall maintain the existing RATS in operable condition until the new system is ready for operation. The RATS and the hydrofluoric acid deluge system shall be capable of remote activation from two locations; one shall be from a continually manned control room; the other to be approved by the Fire Department. NOT NEW

12. CENCO shall install shrouds over all pumps and valves that primarily contain modified hydrofluoric acid.

SECTION 5 - GENERAL HEALTH AND SAFETY DEVICE AND REHABILITATION OR RESTORATION OF CENCO FACILITIES IN ORDER TO MEET CURRENT PUBLIC HEALTH AND SAFETY STANDARDS

1. CENCO shall provide an in-house emergency response system that includes the following:

   a. Visual and audible alarms connected to fire detection, hazardous gas detection for those gases identified in Section 5, Item 9, leak detection, fire protection systems and to manual emergency stations. Alarms and emergency systems shall be monitored at a designated refinery site. CENCO shall set up a central control center in the refinery to monitor all alarms from the sensors on the air monitoring system, hazardous gas detectors at the loading racks and storage tank site drainage systems. The control center shall also contain the monitors for all the video cameras in the refinery. The control center shall be manned 24 hours per day and the Fire Department shall be notified immediately by CENCO of any alarm condition or release that has the potential for impacting the surrounding community. CENCO shall install a monitor that records all alarm conditions and provide a copy of the alarm record to the Fire Department on a monthly basis. An evaluation of CENCO's notification practices shall be performed monthly to determine CENCO's performance in timely notification of the Fire Department. Unacceptable performance as determined by the Fire Department shall result in CENCO connecting the alarms to a U.L. listed central station.

   b. Back-up electrical power for emergency alarm systems and required safety systems with a duration in accordance with NFPA 70, Section 701-11.

   c. An emergency response team fully trained in emergency operations which shall include a qualified Incident Commander on site 24 hours a day for integration with the Santa Fe Springs Fire Department in the event of an emergency. This individual shall have detailed working knowledge of refinery operations and be capable of directing any emergency response effort and shall serve as an adjunct to responding personnel. The Incident Commander shall have completed state certified classes in incident command, SEMS, hazardous materials, and EMS. CENCO shall arrange and conduct a minimum of four drills with the Fire Department prior to continuation of refinery processing operations.

   d. Firefighting equipment and apparatus. Mobile fire apparatus shall include, but not be limited to: fire engine(s) and foam pumper truck(s) or trailer(s).

2. CENCO shall provide windsocks and placarding as required.

3. CENCO shall provide manual and automatic fire suppression systems for areas covered by weather protection and processes that contain Class I flammable or Class II combustible liquids; flammable gases; toxic or highly toxic liquids or gases, extremely hazardous substances as defined by 40 CFR Part 355 Appendix A; and any other chemicals deemed hazardous by the City of Santa Fe Springs Fire Department. A system designed by a professional Fire Protection Engineer may be installed in lieu of an automatic system. Any system shall be approved by the Fire Department prior to installation.

4. CENCO shall restore all deteriorated equipment necessary to meet current health and safety standards, including those restorations identified by a consultant retained by the City and paid for by CENCO, to review the inspection reports on the mechanical condition of the refinery process equipment and any other needed reports prepared by qualified inspectors retained by CENCO. The consultant shall provide the City with a report on the overall condition of the refinery equipment and make recommendations on how to restore existing equipment to meet current standards. CENCO shall restore equipment in a manner acceptable to the Fire Department prior to the continuation of refinery processing operations.

5. CENCO shall install safety and health protection devices necessary to meet current standards, including those safety and health protection device installations identified by a consultant retained by the City and paid for by CENCO, to evaluate the overall safety and Uniform Fire Code compliance of the refinery. This evaluation shall be limited to a five-day facility walkthrough and a five-day record review prior to the continuation of refinery processing operations. This evaluation shall be repeated within six months following the continuation of refinery processing operations. Recommendations from the evaluation shall be completed in a timeframe approved by the Fire Department.

6. CENCO shall restore or rehabilitate deteriorated or damaged equipment and install safety and health protection devices determined necessary for seismic safety. CENCO shall pay for a consultant retained by the City to perform seismic analysis of refinery tanks, process vessels and related piping. Recommendations from the analysis shall be prioritized by risk ranking. Recommendations shall be implemented in a time frame approved by the City Fire Department.

7. In order to meet the current public health and safety standards relating to emergency response, and to provide for the safety of responders and the community at large, CENCO shall provide funds for the purchase and installation of two (2) emergency traffic safety signal control devices (Opticom).

8. CENCO shall comply with all existing California Accidental Release Prevention Program (CalARP) and Process Safety Management (PSM) requirements. All previously completed Risk Management and Prevention Plans (RMPPs) must be revalidated and fully implemented including all recommended action items. All new CalARPs must be completed prior to the regulated substances being brought on site. The CalARPs must include a seismic analysis of all applicable vessels and piping, including but not limited to processes containing in excess of the threshold quantity of hydrogen fluoride, chlorine, sulfur dioxide, ammonia, ammonium hydroxide, hydrogen sulfide, sulfur trioxide, propane, and any other substances regulated under these programs. All recommended actions from the CalARPs and RMPPs must be implemented in a manner and timeframe approved by the Fire Department.

9. CENCO shall develop and maintain an air monitoring system, which provides a warning alarm, should any airborne emissions of hazardous materials occur. Chlorine, ammonia, hydrogen sulfide, hydrogen fluoride, sulfur dioxide, volatile hydrocarbons, and other hazardous materials capable of offsite consequences shall be included in the system. The system shall include the existing systems located at the City of Santa Fe Springs Municipal Services Yard and at local area schools as well as the weather pak system at the Santa Fe Springs Municipal Services Yard.

10. CENCO shall reactivate, restore, rehabilitate, upgrade to current Health and Safety standards and maintain the existing CEMS (Continuous Emissions Monitoring System) and it's associated recorder. The system shall be certified by the AQMD. CENCO shall immediately (per California Health and Safety Code) notify the Fire Department of any emissions which exceed normal operating conditions for the Tail Gas Treatment Unit or the FCC unit. Additionally, CENCO shall notify the Fire Department immediately of any sulfur dioxide emissions which exceed normal operating conditions for any CEMS monitored equipment or any other emissions from CEMS monitored equipment that may have any impact on the surrounding community.

11. CENCO shall install safety and health devices necessary to provide advanced notification of potentially harmful gas releases. This system shall be designed to protect public health and safety. CENCO shall comply with AQMD Rule 1118. CENCO shall immediately notify the Fire Department of any flare event that exceeds 1,000 standard cubic feet per minute. This requirement excludes any sweet gases discharged to the flare, provided that these gases contain less than 300 ppm of sulfur and proper combustion is being maintained. Additionally, CENCO shall immediately notify the Fire Department of any flaring activity that may have an impact on the surrounding community. CENCO shall also notify the Fire Department within one hour of any Breakdown as defined under the Rules and Regulations of the South Coast Air Quality Management District.

12. CENCO shall restore all deteriorated or damaged fire suppression and hydrofluoric acid deluge system capabilities to current Health and Safety standards. CENCO shall pay for a qualified fire and safety specialist retained by the City to perform an assessment of the refinery's fire suppression and hydrofluoric acid deluge systems capabilities. The scope of the work related to the deluge system shall address the adequacy of water delivery as determined by the risk assessment performed in Item 14. Additionally, the consultant shall assess the benefits of fusible link valves on stationary tanks. The assessment shall be performed prior to the continuation of refinery processing operations. The specialist shall take into consideration present technology and currently recognized standards such as API standard 2001 "Fire Protection in Refineries." This assessment shall include recommendations for improvement and CENCO shall make the appropriate modifications in a timeframe approved by the Fire Department.

13. CENCO shall supply Knox Boxes at each gate.

14. CENCO shall hydrotest all underground pipelines within the City prior to the continuation of refinery processing operations. Subsequent testing shall be done on a frequency and in a manner prescribed by the State Fire Marshal or as deemed necessary by the Fire Chief. Soil testing under the pipelines may be required by the Fire Chief if a suspected leak has occurred at a specific location.

15. CENCO shall restore or rehabilitate damaged or deteriorated devices, or install new safety or health devices, sufficient to mitigate all sources of nuisance-type odors and equip sources of chronic nuisance odor with odor reducing technologies/devices in a manner and time frame acceptable to the City Fire Department.

16. CENCO shall develop an in-house communications network that alerts all security guard stations and refinery personnel of plant emergencies. This network shall include two (2) portable radios programmed with the Fire Department's radio frequencies. CENCO shall immediately notify the Santa Fe Springs Fire Department of any fires, nuisance odors, reportable hazardous material or waste releases, or potentially hazardous situations.

17. CENCO shall have HazOp certified operating procedures in place for all operations involving hazardous materials prior to continuation of refinery processing operations.

18. CENCO shall provide cost recovery for all complaint investigations and hazardous material emergency responses as deemed necessary by the Fire Chief.

19. In order to meet current Health and Safety standards, CENCO shall prepare a "Security Plan" related to its operations which shall be approved by the City's Director of Police Services within 90 days of the applicant's acceptance of the CUP. The "Security Plan" shall be maintained as confidential by CENCO, the City Department of Police Services, and the Whittier/Santa Fe Springs Police Department. The "Security Plan" shall, at a minimum, address:

a) Facility security staffing and operations, including, but not limited to, staffing organization and patterns, hours and locations or manner of deployment;

b) Facility security systems and technologies, including, but not limited to, perimeter security, internal intrusion detection devices, and physical barrier design criteria for facility development;

c) Notification of the City's Department of Police Services procedures and training, including, but not limited to, mandatory reporting requirements, and notification authorizations;

d) Identification of emergency contact personnel and methods for making such contacts;

e) Description of communications systems to be used in emergencies, particularly as they interface with local law enforcement;

f) Terrorism and bomb threat prevention systems and handling procedures;

g) Joint police and security staffing training commitments.

During the life of Conditional Use Permit Case No. 323, CENCO shall advise the City Department of Police Services of all significant modifications to this "Security Plan," including, but not limited to, changes in contact personnel and methods of making such contacts.

20. In order to meet current Health and Safety standards, CENCO shall develop an "Emergency Preparedness Plan" which shall be approved by the City's Director of Police Services and Fire Chief within 90 days after acceptance of the CUP by the applicant. Such Plan shall include, but not be limited to:

a) A commitment to being a corporate member of the City and Chamber of Commerce Business Emergency Preparedness Network (BEPN);

b) Identification of the CENCO emergency response organization, including, but not limited to, names, positions, and contact methods of emergency organization;

c) Designation by location and content of a CENCO Emergency Operations Center (EOC) and description of how that Center would interface with the BEPN and City EOC's;

d) A commitment to periodic testing of the Community Alert Network (CAN);

e) Description of off-site notification procedures in cases of real or potential off-site risk incidents, including, but not limited to, emergency response agencies, impacted or potentially affected residences, businesses, schools, and adjoining traffic, pedestrian or vehicular;

f) A commitment to joint exercises/training with City emergency response departments and community resources;

g) Contingency plans for emergency site evacuation;

During the life of Conditional Use Permit Case No. 323, CENCO shall advise the City Department of Police Services of all significant modifications to this "Emergency Preparedness Plan," including, but, not limited to, changes in contact personnel and methods of making such contacts.

POWERINE OIL COMPANY
6/11/98

Mukul K Agarwal	DTSC	818- 551-2908
Ray Hure	Powerine	562/ 944-6111
June Christman	Powerine	562 / 944-6111
Robert Kou	DTSC	818 / 551-2872
Ahmed Hegab	DTSC	818- 551- 2902
Florence Gharachian	DTSC	818- 551-2800

POWERINE Oil Company

CONFIDENTIAL

INTEROFFICE MEMORANDUM

TO: Buck Petersen DATE: May 20, 1991

FROM: June Christman JMC

SUBJECT: Upgrade Priority of Coker Waste Injection Project

We need to upgrade the priority of the project to install facilities to allow injection of waste streams into the coker. The rising cost of hazardous waste disposal, new federal waste listings, California waste minimization laws, and compliance with recycling and hazardous waste storage regulations make this project a necessity now.

We routinely generate API separator sludge at the refinery. API separator sludge is a federally listed waste currently subject to land disposal restrictions. Unless we can process at least 75% of the sludge generated through the coker within one year of the generation of this waste, we will be required to treat (incinerate or process via solvent extraction) the separator sludge prior to land disposal. Golden West Refinery recently investigated incinerating some API separator sludge in New Jersey because there are no closer incinerators that have available capacity to process their sludge. An order of magnitude estimate for incineration costs is $2000/ton. Transportation and disposal costs are in addition to this.

Land Disposal Restrictions (LDR) or "Land Bans" were mandated in 1984 by the federal Hazardous and Solid Waste Amendments (HSWA). HSWA requires that "...levels of treatment which substantially diminish the toxicity of the waste...be established." EPA and California have developed standards for various waste streams. Initial LDR went into effect in 1985 (land disposal of liquid wastes was prohibited). Additional restrictions continue to be imposed since the initial restrictions. Standards for more generic waste streams took longer to develop and extensions on some treatment requirements have been granted.

The full impact of LDR will be felt by Powerine by May 1992. This is when "hard hammer" (unextendable) deadlines kick in. All solid and liquid petroleum wastes will require treatment prior to disposal. We have one year to pull together a comprehensive waste

management and minimization plan for Powerine facilities. Enabling Powerine to inject sludges into the coker for recycling will be a major step towards waste minimization.

JMC:aj/cokerwst.doc

CC:

A. Gualtieri
M. Egner
M. Abbasfard
W. Chiang
J. Garcia
M. Gnagy
M. Jacquez
[redacted]

POWERINE Oil Company

12354 Lakeland Road, P.O. Box 2108
Santa Fe Springs, California 90670-3857

(310) 944-9861
(310) 944-6111

TLX No: 4720404
A/B Powerne
Telecopy No: 944-8522

December 17, 1992

Mr. Guillermo Hernandez
California Environmental Protection Agency
Department of Toxic Substance Control
Hazardous Materials Specialists
1405 N. San Fernando Blvd., Suite 300
Burbank, California 91504

Re: Jet Clay Characterization

Dear Mr. Hernandez:

This letter is to correct our characterization of Jet Clay to nonhazardous from RCRA hazardous based on a flash point that is less than 140° F as described in our letter of November 6, 1992.

After consultation with DTSC staff in Burbank, Sacramento and Berkeley as well as independent attorneys, we believe that our characterization of the jet clay was overly conservative and inappropriate. On November 30, 1992, Ted Metrose of my staff spoke with Mr. Bart Simmons of the Health Services Hazardous Materials Management Lab in Berkeley, California. Mr. Simmons informed us that EPA Method 1010, the Pensky-Martens Closed-Cup Method for determining ignitibility, is inappropriate for solid waste. At this time DTSC could neither suggest nor recommend an alternative. Further, Mr. Simmons stated that he has already contacted the EPA seeking guidance on this issue, and the EPA has provided no response, nor are they expected to in the near future.

Since there is no appropriate test method jet clay does not exhibit the ignitibility characterization. According to the rest of our lab data, the jet clay is more appropriately characterized as non-hazardous.

This correction in and of itself will not alter how we handle the material in the future. The principle reason Powerine is making this clarification is to promote consistency between Powerine, the generator, and receiving facilities such as the cement kilns (California Portland and Mitsubishi Cement) and Landfills (Laidlaw and US Ecology) that would currently characterize our jet clay as non-hazardous.

POWERINE Oil Company

Should you have any questions, please contact Ted Metrose of my staff at extension 373.

Sincerely,

June M. Christman
Manager - Environmental
Engineering

TKM:aj/jt-cly.doc

cc: Jay Grady (California Portland Cement)
Vince Bartleman (US Ecology)
Ted Metrose
Judi Gardner

EXHIBIT A

CHRONOLOGY OF EVENTS
POWERINE OIL COMPANY

Time Period	Event
1936	Company is established as Rothschild Oil Company.
1982	$230 million refinery Modernization Program completed.
March 1984	Bankruptcy filing (Chapter 13); refinery shuts down and business activities are minimal.
September 1986	Company emerges from bankruptcy and under new ownership of a European businessman.
March - July 1987	Refinery is restarted and business is re-established. Metallgesellshcaft Corp. (MG) becomes involved in financing Powerine business activities.
March 1993	MG acquires an option to purchase (own) Powerine.
October 1, 1993	MG sells option to Castle Energy Corporation (CEC) which was 49% owned by MG. CEC exercises option and acquires Powerine. Powerine enters into a long term (4 years) Offtake Agreement with MG who agrees to purchase all of Powerine's refinery production.
December 1993	Rumors surface about MG's financial difficulty due to huge trading position in futures contracts on NYMEX. MG President resigns and an internal investigation of MG's US operations by its European parent corporation are initiated.
January - March 1994	MG financial situation becomes public knowledge and MG appears to be on brink of bankruptcy.
April 1994	MG banks agree to recapitalization plan which saves MG from bankruptcy. CEC and Powerine are notified by MG of their intent to terminate all relationships between MG and CEC/Powerine.
August 1994	Tentative agreement reached on ending MG and CEC/Powerine business relationship.
October 1994	Agreement is finalized with MG forgiving debt of CEC and subsidiaries of over $321 million, returning CEC stock and other concessions in exchange for MG ending business obligations to CEC/Powerine in early 1995. CEC realizes $391 million gain which has significant tax consequences for CEC.

Time Period	Event
October 1994 (cont'd)	CEC initiates effort to sell Powerine to raise funds to satisfy tax obligation or, if sales price is very low, the corresponding "loss" would offset the capital gain and minimize tax liability.
July 1995	Powerine shuts down refinery and terminates the majority of its work force when CEC's efforts to sell Powerine as on operating refinery business are not successful. In addition, Powerine's operating losses depleted the company's ability to stay in business and CEC is unable to put any money into Powerine.
August 1995	CEC had received and was evaluating two competing proposals for Powerine. One party, Kenyen Projects Ltd., was interested in buying the refinery equipment. Energy Merchant Corp. was interested in buying the company (stock purchase).
September 1995	CEC directs Powerine to sell the refinery equipment to Kenyen Projects Ltd. who intends to dismantle the refinery and ship it to India. Kenyen puts up $3 million earnest money deposit with obligation to pay three quarterly installments of $7 million each beginning April 30, 1996.
December 1995	CEC and Powerine's management came to the view that Kenyen would not be able to conclude the equipment purchase transaction due to the changing political climate in India. India was "closing the door" on business development by western companies, which was causing world financial institutions to back away from financing projects like the "Powerine refinery" project.
January 1996	CEC agrees to sell Powerine to Energy Merchant Corp. (EMC) whose interest is to reacquire refinery equipment, restart the refinery and re-establish Powerine as a refinery business.
February 1996	Powerine (under the ownership of EMC) reacquires refinery equipment from Kenyen by forgiving Kenyen's obligation to pay Powerine the $21 million beginning April 30, 1996. Kenyen agrees to allow the $3 million earnest money deposit to remain with Powerine until June 1997.
March 1996	Effort to recapitalize Powerine begins with Offering Memorandum (Prospectus) sent to numerous equity investors and mortgage lenders. Company seeks to raise $50 million for a full refinery restart and completion of refinery modification projects.
May 1996	Powerine restarts minimum processing activity at the refinery with a Butane Isomerization Unit and various utility systems.

Time Period	Event
July 1996	Powerine receives a commitment for equity investment in Powerine subject to satisfaction on environmental exposure and other due diligence.
August 9, 1996	Powerine enters into a processing agreement with a large Los Angeles refiner. Powerine will process crude oil into intermediate feedstocks for a fee. The agreement is contingent upon Powerine obtaining financing to restart a portion of the refinery.
August 21, 1996	Due to deteriorating market conditions, the equity investment committed to in July, 1996 did not proceed. Powerine receives commitment for startup financing from an entity headquartered in Germany. The anticipated funding date is October 8, 1996.
October 8, 1996	The entity headquartered in Germany failed to provide Powerine financing. Powerine pursues startup financing from an entity headquartered in the United States.
November 8, 1996	The entity headquartered in the United States failed to provide Powerine financing.
November 13-15, 1996	Powerine lays off an additional 35 people. Remaining personnel include mandatory round the clock coverage to provide security at the refinery and Long Beach Marine Terminal and other essential positions. Powerine's current priority is to generate cash flow to fund the refinery startup by selling assets such as the land south of the refinery and north of the coke storage barn. The proceeds from the land sale will be used to restart the refinery. Powerine's existing obligations will be met from revenue generated by refinery operations.
March 14, 1997	Powerine and the purchaser sign the Purchase and Sale Agreement for the Lakeland Property specifying March 15, 1997 as the closing date and obtaining a No Further Action letter from the Regional Water Quality Control Board ("RWQCB") as a requirement to close.
March-May 1997	Powerine demolishes its 28,000 square foot main office building and warehouse, truck fuel loading racks, tanks and associated scalehouse and remediates soil contamination as required the RWQCB.
May 12, 1997	The purchaser notifies Powerine it will not close escrow on the Lakeland Property without a covenant not to sue from the RWQCB.

Time Period	Event
May 14, 1997	The RWQCB issues the No Further Action Letter for the Lakeland Property.
May and June, 1997	Purchaser pursues an insurance policy to address his environmental issues. Purchaser does not find an appropriate insurance policy
August 26, 1997	Powerine obtains a Covenant Not to Sue any future owner of the Lakeland Property from the RWQCB.
September 19, 1997	Powerine closes the Lakeland Property sale. Due to the delay in closing the transaction, the proceeds from the sale are significantly attached by Powerine's creditors.
October 29, 1997	Powerine enters into an agreement with a company who plans to dismantle the refinery and reassemble it in Canada.
February 28, 1998	Powerine terminates the agreement with the dismantler.
March 19, 1998	Powerine executes an agreement with an investor who plans to restart the refinery.

Meeting Between DTSC and Powerine re DTSC's Inspection
10:00 a.m. June 11, 1998
Proposed Agenda

	Topic	Minutes
I.	Brief History and Status Update of Powerine	10
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III.	Refinery Recovered Oil Exemption	10
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V.	Reserved for Issues Raised by the Department	
VI.	Discussion of Resolution of this Matter	

Mtg w/ PDC
on 6-11-98

(1) The oil recovery operations are conducted at a petroleum refinery, or at another facility owned or operated by the corporate entity that owns or operates the refinery, or a corporate parent or subsidiary of the corporate entity.

(2) The oil-bearing materials are generated at the refinery or at another facility owned or operated by the corporate entity that owns or operates the refinery, or a corporate parent or subsidiary, including a sister subsidiary, of the corporate entity, or are generated in the course of oil or gas exploration or production operations conducted by an unrelated entity and placed in a common pipeline.

(3) The recovered oil is inserted into petroleum refinery process units to produce fuel or other refined petroleum products. This paragraph does not allow the direct blending, into final petroleum products, of oil-bearing materials or recovered oil that contain constituents that render these materials hazardous under the regulations adopted pursuant to Sections 25140 and 25141, other than those for which the material is being recycled.

(4) The recovered oil is not stored in a surface impoundment or accumulated speculatively at the refinery or at an offsite facility.

(5) Any residual materials removed from a unit that is exempt under this subdivision are managed in accordance with all other applicable laws.

(6) The oil-bearing materials would be excluded from classification as a waste pursuant to, or would otherwise meet the requirements for an exemption under, Section 25143.2, except that the following provisions do not apply to those oil-bearing materials:

(A) The prohibitions against prior reclamation in paragraphs (1), (2), and (3) of subdivision (b) of Section 25143.2.

(B) Subparagraph (C) of paragraph (2) of subdivision (c) of Section 25143.2.

(C) Paragraph (3) of subdivision (e) of Section 25143.2.

(D) Sections 25143.9 and 25143.10.

25144.6. (a) As used in this section, "reusable soiled textile materials" means textile items, including, but not limited to, shop towels, uniforms, gloves, and linens and towels which may become soiled with hazardous waste during commercial or industrial use, and are made reusable by laundering or comparable methods of cleaning.

(b) Reusable soiled textile materials which meet all of the following requirements are exempt from Section 25205.5 and from Article 6 (commencing with Section 25160) and Article 6.5 (commencing with Section 25167.1):

(1) The materials or the management of the materials are not otherwise regulated by the Environmental Protection Agency pursuant to the federal act.

(2) The materials are not used to clean up or control a spill or release that is required to be reported to any state or federal agency.

(3) No hazardous waste has been added after the materials' original use.

(4) No free liquids, as defined by Section 22-66260.10 of Title 26 of the California **Code** of Regulations, are released during transportation or storage of the materials.

(5) The facility laundering or cleaning the materials maintains records of the date, type, and quantities by piecework or weight of the materials collected and laundered.

(6) The facility laundering or cleaning the materials prepares a contingency plan which specifies procedures for handling both onsite and offsite emergencies involving the materials, and employees are trained in the execution of the plan.

(c) Notwithstanding Sections 25201 and 25245, a facility laundering or using comparable methods of cleaning reusable soiled

Powerine Oil Company

FAX TRANSMITTAL COVER SHEET

DATE: June 10, 1998

TO: Mukul Agarwal **FAX:** 818-551-2901

FROM: June Christman

Number of pages including cover page: 6

cc: Ahmed Hegab

The information contained in this facsimile message is confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address below via the US Postal Service.

12345 Lakeland Road - PO Box 2108 - Santa Fe Springs, CA 90670 - Tel: (562) 944-6111 - Fax: (562) 903-8911

Powerine Oil Company

Via Facsimile (818) 551-2901 and U.S. Mail

June 10, 1998

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

Re: Oil-Bearing Material Exemption per §25144

Dear Mr. Agarwal:

You requested that I provide you with Powerine's interpretation of regulations and exemptions to hazardous waste regulations that Powerine is relying upon to continue to store oil-bearing material at its Santa Fe Springs refinery. Tanks 27105 and 10006 are part of Powerine's recovered oil system. Per §25144 (attached) Tanks 27105 and 10006 are exempt from regulation under Chapter 6.5 of the Health & Safety Code (Hazardous Waste Control).

As described in Powerine's March 13, 1998 response to the Department's February 9, 1998 Summary of Violations, "These tanks sit for some time to allow for gravity separation to occur and the resulting free-floating hydrocarbon product to be recovered." Powerine estimates that Tanks 27105 and 10006 currently contain at least 3,000 barrels (126,000 gallons) of recoverable oil. With the Department's concurrence, Powerine will recover the oil in these tanks and transport it to another local refinery for resertion into petroleum refinery process units to produce refined petroleum products per §25144(c)(3).

Specifically, if all the conditions under §25144(c) are met (and Powerine is confident they are), then the oil-bearing material stored in Tanks 27105 and 10006 as defined in §25144(a) is exempt from the regulations of this chapter. Attached is a current copy of the regulation, downloaded from the California's Document Repository (please note that only pages 18 and 19 of 21 pages are enclosed; the other pages are of other non-relevant sections downloaded at the same time).

I have also included a proposed agenda for our meeting tomorrow for your consideration.

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 944-8522

Please feel free to contact me or Ray Huie of my staff with any questions you may have.

Sincerely,

June M. Christman
Manager - Environmental Engineering

JMC:rh

cc: Ahmed Hegab
Ray Huie
File 41005.07
Reader File

(ray/dtsc/dtscsov2.doc)

Meeting Between DTSC and Powerine re DTSC's Inspection
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California Code of Regulations, the disposal is made in accordance with the applicable requirements of the California regional water quality control board and the California Integrated Waste Management Board, and, if the waste management unit is a Class II landfill, it is sited, designed, constructed, and operated in accordance with the minimum standards applicable on or after October 9, 1993, to new or expanded municipal solid waste landfills, which are contained in Part 258 (commencing with Section 258.1) of Subchapter I of Chapter 1 of Title 40 of the Code of Federal Regulations, as those regulations read on January 1, 1996.

25144. (a) For purposes of this section, the following terms have the following meaning:

(1) "Oil" means crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute pressure. "Oil" does not include any of the following, unless it is exempt from regulation under paragraph (1) of subdivision (g) of Section 279.10 or paragraph (5) of subdivision (g) of Section 279.10 of Part 279 of Title 40 of the Code of Federal Regulations:

(A) Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, heavy equipment, or machinery powered by an internal combustion engine.

(B) Spent industrial oils, including compressor, turbine, and bearing oil, hydraulic oil, metal-working oil, refrigeration oil, and railroad drainings.

(2) "Oil-bearing materials" means any liquid or semisolid material containing oil, partially refined petroleum products, or petroleum products. "Oil-bearing materials" do not include either of the following:

(A) Soil from remediation projects.

(B) Contaminated groundwater that is generated at, or originating from the operation, maintenance, or cleanup of, service stations, as defined in Section 13650 of the Business and Professions Code.

(3) "Oil recovery operations" means the physical separation of oil from oil-bearing materials by means of gravity separation, centrifugation, filter pressing, or other dewatering processes, with or without the addition of heat, chemical flocculants, air, or natural gas to enhance separation.

(4) "Petroleum refinery" means an establishment that has the Standard Industrial Classification Code 2911 and which is not subject to the permit requirements for the recycling of used oil imposed pursuant to Article 9 (commencing with Section 25200).

(5) "Subsidiary" means a corporate entity engaged in the exploration, production, transportation, refining, marketing, or distribution or crude oil or petroleum products.

(b) (1) Except as provided in paragraph (2), a biological process on the property of the producer treating oil, its products, and water, which meets the definition of a non-RCRA waste, and which produces an effluent that is continuously discharged to navigable waters in compliance with a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1342), is exempt from this chapter.

(2) Residues produced in the treatment process and subsequently removed that conform to any criterion adopted pursuant to Section 25141 are not exempt.

(c) To the extent consistent with the applicable provisions of the federal act, units, including associated piping, that are part of a system used for the recovery of oil from oil-bearing materials, and the associated storage of oil-bearing materials and the recovered oil, are exempt from this chapter, if all of the following conditions are met:

(1) The oil recovery operations are conducted at a petroleum refinery, or at another facility owned or operated by the corporate entity that owns or operates the refinery, or a corporate parent or subsidiary of the corporate entity.

(2) The oil-bearing materials are generated at the refinery or at another facility owned or operated by the corporate entity that owns or operates the refinery, or a corporate parent or subsidiary, including a sister subsidiary, of the corporate entity, or are generated in the course of oil or gas exploration or production operations conducted by an unrelated entity and placed in a common pipeline.

(3) The recovered oil is inserted into petroleum refinery process units to produce fuel or other refined petroleum products. This paragraph does not allow the direct blending, into final petroleum products, of oil-bearing materials or recovered oil that contain constituents that render these materials hazardous under the regulations adopted pursuant to Sections 25140 and 25141, other than those for which the material is being recycled.

(4) The recovered oil is not stored in a surface impoundment or accumulated speculatively at the refinery or at an offsite facility.

(5) Any residual materials removed from a unit that is exempt under this subdivision are managed in accordance with all other applicable laws.

(6) The oil-bearing materials would be excluded from classification as a waste pursuant to, or would otherwise meet the requirements for an exemption under, Section 25143.2, except that the following provisions do not apply to those oil-bearing materials:

(A) The prohibitions against prior reclamation in paragraphs (1), (2), and (3) of subdivision (b) of Section 25143.2.

(B) Subparagraph (C) of paragraph (2) of subdivision (c) of Section 25143.2.

(C) Paragraph (3) of subdivision (e) of Section 25143.2.

(D) Sections 25143.9 and 25143.10.

25144.6. (a) As used in this section, "reusable soiled textile materials" means textile items, including, but not limited to, shop towels, uniforms, gloves, and linens and towels which may become soiled with hazardous waste during commercial or industrial use, and are made reusable by laundering or comparable methods of cleaning.

(b) Reusable soiled textile materials which meet all of the following requirements are exempt from Section 25205.5 and from Article 6 (commencing with Section 25160) and Article 6.5 (commencing with Section 25167.1):

(1) The materials or the management of the materials are not otherwise regulated by the Environmental Protection Agency pursuant to the federal act.

(2) The materials are not used to clean up or control a spill or release that is required to be reported to any state or federal agency.

(3) No hazardous waste has been added after the materials' original use.

(4) No free liquids, as defined by Section 22-66260.10 of Title 26 of the California Code of Regulations, are released during transportation or storage of the materials.

(5) The facility laundering or cleaning the materials maintains records of the date, type, and quantities by piecework or weight of the materials collected and laundered.

(6) The facility laundering or cleaning the materials prepares a contingency plan which specifies procedures for handling both onsite and offsite emergencies involving the materials, and employees are trained in the execution of the plan.

(c) Notwithstanding Sections 25201 and 25245, a facility laundering or using comparable methods of cleaning reusable soiled

JUL 0 6 1998

Powerine Oil Company

July 2, 1998

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

Re: Response to the Department's April 2, 1998 Complaint Inspection Report

Dear Mr. Agarwal:

This letter is in response to the Department of Toxic Substances Control's (the "Department's") Complaint Inspection Report (the "Report") of April 2, 1998 to Powerine Oil Company ("Powerine"). Powerine is confident that most of the violations cited by the Department do not apply. The Department has focused on oil recovery and storage activities in Tank 10006 and 27105. Oil recovery in a refinery is exempt from many of the hazardous waste codes cited by the Department. Material stored in Tank 27105 and Tank 10006 that were cited as hazardous and listed wastes, are in fact viable recyclable oil-bearing material. This material is gravity separating and recovery operations are ongoing. These activities are exempt from hazardous waste control laws as further described in Sections 2 and 4 attached.

As described in Powerine's March 13, 1998 letter to you and in more detail during our June 11, 1998 meeting, Powerine's Management continues to diligently pursue every possible option to restart the refinery. Negotiations continue with a party interested in purchasing and operating the refinery. Financing options for Powerine are also progressing. Powerine remains optimistic that the refinery will resume operations and that the oil-bearing materials in Tanks 10006 and 27105 can be recycled to Powerine's Delayed Coker. This would be the optimum resolution of the situation at hand. Regardless of the regulatory status of the material in the tanks, the material would be recycled, meeting both the Department's and Powerine's requirements for a safe, efficient and economic way to empty Tanks 10006 and 27105. Until financing or an ownership change is resolved, Powerine remains resource limited. Disposal of the materials in Tanks 10006 and 27105 is not a project Powerine can undertake at this time.

At our meeting, the Department raised several issues that I want to clarify for Powerine's file with the Department. First, the Department described their experience at a facility that had been abandoned with light (high vapor pressure) odiferous hydrocarbon substances remaining in inventory. The Department queried whether Powerine's refinery might be in a similar condition. I assure you it is not. When

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 944-8522

Powerine temporarily suspended refining operations in 1995, all processing equipment was purged of product, steamed out and all equipment sensitive to oxidation was put under a nitrogen blanket. All crude, product and intermediate tanks were deinventoried and properly degassed. Specifically, tanks on vapor recovery were degassed to Powerine's flare and floating roof tanks were liquid balanced with water. Many tanks have been cleaned and are open to the atmosphere. However, residual bottoms do remain in tanks at the refinery. All major pipelines, with the exception of Pipeline No. 4 (which is leased to another party), have been laid-down in water.

The Department also mentioned potential safety and environmental issues associated with storage of ignitable materials in tanks. The Department analyzed samples from these tanks and attributed the hazardous characteristic of ignitability to the material in the tanks. Powerine has scrutinized the sampling methodology and analytical methods employed by the Department and found problems with them. Powerine is currently recovering oil from these tanks. Once the oil is removed and if the tank contents are properly characterized, Powerine does not believe ignitability will be an issue. In any event, Powerine's refinery is not an abandoned facility. Powerine maintains 24-hour operations coverage of the refinery. Any unusual occurrence would be detected by the operations staff during their routine refinery rounds. Powerine's fire water system, designed to address significant refinery emergencies, remains functional. The material in Tanks 10006 and 27105 is stable and is not a threat to human health or the environment. A refinery equipment inspector has performed ultrasonic thickness gauging on the tank shell walls. The remaining wall thickness of both tanks is above the minimum thickness required.

Powerine's storage of substances in aboveground storage tanks ("ASTs") is regulated by the Los Angeles Regional Water Quality Control Board ("LARWQCB"), the lead agency which oversees ASTs. Powerine has a monitoring well system of 27 wells that will detect any releases from ASTs. LARWQCB conducts an annual AST inspection program. Powerine's latest inspection occurred on May 15, 1998. The inspector toured the refinery and inspected the tanks. He did not have issues with any of Powerine's ASTs. No violations nor repair orders were issued as a result of this inspection.

Other issues raised by the Department include soil contaminated with asphalt which the Department believed was hazardous. Both Powerine and the Department have analytical data confirming that asphalt is nonhazardous. The Department also found hazardous levels of soluble lead in the soil in the asphalt area. Powerine is convinced that any lead present must have come from leaded paint on the tanks, either from simple weathering of paint or possibly from sand blasting at some time in the distant past. It is not from leaking tanks or pipes in the area.

There were a few barrels of hazardous waste remaining in the Hazardous Waste Accumulation Area ("HWAA") during the Department's initial August, 1997 inspection. This waste has since been disposed of or recycled. The last of the drums of hazardous waste from the HWAA were shipped for disposal or recycling on February 19, 1998. Currently, there are no hazardous wastes stored in the refinery.

As discussed with you during our June 11, 1998 meeting, Powerine is currently recovering oil from Tanks 10006 and 27105. With the Department's concurrence, the recovered oil will be reinserted into petroleum refinery process units at another local refinery. Given a refinery startup, Powerine will prioritize the contents of Tanks 10006 and 27105 for injection into the Coker. Preliminary calculations estimate up to eight months to complete injection of the sludge from the two tanks. If in the future, the startup plans fail to materialize, Powerine will be forced to liquidate. At that time Powerine will initiate refinery-wide remediation. Powerine would clean and dismantle the refinery equipment. Obviously, residual materials in the tanks would be properly disposed of at that time.

Powerine's detailed response to the Department's Report is attached and is organized as indicated on the attached Table of Contents.

Please feel free to contact me with any questions you may have.

Sincerely,

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ray Huie
File 41005.07
Reader File

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Class I Violations:

1. Illegal Storage
2. Integrity Assessment
3. Illegal Disposal
4. Operation
5. Incomplete Labeling

Class II Violations:

1. Waste Analysis

/ray/dtsc/reply/rov4298.doc

Section 1: General Comments

The initial inspection by the Department was conducted on August 12, 1997 and the Initial Complaint Inspection Report ("Initial Report") was issued on October 11, 1997. Powerine formally responded to the Initial Report and Summary of Violations ("SOV") associated with the Department's follow up inspections during January, 1998 on March 13, 1998. Please incorporate by reference Powerine's March 13, 1998 response to the Department.

<u>Document-wide General Comments:</u>

1. The term waste oil appears throughout the report. This term is incorrect. The material referred to as waste oils in tanks 27105 and 10006 should be referred to as oil-bearing material as defined in §25144(a)(2). Additionally, hydrocarbon impacted soil is not contaminated with waste oil.
2. Wastewater treatment sludge was indicated by the inspector as being mixed with the oil-bearing material. This is not the case as explained later in this response.
3. The correct spelling for Powerine's Environmental Engineer is Ray Huie.

<u>Item Specific Comments:</u>

III. Owner / Operator and Management
The correct fax numbers are:
(212) 319-3587, EMC corporate office in New York, NY
(562) 903-8911 or (562) 944-8522, Powerine Refinery in Santa Fe Springs, CA

Environmental Manager: Ms. Christman's responsibilities include overall facility compliance with environmental rules and regulations. However, Ms. Christman and her staff perform roles similar to that of consultants, they communicate compliance requirements to refinery operations and maintenance ("field") staff. Field staff in turn are directly responsible for field compliance activities (such as hazardous waste disposal).

V. Observations:

A. Tanks:

1. Tank #27105:
... material from product bottom tanks, wastewater treatment sludge and oil and any other random spills on the site...

Powerine is aware that wastewater treatment sludge is a listed waste and does not mix this sludge with other process or waste streams. Specifically, Ray Huie did not say that tanks 27105 and 10006 contained wastewater treatment sludge.

... outflow pipes and connectors were made for sampling purposes as well as adding or removing sludge.

The 2 inch taps at various heights are for sampling purposes; the 6 and 8 inch connectors at the bottom of the tank are for adding and removing material.

We also observed that the surrounding area of the tank was contaminated with waste oil and other hydrocarbon constituents ...

The area may have hydrocarbon impacted soil, but not waste oil contamination.

B. Storage Areas:

1. Drum Storage Area:

c. ... 230 Kilograms acid batteries under a bill of lading to Inter State Battery ...

The estimated weight on the bill of lading for the batteries is 300 lbs (136 kg).

3. Asphalt Area:
c. ... not observe any other information related to the contents or start accumulation dates. ...

Because asphalt is a non-hazardous substance, the above information is not required.

VIII. Exit Interview with Management

... POC has been segregating the listed waste sludge and they did not store it in the sludge tanks. Then I asked her to provide me with any documentation to prove her claim but she did not. ...

The inspector was requesting a paper trail which would trace the different process streams entering Tanks 27105 and 10006. Powerine does not and is not required to keep records on oil recovery operations.

Section 2: Response to Allegations

Allegation #1: *Since 1995, POC has been storing F and K RCRA listed wastes (F037, F038 and K050) in two tanks (#27105 and #10006) and neither of these tanks have been emptied.*

Allegation #2: *The above wastes include API separator wastes, exchange waste and other listed wastes.*

Allegation #3: *For several years, F and K RCRA wastes (F037, F038 and K050) has been stored, accumulated and illegally stored because the Coker unit was being shut down. F & K wastes used to be recycled when the Coker unit was in operation.*

The materials stored in Tank 27105 and Tank 10006 are oil bearing materials, recyclable sludge/slop with recoverable oil. Under §25144(c), "...units, including associated piping, that are part of a system used for the recovery of oil from oil bearing materials and the associated storage of oil-bearing materials and the recovered oil, are exempt from control as hazardous wastes." As described in Powerine's March 13, 1998 response to the Department's February 9, 1998 Summary of Violations, "Reusable sludges" (such as residuals from Powerine's numerous process units or product intermediate/storage tanks) "and slop (off-specification products and intermediates) were routed to one of several tanks in the refinery. These tanks sit for some time to allow for gravity separation to occur and the resulting free floating hydrocarbon product to be recovered." Tanks 10006 and 27105 have been, and continue to be, storage and oil recovery units that are an integral part of Powerine's in-process oil recovery system. During normal refinery operations, the tanks would be routinely skimmed. The skimmed recovered oil was routed to slop oil tanks and reinserted into Powerine's refining process. Powerine estimates that Tanks 10006 and 27105 currently contain a significant quantity of recoverable oil. Powerine plans in the near future to recover this oil. With the Department's concurrence, the recovered oil will be reinserted into petroleum refinery process units to produce fuel or other refined products at another local refinery, per §25144(c)(3).

To Powerine's knowledge, neither tank has stored listed waste. It is Powerine's practice to segregate waste streams at the point of origin, if necessary, because of the nature of the material or if a decision has not been made as to the final disposition of the material. Attachment 1 is Powerine's 1991 interoffice memorandum prioritizing modifications to the Delayed Coker Unit to allow sludge injection. As demonstrated by this memo, Powerine is aware of the increasing land disposal restrictions and took pro-active measures to reduce off-site disposal.

Upon generation, listed waste and other waste streams are temporarily stored in Baker Tanks or other portable containers prior to recycling or disposal. As discussed in detail during our June 11, 1998 meeting, Attachment 2 is a spreadsheet documenting portable tank usage and rental costs among other things, generated for internal use by Powerine. Portable tanks from Baker and Rain for Rent were specifically brought in for storage of material such as API separator or sewer sludge. For instance, Purchase Order # 73092 in the above spreadsheet was for a 500 bbl Baker Tank from Rain for Rent to hold sludge from an API cleaning project. After each specific project, the tanks were emptied, cleaned and returned or reused to contain another waste stream. Most materials temporarily stored in these tanks were recycled to Powerine's Delayed Coker.

F037 and F038 listed wastes are associated with the separation of sludge from process wastewater and oily cooling wastewater. These wastes are infrequently generated during wastewater system cleaning projects. Process wastewaters and any associated sludges remain segregated within the process units (the wastewater system). Powerine has not generated any F037 or F038 waste since the early 1990s. At that time F037 and F038 wastes were temporarily stored in a Baker tank and then recycled to Powerine's Delayed Coker as discussed above. Specifically, Powerine has not generated any F037 or F038 waste since the refinery temporarily suspended operations in 1995.

K050 wastes are heat exchanger bundle cleaning sludges from the petroleum refining industry. Powerine generates and handles heat exchanger bundle cleaning sludge in the following manner: the sludge along with any recoverable oil is generated and entrained in hydroblasting water which flows through the wash pad sump to the Lomax API separator. The Lomax API separator functions, as usual, to gravity separate sludge and water and to float oil for recovery. Wastewater from the Lomax API flows to the wastewater treatment plant. After treatment, the wastewater is then discharged from Powerine's outfall to the county sewer (LACSD). Powerine has not generated any K050 or K051 (API separator sludge) waste since the early 1990s. At that time K050 and K051 wastes were temporarily stored in a Baker tank and then recycled to Powerine's Delayed Coker as discussed above. Specifically, Powerine has not generated any K050 or K051 waste since the refinery temporarily suspended operations in 1995.

The material in tanks 27105 and 10006 is stored for gravity separation of oil from the oil-bearing sludge and for the future re-injection of remaining sludge into the Coker unit. The material is not F nor K waste. The plan remains for oil to be recovered and for the residual material to be re-injected into the Coker once the unit comes back on-line.

Allegation #4: *The waste handling process and tanks has been in poor condition and the soil has been contaminated near the tanks.*

Powerine's Refinery has been in operation since the 1930's. There is evidence of past spills of hydrocarbons to the ground in the Refinery. These past spills were likely not regulated at the time the releases occurred. The asphalt area in which Tank 10006 is located is one of the oldest areas of the refinery. In fact, particularly in the vicinity of Tank 10006 a tank overflow resulting in a large asphalt release occurred sometime in the past. Powerine and the Department have analyses that prove that asphalt material is non-hazardous. Remediation of these past releases will be part of Powerine's facility closure plan, the details which will be negotiated with the Los Angeles Regional Water Quality Control Board ("LARWQCB"), if and when the refinery is put to another land use. Drums and bins of non-hazardous asphalt material remain in the area. Powerine acknowledges that better housekeeping may be appropriate for this area, but wishes to emphasize the non-hazardous nature of any asphalt spilled in the area. Powerine is consolidating all the asphalt material into the bins and cleaning up the area.

Various memorandums have been issued to field staff during the course of operations on the correct methods in segregation and handling of different waste streams. Attachment 3 is a copy of a typical internal waste handling guidance memorandum.

Allegation #5: *General hazardous wastes are often stored longer than 90 days.*

Storage of hazardous wastes over 90 days is unusual for Powerine. During normal operations, Powerine's hazardous waste handling procedures comply with applicable regulations. Waste streams are kept segregated and disposal/recycling is done prior to the 90 day storage limit, if applicable. Powerine has not received a NOV for untimely handling of hazardous waste during previous periods of operation.

Powerine assumes this allegation refers to the few barrels of hazardous waste remaining in its Hazardous Waste Accumulation Area ("HWAA") during the Department's initial inspection in August 1997. This waste has since been disposed/recycled and the Hazardous Waste Manifest and the Certificate of Disposal or Reclamation for this waste is enclosed in Attachment 4.

At present, there is no hazardous waste stored in the refinery. The last of the hazardous waste from the HWAA was shipped for disposal/recycling by HTS, Inc. of Santa Fe Springs on February 19, 1998.

Section 3: Response to Sampling Methodology and Analysis

Sampling Methodology Issues for Tanks 10006 and 27105.

The Department sampled and analyzed several specific locations in the tanks. Powerine believes that this incorrectly skewed the results and that none of the individual samples are representative of the entire tank contents. The amount of material in each phase is not equal in these tanks, either volumetrically or gravimetrically.

Powerine believes that the correct representation of the contents of the tanks is to homogenize samples of all the tank's layers before analysis[1]. Simple averaging of multiple samples is meaningless for flashpoint. This is mainly due to the fact that certain compounds may dampen the flashpoint more than their volumetric or weighted percentage. A better method may be to take a volumetric composite of the tank and analyze it as a composite sample.

Sample Analyses: POC-1-128 and POC-4-128

Although not included in the Report, Powerine was verbally informed and on June 23, 1998 received laboratory data from the Department's analyses that POC-1-128A and POC-4-128A exceeded the regulatory limit for TCLP benzene. TCLP analyses for POC-1-128A and POC-4-128A were 140 ppm and 43 ppm respectively. These samples were obtained from the oil layer of tanks 27105 and 10006, respectively.

Benzene is a hydrocarbon that is not only prevalent but valuable for its energy content throughout the oil refining process, from crude oil to intermediate feedstocks to finished gasoline. Therefore, it is not surprising but also valuable to find benzene in the oil layer. Simply because benzene is present in the oil layer does not classify the material in the tank as a hazardous waste. For example, finished gasoline contains benzene, yet it is a product and is not classified as a hazardous waste. Similarly, the material in Tanks 27105 and 10006 is by definition not hazardous waste because it is oil bearing material and the oil layer will be recovered.

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[1] API, Manual of Petroleum Measurement Standards, Ch. 8 Sampling, Section 10.1
If the sampling procedure requires that multiple samples be taken from a single tank, ..., analytical tests may be performed on each sample or on a composite of the various samples. When analytical tests are performed on individual samples, ..., the tests are generally averaged .

Sample Analyses: POC-3-128, POC-5-128

POC-3-128 *Evidence obtained by the above laboratory analysis and the walk-through inspection indicated the following:*

1. *The bottom content of Tank 27105 contained an ignitable hazardous waste.*
2. *This result substantiates the complaint allegation that the facility illegally has been storing a hazardous waste in excess of 5000 gallons without the Department's permit or grant of authorization.*

POC-5-128 *The above chemical analysis indicates that the bottom content of Tank #10006 exhibit the hazardous waste characteristics for ignitability. It is also listed hazardous waste F037, F038 and K050 as it was generated from wastewater treatments, heat exchange and tank bottom sludge or residue.*

This result substantiates the complaint allegation that the facility illegally has been storing hazardous waste in excess of 5000 gallons without the Department's permit or grant of authorization.

Powerine does not consider the results from samples POC-3-128 and POC-5-128 to be valid, because the analytical procedures utilized were invalid. Additionally, the contents of Tanks 10006 and 27105 are not listed wastes as discusses in Section 2 pages 3 and 4.

The procedure used by the Department was EPA method 1020 Setaflash Closed-Cup Method for Determining Ignitability. This method is meant to be used for liquids only with a flash point between 0° C and 110° C and a viscosity lower than 150 stokes at 25° C.[2]

The results are not valid for the following reasons:

1. Sample POC-3-128A is tank bottom sludge with a high solid content (~30%).
2. Sample POC-5-128A is tank bottom sludge with a viscosity above 150 stokes.

The correct method for samples POC-3-128A and POC-5-128A should be EPA method 1030 Ignitability for Solids.

Most laboratories run EPA method 1010 Pensky-Martens Closed-Cup Method for Determining Ignitability. Powerine was not able to find a laboratory familiar with the Setaflash method to comment on how the variance of the viscosity and the solid content affected the results.

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[2] SW 846, EPA method 1020.

Even though most laboratories run the Pensky-Martens Method for Ignitability on solids, neither the Setaflash nor the Pensky-Martens method is suitable for solids, according to EPA. Attachment 5 is Powerine's December, 1992 letter to the Department which addresses this issue. The scope and application for the these methods are attached in Attachment 6.

Sample Analyses: POC-6-128, POC-7-128

POC-6-128 *This sample exhibited the hazardous waste characteristics of toxicity due to the presence of lead constituents above the Soluble Threshold Limit Concentration (STLC). The presence of lead constituents with the concentration above STLC limits suggests that an appreciable amount of leaded wastes were leaked to the ground of area south of Lake Rothschild. It is also an evidence of poor operation and maintenance that resulted in the disposal of hazardous waste to the ground of the site.*

POC-7-128 *This sample exhibited the hazardous waste characteristics of toxicity due to the presence of lead constituents above the Soluble Threshold Limit Concentration (STLC). The presence of lead constituents with the concentration more than five fold of the STLC limits suggests that an appreciable amount of leaded wastes were leaked to the ground of area under Tank 10006. The laboratory results support the allegation of poor waste handling procedures for Tank 10006. It is also an evidence of poor operation and maintenance of the facility that resulted in the disposal of hazardous waste to the ground of the site.*

Powerine used the Department's split sample to further analyze the lead content of POC-6-128 and POC-17-182. Core Laboratories in Anaheim, CA ran the analyses. The lead detected was not organic in either sample. As discussed in more detail in Section 4 page 13, the presence of lead which is not organic is not an indication of leaks or spills, but an indication that lead paint may have impacted the area at some time in the distant past. The result from the organic lead analysis was non-detect (<1.0 ppm) for both samples. Copies of the analyses are included in Attachments 7 and 8.

For POC-6-128 the TTLC was 140 ppm, which is well below the regulatory limit of 1,000 ppm. The STLC was 3.2 ppm, which is also well below the regulatory limit of 5.0 ppm. The Department's sample analysis resulted in a STLC result of 5.3 ppm. The average of 5.3 ppm and 3.2 ppm is 4.25 ppm. which is below the STLC for lead per §22-66261.24. (See Attachment 7.)

For POC -7-128 the TTLC was 360 ppm, which is well below the regulatory limit of 1,000 ppm. The STLC was 12 ppm. (See Attachment 8.)

Sample Analysis: POC-1-211, POC-2-211 and POC-3-211

The analytical laboratory results for POC-1-211, POC-2-211 and POC-3-211 provided by the Department to Powerine on May 28, 1998 shows these asphalt samples to be non-hazardous.

Section 4: Response to Violations

Class I Violations:

1. **Illegal Storage:**
   Allegation: POC violated Health and Safety Code (HSC), Section 25201(a) and 25213 (b) and 66261.21, in that on or about January 27-28, 1998, Powerine stored in excess of 5000 gallons of hazardous waste in excess of one year and failed to obtain from the Department a hazardous waste permit or grant of authorization, to wit: Powerine stored in Tank #10006 and Tank #27105 (excess of 400,000 gallons) a listed hazardous waste (K050, F037 and F038) and ignitable hazardous waste (D001) without the Department's permit or grant of authorization.

2. **Integrity Assessment:**
   Allegation: POC violated Title 22, California Code of Regulations (Cal. Code Regs.), Section 66262.34 and 66265.191, in that on or about January 28, 1998, Powerine failed to have on file a written integrity assessment reviewed by an independent, qualified, professional engineer that attests that its hazardous waste tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to transferred, stored or treated to ensure that it will not collapse, rupture or fail to wit: there is no documented report to indicate the integrity of Tank #10006 and Tank #27105.

   Response: As explained in detail below, Powerine is confident that storage of oil-bearing material in Tanks 10006 and 27105 does not constitute storage of a hazardous waste. Therefore, the Integrity Assessment Violation listed as item 2 above does not apply. Nevertheless, Powerine acknowledges that it is prudent, as suggested by the Department, that Powerine document the integrity of these tanks. Given that these tanks remain in service and an internal tank inspection cannot be performed, Powerine will, with its available resources, document the integrity of the tanks.

   Specifically, the following were listed in the alleged violation: §25201(a) ... shall accept, treat, store or dispose of a hazardous waste ...

   §66261.21 Characteristic of Ignitability. (a) A waste exhibits the characteristic of ignitability if representative samples of the waste have any of the following properties:...

   §25201(a) and §66261.21 regulate hazardous waste. The materials stored in Tank 27105 and Tank 10006 are oil-bearing materials (recyclable sludge/slop with recoverable oil). From process knowledge, the material is not a F037, F038 nor a K050 waste stream. In addition, oil-bearing material satisfying the criteria listed in

§25144(c) and §25143.2(b), (c) or (d) are excluded from being classified as a waste as discussed below.

§25213(b) does not seem relevant. Powerine requests clarification of this alleged violation.

Tanks 10006 and 27105 and the material in the tanks are not subject to regulation under the hazardous waste program because the tanks are part of Powerine's oil recovery operations. Specifically, the tanks are used to separate oil from oil-bearing materials through gravity separation. Health and Safety Code Section 24144(c) provides that "units, including associated piping, that are part of a system used to recover oil from oil-bearing materials, and the associated storage of oil-bearing materials and the recovered oil, are exempt" from the hazardous waste regulations provided certain conditions are met.

Powerine meets all the conditions in Section 25144(c). First, in accordance with Subsection (c)(1), Tanks 10006 and 27105 perform oil recovery operations at Powerine's petroleum refinery, which bears the SIC classification of 2911. Second, the oil-bearing materials consist of sludges and slop generated at Powerine's refinery, and thus qualify under subsection (c)(2) because they were generated at the same facility at which the oil recovery operations are being conducted. Third, Powerine intends to have the recovered oil inserted into petroleum refinery process units to produce fuel or other refined products. While the generation of oil-bearing material and the oil recovery operations must take place at the same facility, there is no requirement that reuse of recovered oil also take place at the same facility. To expedite reuse of recovered oil, Powerine proposes to have the recovered oil inserted into the refining process units of another local refinery. Fourth, Powerine has not stored recovered oil in a surface impoundment or accumulated recovered oil speculatively. Gravity separation has taken place in above-ground storage tanks, and has been continuous since the material entered the tanks. Once oil is recovered by removing the top hydrocarbon layer from the tanks, Powerine intends to promptly ship the recovered oil to another local refinery for insertion into the refining process units. Per 22 CCR Section 66260.10, material which has been removed for recycling is not being accumulated speculatively. Thus, Powerine has satisfied and will continue to satisfy the requirements of Subsection (c)(4). Fifth, as required by Subsection (c)(5), when Powerine ceases to use Tanks 10006 and 27105 for gravity separation, or when it removes any residual water and sludge in the tanks, it will separately evaluate whether these materials are subject to regulation as hazardous waste.

Finally, Section 25144(c)(6) requires that the "oil-bearing materials would be excluded from classification as a waste pursuant to, or would otherwise meet the requirements for an exemption under, Section 24153.2" as modified by Section 25144(c)(6)(A) through (D). Section 25143.2(b), (c) and (d) offer three independent sets of criteria under which material maybe excluded from

classification as waste or exempted from regulation. In this case, the materials in tanks 10006 and 27105 are excluded from classification as a waste under Section 25143.2(b)(1). The material in the tanks will be "used or reused as an ingredient in an industrial process to make a product". In explaining similar language in the federal regulations, EPA has used the example of distillation bottoms from one process used as feedstock in another process (40 CFR §261.1(c)(5)(I)). Here, the recovered oil will be re-introduced into the refining process as feedstock to make fuels and other products. (It should be noted that although Subsections (c) and (d) also refer to certain refinery processes and wastes, those sections do not preclude a material qualifying for exclusion from classification as waste under Subsection (b)).

Finally, Section 25143.2(b) allows a material to be excluded from classification as a waste only if none of the disqualifying circumstances described in Subsections (e), (f) and (g) apply. None of those disqualifying circumstances apply to Tanks 10006 and 27105. As noted above, although the tanks have been still for some period of time, there has not been any speculative accumulation. Gravity separation requires that the material remain in the tank undisturbed for a period of time. Now that some of the oil has separated and floated to the surface, it will be recovered by removing the top layer from the tanks. Accumulation will begin once the recovered oil is removed from the tank. This is consistent with the provision in Section 25143.10(e) that a recyclable material is not generated until it exits the unit in which it is stored, where, as here, storage and gravity separation are continuing. Powerine intends to have the recovered oil reused at another local refinery as soon as it is removed from Tanks 10006 and 27105, and the company will ensure that the accumulation periods are not exceeded once the recovered oil is removed from the tanks.

As discussed in detail in Section 2 pages 3 and 4, Tanks 10006 and 27105 are an integral part of Powerine's oil recovery system. The tanks contain oil-bearing material that is excluded from classification as a waste. The tank system itself is exempt from hazardous waste control requirements. The material in these tanks is not a hazardous waste nor is it a non-hazardous waste, it is simply not a waste.

Powerine is confident that Tanks 10006 and 27105 are structurally sound. A recent inspection of Tank 10006 and Tank 27105 was performed for a third party interested in purchasing Powerine. The inspection was performed by an individual experienced in refinery equipment inspections and Non Destructive Testing ("NDT") methods such as ultrasonic metal thickness measurement (UT gauging). The shells of Tanks 10006 and 27105 were UT gauged. The inspection for Tank 10006 revealed a minimum wall thickness of 0.20 inch for the bottom shell plates. The minimum required thickness (" t_{min}") is 0.19 inch for the bottom shell plates of this tank[3]. For Tank 27105, the inspection revealed a minimum wall thickness of 0.34 inch for the bottom shell plates. The minimum required thickness t_{min}, is 0.30

[3]API Standard 653 section 2.3.3 "Minimum Thickness Calculation for Welded Tank Shell"

inch for the bottom shell plates of Tank 27105[4]. No liquid leaks were detected during the inspection on either tanks. Although the Department's inspector observed that the insulation on Tank 10006 was in poor condition, weathered looking equipment does not necessarily mean that the equipment is in disrepair. Powerine must remove some insulation from Tank 10006 in order to complete inspection of the tanks. Inspection reports will be submitted to the Department when they are complete.

The Los Angeles Regional Water Quality Control Board ("LARWQCB"), which is the lead agency with jurisdiction over aboveground storage tanks ("ASTs"), conducts annual AST inspections. Powerine's latest inspection occurred on May 15, 1998. The inspector toured the refinery and inspected the ASTs. He did not have concerns with any of Powerine's ASTs. No violations nor repair orders were issued. Additionally, Powerine's groundwater monitoring well network would detect any significant leakage from ASTs which might occur at Powerine's refinery, as required by AB1050, the Aboveground Storage Tank Act. All tank systems at Powerine's refinery have secondary containment berms. These containment berms meet the regulations set forth for secondary containment for refinery tankage.

3. **Illegal Disposal:**
Allegations: POC violated Health and Safety Code (HSC), Section 25189(a) and (c), and 66261.24(a) in that on or about January 27-28, 1998, Powerine disposed of hazardous waste at an unauthorized point, to wit: disposed a toxic hazardous waste containing lead to the area located at the south of Lake Rothschild as well as on the ground around Tank 10006.

4. **Operation:**
Allegations: POC violated Title 22, Cal. Code Regs., Section 66262.34 (a)(3), and 66265.31, in that on or about January 28, 1998, Powerine failed to maintain and operate the facility in a manner that minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous wastes for off-site transfer, treatment, storage or hazardous waste constituents to air or soil which could threaten human health and environment, to wit: leaks or spills of material containing toxic heavy metals from pipes, connectors or bottom to Tank 10006. Also leaks and spills of toxic heavy metals at south of Lake Rothschild area.

Response: Powerine did not dispose of nor allow leakage of toxic hazardous waste containing lead to the area south of Lake Rothschild or at the base of Tank 10006. Powerine acknowledges that the Department may have found lead in levels above the soluble hazardous thresholds at the foot of Tank 10006. However, any lead contamination did not originate from the contents of the tank or piping in the area.

[4] ibid.

There are no leaded residuals such as tank bottoms in Tank 10006, the adjacent piping, or any of Powerine's process equipment. Moreover, if leaded residuals were present, they would contain organic lead (or tetra-ethyl lead; "TEL"). Powerine ran the duplicate samples from the soil by Tank 10006 and south of Lake Rothschild provided by the Department for organic lead. The organic lead analysis was non-detect (<1.0 ppm).

In the past, TEL was added to gasoline to boost its octane rating. This is only lead additive predominantly used in the past in the petroleum industry. There are only minimal quantities of naturally occurring lead in crude oil, and lead is a catalyst poison so it is avoided in the refining process. Powerine is convinced that any lead present must be from lead paint that either chipped off, or at some time in the distant past, was sandblasted off Tank 10006 or other tanks in the area. Metallic lead was also used in the past in gaskets and washers throughout the refinery. Although a less likely source than leaded paint, it is possible that the lead in gaskets and washers used on tank appurtenances may have partially disintegrated into the surrounding soil.

Powerine has obtained signed declarations from former Maintenance and Operations Managers stating that they know for a fact that the tanks in the asphalt area have not been sandblasted nor painted since they started working at Powerine in 1979 and 1986 respectively (Attachments 9 and 10). These declarations date the lead contamination, if caused by sandblasting, to pre-RCRA and pre-1984 Powerine bankruptcy.

Powerine believes that additional sampling of the soil pile forming the berm south of Lake Rothschild would determine it to be non-hazardous. Powerine ran the duplicate sample from this location provided by the Department. Organic lead analysis was non-detect (<1.0 ppm); TTLC was 140 ppm, which is well below the regulatory limit of 1,000 ppm; and STLC was 3.2 ppm, which is also well below the regulatory limit of 5.0 ppm. These results are well below the regulatory limits for lead per §22-66261.24. If the STLC results from Powerine and the Department were to be averaged, the result would be 4.25 ppm; which is still below the regulatory limit of 5.0 ppm. Additionally, the asphalt/soil layer of the berm was subsequently tested by the Department on February 11, 1998 (POC-2-211). The results for this sample were non-hazardous for pH, metal-scan and hydrocarbon-scan.

Historic subsurface information obtained by Powerine reveals that background levels of lead in soil varies from less than 2.5 ppm to 4.9 ppm on the perimeter of the refinery and from less than 2.5 ppm to 6.8 ppm on the Metropolitan State Hospital grounds (just south of the refinery property). All hospital samples tested positive for lead except for a single sample at 80 feet depth. Three (3) perimeter locations were tested for total lead ("TTLC") on the refinery grounds. The sample with the most lead detected, which tested positive for lead to 60 feet depth, is one

that is furthest from the asphalt tank area. Five (5) locations were tested for TTLC at the hospital. The background levels were generally higher than the samples taken on the refinery grounds. Each location was tested at approximately four depths, 10 feet, 20 feet, 70 feet and 80 feet. All but a single sample at 80 feet depth tested positive for lead. The most contaminated location ranged between 5.5 ppm to 6.8 ppm throughout the entire 80 feet depth boring.[5] This data indicates that the background level of lead is quite high in the soil. It also indicates that the background lead is not surfical. Soluble lead ("STLC") was not performed on these samples, therefore the soluble concentrations are not known.

Powerine proposes to evaluate the lateral extent of lead contamination in the asphalt area. The initial sampling plan will be to sample the soil in the asphalt area radially outward from Tank 10006. The proposed location of the samples is presented in Attachment 11. Initially, four (4) surficial samples will be taken and one sample will be taken at one (1) foot below ground surface at the location of the Department's sample POC-7-128. Samples will be taken according to EPA methods outlined in SW-846. The samples will be analyzed by EPA method 6010 for TTLC and STLC as required. A sampling plan to delineate the extent of lead contamination will be developed if warranted by results from the initial sampling.

The Report also alleges that Powerine violated §25189(a) which provides: "Any person who intentionally or negligently makes false statement or representation..." Powerine would not and does not make false statements or mis-representations to any government agency. This is a serious accusation which is unsubstantiated. If this section was not cited in error, please provide additional information so that Powerine can respond to this alleged violation.

5. **Incomplete Labeling:**
Allegation: POC violated Title 22, Cal. Code Regs., Section 66262.34 (a)(2) and (f)(1)(3), in that on or about January 28, 1998, Powerine failed to label Tank #10006 and Tank #27105, two 55-gallon drums of sulfuric acid sludge, acid batteries and other containers of hazardous wastes with the date the initial waste accumulation began, or the composition and physical state of the waste.

Response: Tanks 10006 and 27105 do not require hazardous waste labeling per Section 25144(c)(6)(D). Powerine acknowledges that some of the material in these tanks (particularly the oil layer) may be ignitable material; but it is not ignitable waste requiring classification. The ignitable property of these materials is illustrated by Uniform Fire Code ("UFC") diamond placards stating flammability that is painted on the side of the respective tanks.

[5] TriHydro, Corp., Laramie, WY for Powerine Oil; Subsurface Offsite Investigation, February 19, 1996.

Powerine assumes this allegation refers to the few barrels of hazardous waste remaining at its HWAA during the Department's initial inspection, in August. This waste has since been disposed/recycled and the Hazardous Waste Manifest and the Certificate of Disposal or Reclamation for this waste was provided in Powerine's March 13, 1998 response to the Department's SOV issued February 9, 1998. Currently, there are no hazardous wastes stored in the refinery. The last of the hazardous wastes formerly stored at the HWAA were shipped for disposal/recycling by HTS, Inc. of Santa Fe Springs on February 19, 1998.

Powerine's storage of spent lead-acid batteries was not in violation per §66266.81(a)(1) "...ten or fewer spent lead-acid storage batteries...shall be exempted from requirements...". At the time of the inspection, January 28, 1998, there were seven (7) spent lead-acid batteries in the HWAA. Currently, there are no spent lead-acid batteries in the refinery. They have all been recycled.

Class II Violations:

1. **Waste Analysis:**
   Allegation: POC violated Title 22, Cal. Code Regs., Section 66262.11, in that on or about January 28. 1998, Powerine failed to determine if the waste generated by the facility were hazardous, to wit: Powerine failed to identify or categorize RCRA hazardous waste for the waste in tanks (#10006 and #27105) and drums (drum storage area).

   Response: The oil-bearing material in Tank 27105 and Tank 10006 was not analyzed because Powerine is not required to analyze process streams. As stated previously, the contents of these two tanks is oil-bearing material.

   The contents of all the drums in the HWAA are known. Drums were classified as hazardous unless and until determined non-hazardous. Because of limited resources, Powerine was unable to analyze the material in these drums. Powerine suspected that most, if not all, of the drums would contain non-hazardous materials.

   Of the 79 totally and partially filled drums, all but twenty-one (21) drums were determined to be non-hazardous. Of the 21 drums, four (4) drums contained sealed PCB fluorescent light ballasts which, from a risk assessment point of view, had minimum potential for exposure to human health and the environment. Eleven (11) drums contained only California hazardous waste and several drums contained usable products, not wastes. However, given Powerine's extended suspension of operations, Powerine disposed of the material to address the Department's issues. All drums containing hazardous substances from the HWAA were disposed of or recycled by February 19, 1998.

POWERINE Oil Company

CONFIDENTIAL

INTEROFFICE MEMORANDUM

TO: Buck Petersen DATE: May 20, 1991

FROM: June Christman JMC

SUBJECT: Upgrade Priority of Coker Waste Injection Project

We need to upgrade the priority of the project to install facilities to allow injection of waste streams into the coker. The rising cost of hazardous waste disposal, new federal waste listings, California waste minimization laws, and compliance with recycling and hazardous waste storage regulations make this project a necessity now.

We routinely generate API separator sludge at the refinery. API separator sludge is a federally listed waste currently subject to land disposal restrictions. Unless we can process at least 75% of the sludge generated through the coker within one year of the generation of this waste, we will be required to treat (incinerate or process via solvent extraction) the separator sludge prior to land disposal. Golden West Refinery recently investigated incinerating some API separator sludge in New Jersey because there are no closer incinerators that have available capacity to process their sludge. An order of magnitude estimate for incineration costs is $2000/ton. Transportation and disposal costs are in addition to this.

Land Disposal Restrictions (LDR) or "Land Bans" were mandated in 1984 by the federal Hazardous and Solid Waste Amendments (HSWA). HSWA requires that "...levels of treatment which substantially diminish the toxicity of the waste...be established." EPA and California have developed standards for various waste streams. Initial LDR went into effect in 1985 (land disposal of liquid wastes was prohibited). Additional restrictions continue to be imposed since the initial restrictions. Standards for more generic waste streams took longer to develop and extensions on some treatment requirements have been granted.

The full impact of LDR will be felt by Powerine by May 1992. This is when "hard hammer" (unextendable) deadlines kick in. All solid and liquid petroleum wastes will require treatment prior to disposal. We have one year to pull together a comprehensive waste

management and minimization plan for Powerine facilities. Enabling Powerine to inject sludges into the coker for recycling will be a major step towards waste minimization.

JMC:aj/cokerwst.doc

CC:

A. Gualtieri
M. Egner
M. Abbasfard
W. Chiang
J. Garcia
M. Gnagy
M. Jacquez
[redacted]

Portable Tanks on Site

Delivery Date	Tank#	Tank brought in for	Tanks present contents	P.O.# AFE#	Contractor	Present Location	daily rental $	Acc rent thr print date	Monthly rental
11/08/93	238926	Stretford sulfur(V)	dedicated for Alky neutr.material	Needs prj. AFE# 80329-M/7285	Rain for Rent	TGU	$27.00	$1,728	$810
11/08/93	238922	Stretford sulfur(V)	dedicated for API Sludje sewer prj.	Needs prj. AFE# 80329-M/7285	Rain for Rent	74111	$27.00	$1,728	$810
10/03/93	1245	Water from fire at Coker (O)	Clean/Empty on stand-by for sewer prj.	80026-E/7279	Baker Tanks	Coke Barn	$17.00	$1,700	$510
10/03/93	1983	Water from fire at Coker (O)	"	80026-E/7279	Baker Tanks	Coke Barn	$17.00	$1,700	$510
10/03/93	97GRD	Water from fire at Coker (C)	"	80026-M/7279	Baker Tanks	Coke Barn	$20.50	$2,050	$615
10/01/93	1349	Water from fire at Coker (O)	"	80026-E/7279	Baker Tanks	Coke Barn	$17.00	$1,734	$510
10/03/93	15730	Water from fire at Coker (C)	"	28422-M/7279	Baker Tanks	Coke Barn	$20.50	$2,050	$615
09/30/93	B1100	Water from fire at Coker (C)	"	28422-M/7279	Baker Tanks	Coke Barn	$20.50	$2,112	$615
09/27/93	238438	Water from fire at Coker (C)	dedicated for API Sludge sewer prj.	Needs prj. AFE# 80026-E/7279	Rain for Rent	74111	$24.00	$2,544	$720
09/27/93	238576	Water from fire at Coker (C)	Alky neut. Material	new P.O.#	Rain for Rent	Alky Unit	$20.00	$2,120	$600
09/24/93	238977	Water from fire at Coker (V)	dedicated for API Sludge sewer prj.	Needs prj. AFE# 80026-M/7279	Rain For Rent	74111	$27.00	$2,943	$810
07/15/93	238848	Tank sludge by lomax/lab(C)	Same	26782-MCC606	Rain For Rent	By TK 74111	$20.00	$3,600	$600
06/28/93	238970	sludge fr Lomax tank(C)	Same	26565-MCC625	Rain For Rent	By TK 74111	$20.00	$3,940	$600
06/23/93	238966	Tk 57/58 sludge(C)	Same	25990-MCC625	Rain For Rent	By TK 74111	$20.00	$4,040	$600
03/02/93	238830	API sludge & Water(V)	Tank 57/58 sludge	23854-M	Rain For Rent	By TK 74111	$27.00	$8,505	$810
03/02/93	238826	API sludge & Water(V)	Tank 57/58 sludge	23854-M	Rain For Rent	By TK 74111	$27.00	$8,505	$810
02/25/93	238832	API Sludge & Water(V)	dedicated for Storm drains	Needs prj. AFE# 23854-M	Rain For Rent	By TK 74111	$27.00	$8,640	$810
02/25/93	238430	API Sludge & Water(V)	Same	23854-M	Rain For Rent	By TK 74111	$27.00	$8,640	$810
02/23/93	238822	API Sludge & Water(V)	dedicated for Storm drains	Needs prj. AFE# 73092-M	Rain For Rent	By TK 74111	$27.00	$8,694	$810
02/23/93	238827	Crude API Sludge & Water(V)	Same	73092-M	Rain For Rent	By TK 74111	$27.00	$8,694	$810
01/26/93	238320	Tk 110(C)	Same	7149/71965	Rain For Rent	By TK 74111	$20.00	$7,000	$600
01/26/93	238010	TK 110(C)	Same	7149/71965-M	Rain For Rent	By TK 74111	$20.00	$7,000	$600
01/19/93	238365	Tk 110(C)	Same	7149/71884-M	Rain For Rent	By TK 74111	$20.00	$7,140	$600
01/19/93	238409	Tk 110(C)	Same	7149/71884-M	Rain For Rent	By TK 74111	$20.00	$7,140	$600

Attachment 2

01/19/93	238442	Tk 110(C)	Clean/dedicated for Storm drains	ds prj. AFE# /149/71884-M	Rain For Rent	By TK 74111	$20.00	$7,140	600
10/26/92	238784	Oily Water(V)	dedicated for Storm drains	Needs prj. AFE# 7099/71025-M	Rain For Rent	Tail Gas Unit	$27.00	$11,934	$810
08/26/92	241019	Urea(poly tk)	Urea	22342-OCC618	Rain For Rent	FCC DIV B	$18.50	$9,306	$555
								$142,326	$18,150

c = closed top tank
o = open top tank
v = vapor tight tank (material that exceeds 1.5 PSIA needs a vapor tight tank)

REMOVED	Pick up Date									
07/07/93	09/13/93	238971	Holding h20 for alky gravel(C)	caustic	26662-MCC610	Rain For Rent	Coke Barn	$20.00	$1,360	$600
10/07/92	09/14/93	238388	Neutralized Alky (C)	Caustic 2030	21944-OCC610	Rain For Rent	Alky Unit	$20.00	$6,840	$600
09/28/93	10/13/93	146NSD	Water from fire at Coker		73374-M/7279	Baker Tanks	Coke Barn	$24.00	$360	$720
10/02/92	10/18/93	238436	API Sludge & Water(O)	h20 fr. fira	21938-0625	Rain For Rent	N. of Coke Barn	$20.00	$7,620	$600
09/27/93	10/15/93	238971	Water from fire at Coker		73306-M/7279	Rain for Rent	Coke Barn	$20.00	$360	$600
09/27/93	10/18/93	238388	Water from fire at Coker		73306-M/7279	Rain for Rent	Coke Barn	$20.00	$420	$600
09/28/93	10/19/93	180NSD	Water from fire at Coker		?	Baker Tanks	Coke Barn	$24.00	$504	$720
									$17,464	

4450

POWERINE Oil Company

MEMORANDUM

TO: Distribution DATE: January 31, 1992

FROM: June M. Christman JMC

SUBJECT: Waste Disposal Minimization

The 1992 turnarounds will produce a lot of hazardous and nonhazardous waste from the units. There will be a great deal of trash produced as well. To minimize waste disposal costs, we would like to keep these three (3) different waste streams separated. The following guidelines are issued for your review. As a reminder, we are also reissuing guidelines for labeling containers and the proper procedure to expedite removal of all drummed waste from the units.

- Please keep all trash out of drums and bins marked hazardous waste.
- Put all used shop towels and white rags (except H.F. contaminated) in recyclable yellow shop towel containers.
- If a material is recyclable, please put an "exclude recyclable material" label on the drum or bin.
- Do not mix waste i.e. if you have 1/2 bin full of contaminated sulfur (as an example). Do not add contaminated dirt on top. KEEP WASTE STREAMS SEPARATE.
- Keep all drums and roll-off bins closed or covered when not in use. Label all drums and bins with a preprinted POC label and a hazardous waste label if applicable. If you have any question on labeling, please contact the Environmental Department.

We request the following procedures be followed to expedite removal of all drummed waste from all divisions.

The drum movement form is to be filled out by Operations and Maintenance Department when requesting drum(s) to be moved to the Hazardous Waste Accumulation Area (HWAA). A work order must be written for each drum movement form. You may have up to five (5) <u>different</u> waste streams and an unlimited amount of each type of drummed waste per form.

Before requesting drum(s) to be removed:

- Remove all liquid from drum.
- All drums must be free of any valves, fittings, spigots for draining, etc before drums are moved.
- All drum movement forms must include a cost center to which disposal cost may be charged.
- All drum movement forms must be completely filled out with a supervisors signature. Attachment 1 contains instructions on completing the form.
- All drums must have a preprinted POC label completely filled out and a Hazardous Waste label if applicable.

  Note: The only two (2) people certified by OSHA 29CFR 1910.120 to move drummed hazardous waste are David Bales and Sal Grillo. No one else can move drums of hazardous waste.

The name and address is preprinted on the POC label. When you include this POC label on all drums you do not have to fill in the top of a hazardous waste label. Only the bottom.

The information that is to be marked on the hazardous waste label is as follows:

Physical state: solid? liquid?	Hazardous Properties: corrosive? reactive? flammable? Toxic? Other?

If additional information on hazardous waste identification is needed, call the Environmental Department and request the specific guidelines to identifying hazardous waste.

- All hazardous waste labels, excluded recyclable material labels, preprinted POC labels, recyclable catalyst labels (use only when catalyst is to be regenerated off-site) are available from Warehouse #2.

We have established a "No drum" policy in the refinery. Unless a drum contains usable product, or the drum contains a recyclable material and is properly stored (covered/closed) and is properly labeled, it must be removed to the HWAA. (For useable products the product name must be visible. For a recyclable material an "excluded recyclable material" label must be on the drum.)

ELIMINATE STOCKPILING OF EMPTY DRUMS. If a drum is empty, fill out the proper forms and submit them to your supervisor.

1. a drum movement form
2. work order

If you have any questions or comments to improving the current procedure, contact Judi Gardner, ext 374.

hzwstfrm.doc

cc: File

Distribution:

ATTACHMENT 1

DRUM MOVEMENT FORMS

DATE:	Date form is completed
SOURCE OF WASTE GENERATED:	The department/unit the waste was generated from.
COST CENTER:	The cost center number to which the waste disposal will be billed (a list of refinery cost centers is attached for reference).
REQUESTED BY:	Name of person who requested the movement
SUPERVISORS SIGNATURE:	Signature of supervisor that inspected the drums. All drums must have completed labels on them: 1) A POC label with date, material, department/unit; 2) A Hazardous Waste label (if applicable). All drums must be properly sealed. All valves, fittings, and spigots for draining must be removed before requesting movement.
LOCATED AT:	Indicate exact location of drums to be moved.
DRUM QUANTITY:	The number of containers to be moved that are labeled as indicated under description/ material.
DESCRIPTION/ MATERIAL:	Name what the material is. If catalyst or charcoal (as an example), name the vessel or tank it came out of.
EMPTY/FULL:	For empty drums, name what the drum contained and what unit it was from. (This is if the drum is not completely empty and can be used we know where to return the drum, so make sure the drum is empty.) If partially full, estimate the fraction full, i.e. 1/4, 1/3, 1/2, etc. (Only request that partially full drums are removed to the HWAA if the drum has been contaminated and is for disposal. If it is to be returned to Warehouse #1, make sure it is clearly marked on the form. The drum must be sealed, labeled, and weighed before Warehouse #1 will return to inventory.

New State regulations require the generator (Powerine) to remove all material possible from a drum before it is considered empty.

SOLID/LIQUID:	Put an 'X' in the appropriate box.
ADDITIONAL DESCRIPTION:	Indicate if the material has a specific safety hazard or special equipment needed or conditions to avoid, i.e. If the material is pyrophoric (will burn on contact with air); if there is an acid hazard; if waste contains nickel, etc.
LABELED:	Indicate that there is a preprinted POC material identification label (this should have already been attached to the drum), a manufacturer's label, or other type of label. If other please explain. Check as many as applicable.
HOLDING AREA DATE:	This will be filled out by the person moving the drum.
NAME OF DRUM MOVER:	Completed by person moving the drum. Person(s) moving drum must be certified by OSHA 29 CFR 1910.120 to move hazardous waste.
SPECIAL INSTRUCTIONS:	If any special precautions or moving instructions are required, please indicate.
DRUM WT. FULL/EMPTY:	This is if the drum needs to-be weighed (i.e. catalyst that needs to be returned to warehouse #1).

drmfrm.doc

1/21/91

COST CENTER NUMBERS

ADMINISTRATION

600	General

PROCESS AREA

601	General
602	Crude Units A & B
603	Reformer Unit #2
604	Reformer Unit #3
605	Isom Unit
606	Lomax
607	Unifiner
608	Vacuum Unit
609	FCC Unit/Gas Con/Merox
610	Alkylation Unit
611	Sulfur Unit/TGTU
612	Amine Treating Unit
613	Coker/Coke Barn
614	KHT
615	FHT
616	Hydrocracker
617	Hydrogen Plant
618	Steam System
619	Cooling Water System
620	Air System
621	Thermal Oxidizer/Flare System
622	Electrical System
623	Tank Farm & Blending
624	Fire Water System
625	Waste Water System
626	CO2 Plant

MAINTENANCE AREA

640	General
641	Buildings
642	Yards & Roads
643	Warehouse
645	Obsolete Inventory

TECHNICAL SERVICES

650	General
651	Process Engineering
652	Laboratory
653	Inspection
654	Mechanical Engineering

TERMINALS & PIPELINE

660	General
661	Loading
662	Marine Terminal
663	Pipelines
664	Phoenix
665	San Diego

ENVIRONMENTAL

670	General
671	Air
672	Water
673	Soils
674	Hazardous Materials

SAFETY & SECURITY

680	General
681	Safety
682	Fire Equipment
683	Security
684	Training
699	Operator Candidate School

ADMINISTRATIVE

800	Adm General
810	Marketing
820	Finance
830	Accounting
840	Purchasing
850	Human Resources
860	Central Service

ESSEX WASTE MANAGEMENT SERVICES, INC.

CERTIFICATE OF DISPOSAL OR RECLAMATION

Essex Waste Management Services, Inc. hereby certifies that all materials described in manifest/bill of lading # 00001 were destroyed/reclaimed in compliance with all applicable federal, state and municipal laws.

ESSEX WASTE MANAGEMENT SERVICES, INC.

BY LaVaun R. Hutchinson

Generator:
Powerine Oil Company
12345 Lakeland Road
Santa Fe Springs, CA 90670

DATE 04/30/98

29761

800749

Attachment 4

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY
Hazardous Waste Program
P.O. Box 176 Jefferson City, Missouri 65102
573-751-3176

HAZARDOUS WASTE MANIFEST

THIS DOCUMENT MUST BE USED FOR ALL MISSOURI-DESTINED SHIPMENTS. INSTRUCTIONS FOR THE COMPLETION OF THIS FORM ARE ON A SEPARATE SHEET.

EMERGY RESPONSE	U.S. COAST GUARD 1-800-424-8802	CHEM TREC 1-800-424-8300	DEPT. OF NATURAL RESOURCES 573-634-2436

Please print or type (Form designed for use on elite (12-pitch) typewriter.)

Form Approved OMB No 2050-0039, Expires 9-30-99

GENERATOR FINAL COPY - PART 2

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.: CAD008383291 — Manifest Document No.: 00001
2. Page ___ of ___ — Information in the shaded areas is required by State law.

3. Generator's Name and Mailing Address:
POWERINE OIL COMPANY
12345 Lakeland Road
Santa Fe Springs, CA 90670

4. Generator's Phone (562) 944-6111

A. Missouri Manifest Document Number: 034135 [redacted] 0001
B. G.S.I. (Gen. Site Address):

5. Transporter 1 Company Name: Hazardous Waste Transportation Services, INc.
6. US EPA ID Number: CAD981446156
C. MO. Trans. ID:
D. Transporter's Phone: (562) 906-0588

7. Transporter 2 Company Name: Rust & Sons
8. US EPA ID Number: CAD981634116
E. MO Trans. ID: H2026 6T43782
F. Transporter's Phone: (800) 444-6193

9. Designated Facility Name and Site Address:
Essex Waste Management, Inc.
1403 [illegible] 58 Highway
Kingsville, MO 64061
10. US EPA ID Number: MOD980962849
G. State Facility's ID: 004037RR0257
H. Facility's Phone: (816) 732-5561

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers Number	Type	13. Total Quantity	14. Unit Wt/Vol.	I. Waste No.
a. Waste Ethylene Dichloride, 3, UN1184, PGII	001	DM	00055	G	EPA WASTE CODE D001 / STATE 211
b. NQ, Waste Corrosive Liquid, n.o.s., (Sulfuric Acid) 8, UN1760, PGIII	003	DF	00165	G	EPA WASTE CODE D002 / STATE 491
c. Hazardous Waste Liquid, n.o.s., 9, NA3082, PGIII (K051)	002	DM	00110	G	EPA WASTE CODE K51 / STATE 491
NON-RCRA Hazardous Waste Solid (Support Balls) (California Regulated Only)	011	DM	03900	P	EPA WASTE CODE NONE / STATE 352

J. Additional Descriptions for Materials Listed Above	K. HANDLING CODE (FACILITY USE ONLY) INTERIM	FINAL	COMMENTS
a. 9800469: Waste Ethylene Dichloride U077	a. S01	T04	Treatment
b. 9800468: Sulfuric Acid Sludge	b. S01	T04	Neutralization
c. ~~9800467~~: API Sludge 98-00774	c. S01	T03	
d. 9800470: Ceramic Support Balls	d. S01	T03	

15. Special Handling Instructions and Additional Information
USE PROPER SAFETY EQUIPMENT
DOT Emergency Guidebook
a) 129 b) 154 c) 171 d) None
BILL TO: HTS
Emergency Response Contact
(562)944-6111 or (562)906-0588

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and applicable state regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method available to me that I can afford.

Printed/Typed Name: ROBERT A. WENOM — Signature: [signature] — Month Day Year: 02 19 98

TRANSPORTER

17. Transporter 1 Acknowledgement of Receipt of Materials — Date
Printed/Typed Name: STEVE BACHMAN — Signature: [signature] — Month Day Year: 02 19 98

18. Transporter 2 Acknowledgement of Receipt of Materials — Date
Printed/Typed Name: BILL HERZOG — Signature: [signature] — Month Day Year: 03 03 98

FACILITY

19. Discrepancy Indication Space
11.a: EPA Code U077 added per Ron Leahy.
11.c: K051 indluded in DOT Description per Ron Leahy.
11.c: DOT Description should read Hazardous Waste Solid, n.o.s., 9, NA3077, III, (K051) per Ron Leahy.

20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. — Date
Printed/Typed Name: Ronald J. Scully Jr for ESSEX — Signature: [signature] — Month Day Year: 03 06 98

EPA Form 8700-22 (Rev. 8-91) MDNR-HWG 10 — PREVIOUS EDITIONS ARE OBSOLETE

CONTAINS 50% RECYCLED PAPER WHICH INCLUDES NOT LESS THAN 20% POST CONSUMER WASTE

THIS COPY MUST BE RETAINED BY THE GENERATOR AFTER ITS RETURN FROM

State of California—Environmental Protection Agency
Form Approved OMB No. 2050-0039 (Expires 9-30-99)
Please print or type. Form designed for use on elite (12-pitch) typewriter.

See Instructions on back of page 6.

Department of Toxic Substances Control
Sacramento, California

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.: CAD008383291 — Manifest Document No.: 98001
2. Page 1 of 1

Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address:
Powerine Oil Company
12345 Lakeland Road
Santa Fe Springs CA 90670

4. Generator's Phone (562) 944-6111

State Manifest Document Number: 97803534
State Generator's ID:

5. Transporter 1 Company Name: Hazardous Waste Transportation Services, Inc.
6. US EPA ID Number: CAD981446156

State Transporter's ID:
Transporter's Phone: (562) 906-0588

7. Transporter 2 Company Name:
8. US EPA ID Number:

State Transporter's ID:
Transporter's Phone:

9. Designated Facility Name and Site Address:
The Azusa Land Reclamation
1211 Gladstone Street
Azusa CA 91701

10. US EPA ID Number: CAD009007626

State Facility's ID: CAD009007626
Facility's Phone: (626) 334-0719

11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	Waste Number
a. RQ, Waste Asbestos, 9, NA2212, PGIII	014	DM	02400	P	State / EPA/Other
b.					State / EPA/Other
c.					State / EPA/Other
d.					State / EPA/Other

J. Additional Descriptions for Materials Listed Above: 11a) Friable Asbestos

K. Handling Codes for Wastes Listed Above: 03

15. Special Handling Instructions and Additional Information
USE PROPER SAFETY EQUIPMENT
DOT Emergency Guidebook
a) 171

BILL TO: HTS
Emergency Response Contact
(562) 944-6111 or (562) 906-0588

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name: [signature] — Signature: [signature] — Month 03 Day 05 Year 98

17. Transporter 1 Acknowledgement of Receipt of Materials
Printed/Typed Name: STEVE BACHMAN — Signature: [signature] — Month 03 Day 05 Year 98

18. Transporter 2 Acknowledgement of Receipt of Materials
Printed/Typed Name: — Signature: — Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.
Printed/Typed Name: Gloria Barrera — Signature: Gloria Barrera — Month 03 Day 06 Year 98

DO NOT WRITE BELOW THIS LINE.

Yellow: TSDF SENDS THIS COPY TO GENERATOR WITHIN 30 DAYS
(Generators who submit hazardous waste for transport out of state, produce completed copy of this copy and send to DTSC within 30 days.)

DTSC 8022A (4/97)
EPA 8700—22

IN CASE OF EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA, CALL 1-800-852-7550

97803534

GENERATOR

TRANSPORTER

FACILITY

MINNESOTA POLLUTION CONTROL AGENCY
HAZARDOUS WASTE DIVISION
520 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155
ATTN: HWIMS

Please TYPE (Form designed for use on elite (12-pitch) typewriter) or print LEGIBLY. Instructions on cover page.

OMB No. 2050-0039
EXPIRES 9/30/98

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. CAD008383291 Manifest Document No. 97032

2. Page 1 of

Information in shaded area not required by Federal law. Minnesota rules require Items H. and I.

3. Generator's Name and Mailing Address (Also location of waste generation if different from mailing address.) Powerline Oil Co. 12345 Lakeland Rd., 90670

4. Generator's Phone 562 944-6111 County: Santa Fe Springs, CA.

A. State Manifest Document Number MN 27232

B. State Generator's ID

5. Transporter 1 Company Name Luminite Recyclers

6. US EPA ID Number MNR000000586

C. State Transporter's ID

D. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address Luminite Recyclers Inc. - 261 W. University Ave. #206 St. Paul, MN. 55114

10. U.S EPA ID Number MNR000000586

G. State Facility's ID

H. Facility's Phone 612 644-0079

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

	HM		12. Containers No	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a.	X	RQ Waste Polychlorinated Biphenyls 9, UN2315, PG III	4	DM	2600	P	
b.							
c.							
d.							

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

Response Guide 171

15. Special Handling Instructions and Additional Information

Emergency Responce # 1-800-535-5053

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and all applicable state laws and regulations.

If I am a large quantity generator I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage or disposal currently available to me which minimizes the present and future threat to human health and the environment, or, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name: June Christman Signature: [signature] Date: Month 01 Day 19 Year 98

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name: Mark Eldridge Signature: [signature] Date: Month 01 Day 19 Year 98

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name: Signature: Date: Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name: [illegible] Signature: [signature] Date: Month Day Year

GENERATOR

TRANSPORTER

FACILITY

In case of spill or emergency, immediately call the Minnesota Duty Officer (the Minnesota Pollution Control Agency) at 800/422-0798 or 612/649-5451 and the National Response Center at 800/424-8802. Outside Minnesota, call the National Response Center and appropriate state agency.

Minnesota Form PQ-00371-04 (9/90) (Previous editions obsolete)

Copy 3: Facility mails to Generator

This Shipping Order Must be legibly filled in, in ink, in indelible Pencil, or in Carbon and retained by the Agent.

Shipper's #

Carrier Agent's No.

RECEIVE, subject to the classifications and tariffs in effect on the date of the issue of this Shipping Order,

at SANTA FE SPRINGS 19____ from POWERINE

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown) marked, consigned and destined as shown below, which said company (the word company being understood throughout the contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written herein contained including the conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

Consigned to HTS 11910 GRFFENSTONE (Mail or street address of consignee—For purposes of notification only.) (TUTTASTATE BATTERY)

Destination SANTA FE SPRINGS State of ____ Zip Code ____ County of ____

Routing ____ Delivering Carrier ____ Vehicle or Car Initial ____ No. ____

Collect On Delivery

$ ____ and remit to: ____

____ Street ____ City ____ State

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column
7	X	BATTERIES, WET, ACID 8, UN2794 III	300	P	

C. O. D. charge to be paid by { Shipper ☐ Consignee ☐

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write or stamp here, "TO BE PREPAID."

Received $ ____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per ____

(the signature here acknowledges only the amount Prepaid.)

Charges Advanced:

$ ____

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE—Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding ____ per ____

Shipper, Per ____

Permanent post-office address of shipper, 12345 LAKELAND ROAD, SANTA FE SPRINGS

☞ Agent must detach and retain this Shipping Order and must sign the Original Bill of Lading.

2

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

POWERINE Oil Company

12354 Lakeland Road, P.O. Box 2108
Santa Fe Springs, California 90670-3857

(310) 944-9861
(310) 944-6111

TLX No: 4720404
A/B Powerne
Telecopy No: 944-8522

December 17, 1992

Mr. Guillermo Hernandez
California Environmental Protection Agency
Department of Toxic Substance Control
Hazardous Materials Specialists
1405 N. San Fernando Blvd., Suite 300
Burbank, California 91504

Re: Jet Clay Characterization

Dear Mr. Hernandez:

This letter is to correct our characterization of Jet Clay to nonhazardous from RCRA hazardous based on a flash point that is less than 140° F as described in our letter of November 6, 1992.

After consultation with DTSC staff in Burbank, Sacramento and Berkeley as well as independent attorneys, we believe that our characterization of the jet clay was overly conservative and inappropriate. On November 30, 1992, Ted Metrose of my staff spoke with Mr. Bart Simmons of the Health Services Hazardous Materials Management Lab in Berkeley, California. Mr. Simmons informed us that EPA Method 1010, the Pensky-Martens Closed-Cup Method for determining ignitibility, is inappropriate for solid waste. At this time DTSC could neither suggest nor recommend an alternative. Further, Mr. Simmons stated that he has already contacted the EPA seeking guidance on this issue, and the EPA has provided no response, nor are they expected to in the near future.

Since there is no appropriate test method jet clay does not exhibit the ignitibility characterization. According to the rest of our lab data, the jet clay is more appropriately characterized as non-hazardous.

This correction in and of itself will not alter how we handle the material in the future. The principle reason Powerine is making this clarification is to promote consistency between Powerine, the generator, and receiving facilities such as the cement kilns (California Portland and Mitsubishi Cement) and Landfills (Laidlaw and US Ecology) that would currently characterize our jet clay as non-hazardous.

POWERINE Oil Company

Should you have any questions, please contact Ted Metrose of my staff at extension 373.

Sincerely,

June M. Christman
Manager - Environmental Engineering

TKM:aj/jt-cly.doc

cc: Jay Grady (California Portland Cement)
Vince Bartleman (US Ecology)
Ted Metrose
Judi Gardner

METHOD 1010

PENSKY-MARTENS CLOSED-CUP METHOD FOR DETERMINING IGNITABILITY

1.0 SCOPE AND APPLICATION

1.1 Method 1010 uses the Pensky-Martens closed-cup tester to determine the flash point of liquids including those that tend to form a surface film under test conditions. Liquids containing non-filterable, suspended solids shall also be tested using this method.

2.0 SUMMARY OF METHOD

2.1 The sample is heated at a slow, constant rate with continual stirring. A small flame is directed into the cup at regular intervals with simultaneous interruption of stirring. The flash point is the lowest temperature at which application of the test flame ignites the vapor above the sample.

For further information on how to conduct a test by this method, see Reference 1 below.

3.0 METHOD PERFORMANCE

3.1 The Pensky-Martens and Setaflash Closed Testers were evaluated using five industrial waste mixtures and p-xylene. The results of this study are shown below in °F along with other data.

Sample	Pensky-Martens	Setaflash
1[2]	143.7 ± 1.5	139.3 ± 2.1
2[2]	144.7 ± 4.5	129.7 ± 0.6
3[2]	93.7 ± 1.5	97.7 ± 1.2
4[2]	198.0 ± 4.0	185.3 ± 0.6
5[2]	119.3 ± 3.1	122.7 ± 2.5
p-xylene[2]	81.3 ± 1.1	79.3 ± 0.6
p-xylene[3]	77.7 ± 0.5[a]	--
Tanker oil	125, 135	--
Tanker oil	180, 180	--
Tanker oil	110, 110	--
DIBK/xylene	102 ± 4[b]	107

[b]75/25 v/v analyzed by four laboratories.
[a]12 determinations over five-day period.

Revision 0
Date September 1986

4.0 REFERENCES

1. D 93-80, Test Methods for Flash Point by Pensky-Martens Closed Tester, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 04.09, 1986.

2. Umana, M., Gutknecht, W., Salmons, C., et al., Evaluation of Ignitability Methods (Liquids), EPA/600/S4-85/053, 1985.

3. Gaskill, A., Compilation and Evaluation of RCRA Method Performance Data, Work Assignment No. 2, EPA Contract No. 68-01-7075, September 1986.

METHOD 1020

SETAFLASH CLOSED-CUP METHOD FOR DETERMINING IGNITABILITY

1.0 SCOPE AND APPLICATION

1.1 Method 1020 makes use of the Setaflash Closed Tester to determine the flash point of liquids that have flash points between 0° and 110°C (32° and 230°F) and viscosities lower than 150 stokes at 25°C (77°F).

1.2 The procedure may be used to determine whether a material will or will not flash at a specified temperature or to determine the finite temperature at which a material will flash.

1.3 Liquids that tend to form surface films under the test conditions or those that contain non-filterable suspended solids shall be tested for ignitability using Method 1010 (Pensky-Martens Closed-Cup).

2.0 SUMMARY OF METHOD

2.1 By means of a syringe, 2-mL of sample is introduced through a leak-proof entry port into the tightly closed Setaflash Tester or directly into the cup which has been brought to within 3°C (5°F) below the expected flash point.

2.2 As a flash/no-flash test, the expected flash-point temperature may be a specification (e.g., 60°C). For specification testing, the temperature of the apparatus is raised to the precise temperature of the specification flash point by slight adjustment of the temperature dial. After 1 min, a test flame is applied inside the cup and note is taken as to whether the test sample flashes or not. If a repeat test is necessary, a fresh sample should be used.

2.3 For a finite flash measurement, the temperature is sequentially increased through the anticipated range, the test flame being applied at 5°C (9°F) intervals until a flash is observed. A repeat determination is then made using a fresh sample, starting the test at the temperature of the last interval before the flash point of the material and making tests at increasing 0.5°C (1°F) intervals.

For further information on how to conduct a test with this method, see Reference 1 below.

3.0 METHOD PERFORMANCE

See Method 1010.

4.0 REFERENCES

1. D 3828-81, Test Method for Flash Point by Setaflash Closed Tester, American Society for Testing and Materials, 1613 Race Street, Philadelphia, PA 19103, 05.03, 1986.

2. Umana, M., Gutknecht, W., Salmons, C., et al., Evaluation of Ignitability Methods (Liquids), EPA/600/S4-85/053, 1985.

3. Gaskill, A., Compilation and Evaluation of RCRA Method Performance Data, Work Assignment No. 2, EPA Contract No. 68-01-7075, September 1986.

METHOD 1030

IGNITABILITY OF SOLIDS

1.0 SCOPE AND APPLICATION

1.1 This method is suitable for the determination of the ignitability of solids and is appropriate for pastes, granular materials, solids that can be cut into strips, and powdery substances. This method may be used to meet certain regulatory applications; with respect to the characteristic of ignitability in CFR § 261.21, this method may be used, but is not required, to determine whether a solid waste "when ignited, burns so vigorously and persistently that it creates a hazard." If it is impractical to perform the test because of the physical form of the sample, generator knowledge should be used to determine the ignitability hazard posed by the material.

2.0 SUMMARY OF METHOD

2.1 In a preliminary test, the test material is formed into an unbroken strip or powder train 250 mm in length. An ignition source is applied to one end of the test material to determine whether combustion will propagate along 200 mm of the strip within a specified time period. Materials that propagate burning along a 200 mm strip within the specified time period are then subjected to a burning rate test. Materials that do not ignite or propagate combustion as described above do not require further testing. In the burning rate test, the burning time is measured over a distance of 100 mm and the rate of burning is determined. The test method described here is based on the test procedure adopted by the Department of Transportation from the United Nations regulations for the international transportation of dangerous goods and is contained in Appendix E to Part 173 of 49 CFR.

3.0 INTERFERENCES

3.1 In laboratory tests the burning rate of duplicate runs is usually repeatable to within 10%. However, large differences in burning rates may occur if experimental conditions are not held constant. Variation in airflow rates, particle size, and moisture content of the test material will affect test results. Therefore, at least triplicate determinations of the burning rate should be conducted.

3.2 Particle size of test material can affect not only the burning rate, but also the ignition of the material. Therefore, the particle size of the test material should be the same for each test run. The particle size of the test material should be reported in a simple descriptive format (e.g., fine powder, sand, coarse granular).

3.3 Temperature of some test material such as sulfur powder affects the burning rate. For reproducible results, all tests should be performed at approximately the same initial temperature (ambient room or laboratory temperature).

3.4 All tests must be carried out inside a fume hood with the test apparatus situated perpendicular (90°) to the direction of airflow. Airflow parallel (0°) to the test apparatus results in non-reproducible burning rates.

3.5 The rate of airflow through the fume hood affects the burning rate. Too high an airflow distorts the flame and retards its horizontal propagation. The optimum airflow appears to be in the range of 0.7-1 meter per second.

3.6 Materials that are moisture sensitive (i.e., readily absorb moisture from air) should be tested as quickly as possible after removal from the sample container. All materials should be tested as received by the laboratory.

4.0 APPARATUS AND MATERIALS

4.1 Low-heat conducting, non-combustible, impervious ceramic tile or equivalent material, of approximate dimension of 25 cm x 25 cm x 2.5 cm (the tile must be at least 25 cm in length to support a 250 mm test sample).

4.2 High temperature marker or equivalent marking device for marking ceramic plates.

4.3 Powder Train Mold (see Figure 1) for molding powdered and granular materials for the burn rate test. The material of construction can be aluminum, brass, stainless steel, or plastic. The mold is 250 mm in length and has a triangular cross-section, with a width of 20 mm, and a depth of 10 mm as measured from the bottom of the triangular opening to where the sides meet. On both sides of the mold, in the longitudinal direction, two sheets are mounted as lateral limitations which extend 2 mm beyond the upper edge of the triangular cross-section. This device can be fabricated by most machine shops. The complete burn rate apparatus is available from: Associated Design and Manufacturing Co.; 814 N. Henry Street; Alexandria, Virginia 22314.

4.4 A Bunsen (propane gas and air) burner with a minimum diameter of 5 mm capable of attaining a temperature of at least 1,000°C.

4.5 Stop watch.

4.6 Thermocouple to measure the temperature of the gas flame.

4.7 Thermometer to measure initial temperature of material (i.e., room temperature).

4.8 Anemometer to measure airflow in the fume hood.

5.0 REAGENTS

5.1 No special reagents are required to conduct this test.

6.0 SAMPLE COLLECTION, PRESERVATION, AND HANDLING

6.1 All samples are tested on as-received basis unless requested otherwise. No sample preservation is required, but sample containers should be completely filled and tightly sealed to preserve sample integrity.

6.2 Samples should be tested as soon as possible after removal from the sample container (i.e., samples should not be allowed to dry or absorb moisture for excessive periods or to

lose volatiles). Samples that are chilled or cooled upon receipt to the laboratory should be allowed to equilibrate to the ambient laboratory temperature in the sample container.

7.0 PROCEDURE

SAFETY: Prior to starting the preliminary test, all sample materials must be tested to determine if that material is explosive or extremely flammable. Use a very small portion of material (1 gram or less). If the sample displays explosivity or extreme flammability, do not conduct this test.

7.1 Preliminary Screening Test

7.1.1 The preliminary ignitability test is conducted on all waste materials. On a clean, impervious ceramic tile (Section 4.1), clearly mark a 250 mm long test path. Make another mark at exactly 200 mm from the start of the sample path.

7.1.2 Prepare the test material in its "as received" form by forming an unbroken strip or powder train of sample 250 mm long by 20 mm wide by 10 mm high on the ceramic tile. Use the mold to form the material as in 7.2.3 if appropriate.

7.1.3 Place the ceramic tile with the loaded sample in a fume hood about 20 cm (~8 inches) from the front of the hood and in an area of laminar airflow. Position the sample perpendicular to the airflow. (See Figure 2) The airflow across the perpendicular axis of the sample should sufficient to prevent fumes from escaping into the laboratory and should not be varied during the test. The air velocity should be approximately 0.7 meters/second. Measure the air velocity by an anemometer.

7.1.4 Light the Bunsen burner and adjust the height of the flame (6.5 to 7.5 cm) by adjusting the propane gas and air flows. Measure the temperature of the flame (tip of the flame) by a thermocouple. The temperature of the flame must be at least 1000°C.

7.1.5 Apply the tip of the flame to one end of the sample strip . The test period will depend on the sample matrix as follows:

7.1.6 If the waste is non-metallic, hold the flame tip on the sample strip until the sample ignites or for a maximum of 2 minutes. If combustion occurs, begin timing with a stop watch and note whether the combustion propagates up to the 200 mm mark within the 2 minute test period.

7.1.7 If the waste is a metal or metal-alloy powder, hold the flame tip on the sample strip until the sample ignites or for a maximum of 5 minutes. If combustion occurs, begin timing with a stop watch and note whether the combustion propagates up to the 200 mm mark within the 20 minute test period.

7.1.8 If the waste does not ignite and propagate combustion either by burning with open flame or by smoldering along 200 mm of sample strip within the 2 minute test period (or 20 minute test period for metal powders), the waste is not considered flammable and no further testing is required. If the waste propagates burning of 200 mm of the test strip within

the 2 minute test period (20 minute test period for metals), the material must be evaluated by the burning rate test (Section 7.2).

7.2 Burning Rate Test

7.2.1 The preparation of the test sample for the burning rate test will depend on the physical characteristics of the waste. Wastes that exist in a powdered or granular state are molded in a powder train mold shown in Figure 1. Pasty materials are formed into a rope 250 mm in length with a cross-section of 1 cm^2. All tests for the burn rate test are performed on clean, ambient temperature, ceramic plates.

7.2.2 On a clean, impervious ceramic tile (Section 4.1), clearly mark a 250 mm long test path. Make two additional timing marks at 80 mm and 180 mm from the start of the sample path. The distance between the two marks (100 mm) will be used to calculate the rate of burn in Section 7.2.9.

7.2.3 Tighten the side plates on the mold. For powdered or granular materials: Place the mold on the base plate. Pour the material to fill the triangular cross section of the mold loosely.

7.2.4 Drop the unit from a height of 2 cm onto a solid surface three times to settle the powder. Remove the side supports. Lift the mold off the base plate. Place a clean ceramic test plate with the appropriate timing marks (Section 7.2.2) face down on top of the mold. Invert the setup and remove the mold.

7.2.5 Pasty wastes are prepared by spreading the waste on a marked ceramic tile (Section 7.2.2) in the form of a rope 250 mm in length with a cross-section of 1 cm^2.

7.2.6 Place the ceramic tile with the loaded sample prepared in Sections 7.2.3 or 7.2.5 in a fume hood about 20 cm (~8 inches) from the front of the hood and in an area of laminar airflow. Position the sample perpendicular to the airflow. (See Figure 2) The airflow across the perpendicular axis of the sample should sufficient to prevent fumes from escaping into the laboratory and should not be varied during the test. The air velocity should be approximately 0.7 meters/second. Measure the air velocity with an anemometer.

7.2.7 Light the Bunsen burner and adjust the height of the flame (6.5 to 7.5 cm) by adjusting the propane gas and air flows. Measure the temperature of the flame (tip of the flame) by a thermocouple. The temperature of the flame must be at least 1000°C.

7.2.8 Apply the tip of the flame to one end of the sample strip to ignite the test strip as described in Section 7.1.6 and 7.1.7.

7.2.9 When the test strip or powder train has burned up to the 80 mm time marker, begin timing the rate of combustion with a stop watch. Stop the timer when the burned strip reaches the 180 mm time marker. Record the amount of time (in seconds) required to burn the 100 mm test strip. Calculate the rate of burning by dividing the length of the burn test strip (100 mm) by the total time (seconds). Results of the burn rate test should be reported in mm/sec. Wastes that have a rate of burning of more than 2.2 mm/sec (or burn time of less than 45 seconds for 100 mm) are considered to have a positive result for ignitability

according to DOT regulations. For metals, this time is 10 minutes or less for 100 mm (or a burn rate of more than 0.17 mm/sec).

7.2.10 Report and Calculation Section

Test Material Information

Source of Material: e.g., Company, operation or process
Description of material: e.g., powder or paste, metallic or non-metallic
Particle size: e.g., fine powder, granular, sand, etc.
Preliminary Burning Time: ____ seconds.

Test Conditions

Date of Test:
Temperature of test material (°C):
Air velocity through fume hood (m/s):

Ignitability Test Data				
Test Number	Time (sec) elapsed between application of flame and start of ignition	Burning time over 100 mm (sec)	Burning Rate (mm/sec)	Comments
1				
2				
3				

8.0 QUALITY CONTROL

8.1 All tests must be performed on a clean ceramic plate at room temperature. All samples must have been collected using a sampling plan that addresses the considerations discussed in Chapter Nine of this manual.

8.2 All replicate runs must be at the same initial temperature (ambient laboratory temperature).

8.3 All replicate tests must be run at approximately the same airflow through the fume hood.

8.4 Only materials of the same particle size distribution should be used for all replicate tests.

8.5 The burn rate test must be conducted in triplicate if the preliminary screening test is positive. Any burn rate for non-metallic samples that exceeds 2.2 mm/sec (or a burn time of less than 45 seconds for 100 mm) is considered to have a positive result. For metals, a burn rate of more than 0.17 mm/sec (or burn time of less than 10 minutes for 100 mm) is considered to have a positive result.

9.0 METHOD PERFORMANCE

9.1 An independent laboratory validation was conducted on the robustness of the burn rate test procedure. The materials selected for this evaluation included:

1. A 50/50 mixture of metallic silicon and lead dioxide (PbO_2)
2. Excelsior
3. Dextrin (yellow powder)
4. Sulfur (fine yellow powder)
5. Aluminum metal (coarse)
6. Magnesium metal (coarse)
7. Polyethylene high density (granular)
8. Polyethylene low density (fluffy white powder)
9. Scott fertilizer (32-3-10:N-P-K)
10. JP-4 contaminated soil (approximately 5000 ppm)

Of these materials, the 50/50 mixture of metallic silicon and lead dioxide (PbO_2), elemental sulfur, and excelsior were considered to give a positive ignitability result under the conditions of the test. The remaining materials gave negative (nonflammable) results under the conditions of the test. Several test variables including ignition source, ambient temperature, and apparatus orientation, were studied using these materials. Partial results of this study are summarized in Table 1.

9.2 In another evaluation of the DOT burn rate test, potentially ignitable finishing wastes from the furniture industry were collected and tested for burning rates. Each waste was tested in triplicate to establish a mean value for the burning rate. The results for the flammable wastes are summarized in Table 2.

9.3 In order to evaluate the ruggedness of the DOT burn rate test, select ignitable finishing wastes were split and tested by a state laboratory and an independent contract laboratory. The results of this comparison are summarized in Table 3.

10.0 REFERENCES

1. "Test Methods for Readily Combustible Solids. Burning Rate Test." (14.2.2.5). Recommendations on the Transport of Dangerous Goods. Fifth Revised Edition. United Nations, New York. 1988.

2. DOT Regulation. Appendix E to Part 173 of 49 CFR, Chapter 1 (12-31-91 Edition). pp. 597-598.

3. Flammability (solids). Method A.10. Official Journal of the European Communities. 9/19/84. No. L251/63.

4. "Validation of Ignitability Method For Solids" Foster Wheeler Enviresponse, Inc., Edison NJ., Submitted to the Office of Solid Waste, US EPA, February 1994.

5. Internal Report, (AMFA Report) North Carolina Department of Environmental Health and Natural Resources. (Bill Hamner)

TABLE 1
TEST VARIABLES FOR IGNITABILITY

Material Tested	Test Number	Variable combination[1]	Burn Time over 100 mm (sec)	Burn Rate (mm/sec)
50% Metallic Silicon and 50% Lead IV Oxide	1	ABC	0.84	119
	2	Abc	0.50	200
	3	aBc	0.69	145
	4	abC	0.65	154
Excelsior (wood shavings)	1	ABC	13.45	7.43
	2	Abc	9.14	10.9
	3	aBc	13.37	7.47
	4	abC	13.59	7.36

[1]where:

A-flame ignition
a-hot wire ignition source
B-ambient temperature of 20°C
b-ambient temperature of 100°C
C-orientation of test apparatus of 90° to air flow
c-orientation of test apparatus of 0° to air flow

TABLE 2
BURNING RATES FOR IGNITABLE WASTES

Sample No.	Description of Waste	Burn Time over 100 mm (sec)	Burn Rate (mm/sec)
A2	Segregated Lacquer Dust	4.7	21.3
J2	Segregated Lacquer Dust	4.6	21.7
U	Segregated Lacquer Dust	8.6	11.6
K	Consolidated Lacquer Dust	6.0	16.7
H	Catalyzed Lacquer Dust	6.7	14.9
F	Water Based Lacquer Dust	19.4	5.15
P	Booth Coat-Stain Overspray	12.5	8.0
O	Pallet Covered Cardboard	11.1	9.0
Q	Pallet Covered Cardboard	12.3	8.13

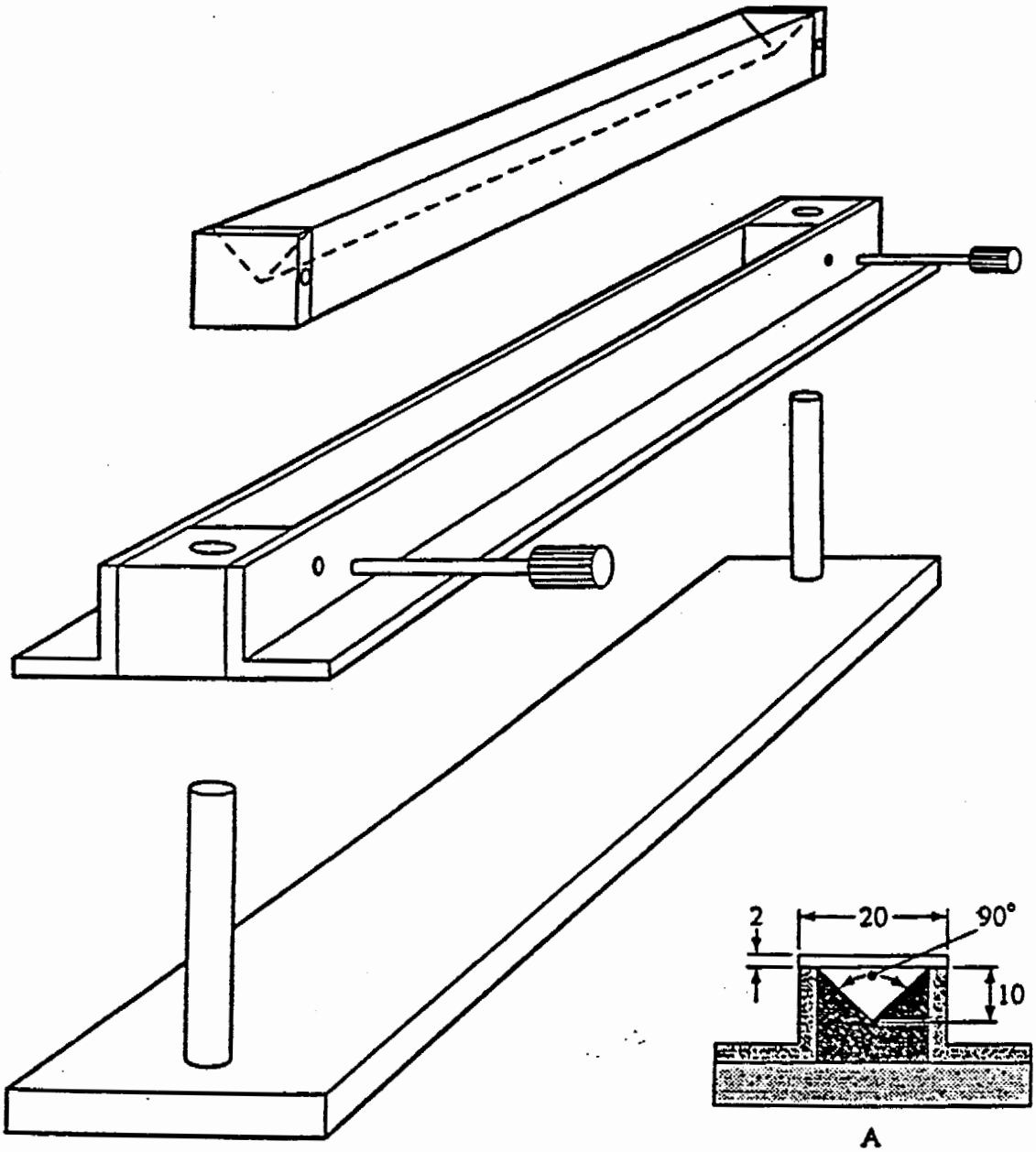
TABLE 3
COMPARISON OF BURN RATES

Sample No.	Description of Waste	Mean Burn Time Over 100 mm in Seconds	
		State Laboratory	Contract Laboratory
A1	Segregated Lacquer Dust	4.7	5
J1	Segregated Lacquer Dust	4.6	4.3
12	Booth Coat-Glaze Overspray	0[1]	0[1]

[1] Waste was found to be nonflammable under conditions of the test.

Figure 1

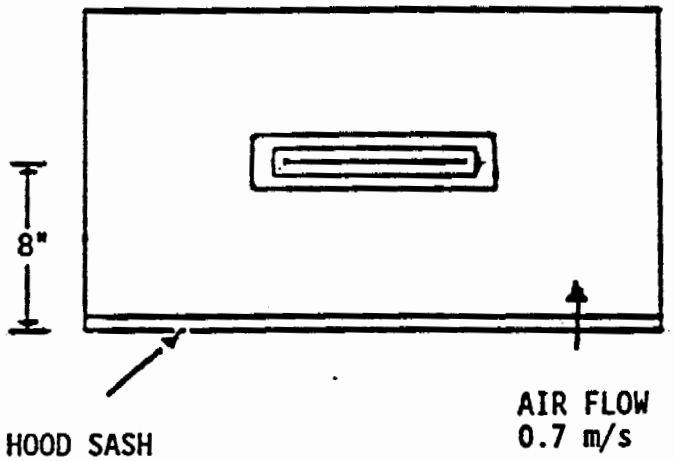
Powder Train Mold



(A) Cross-section of 250 mm long mould

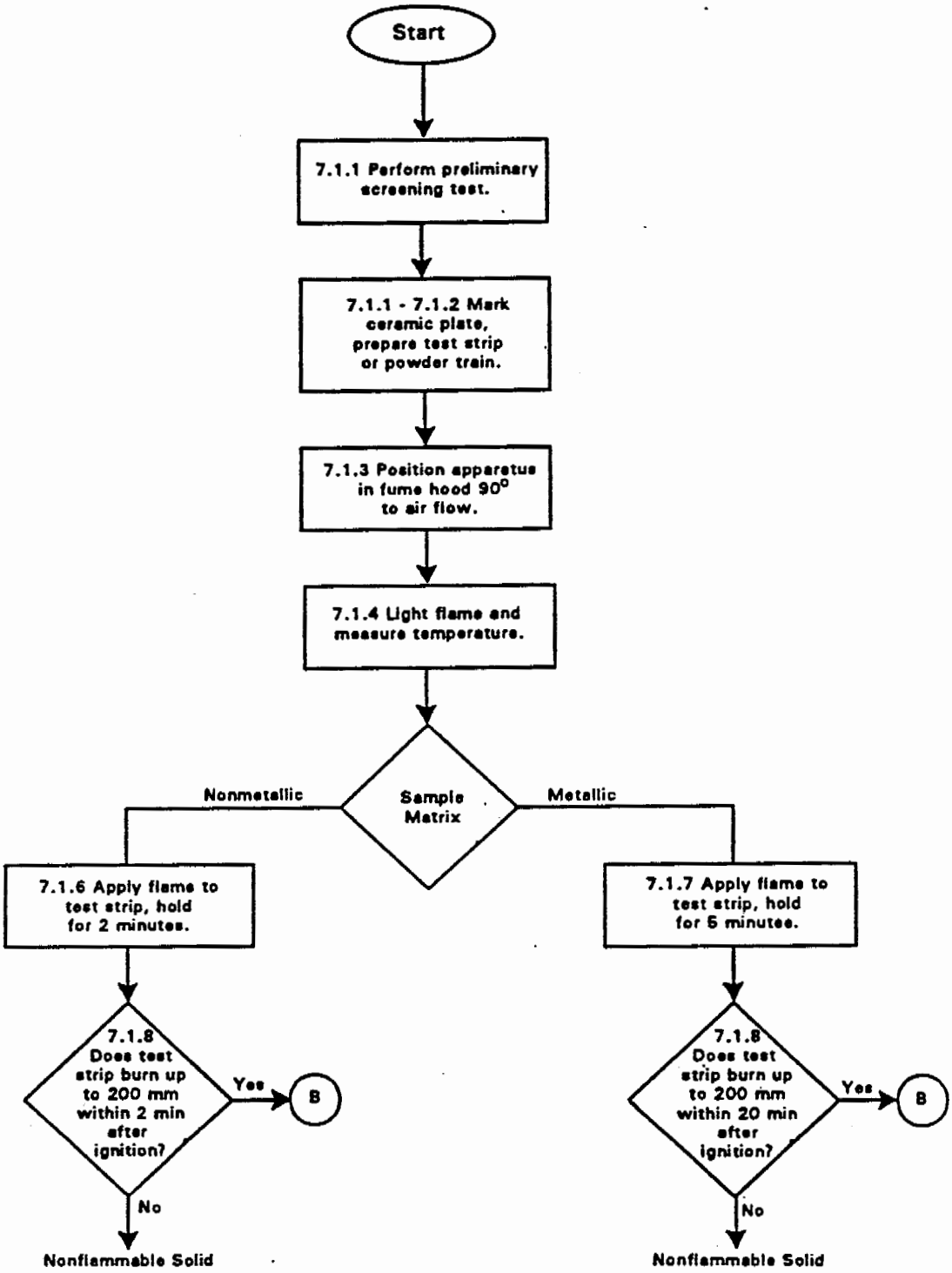
Figure 2

Test Apparatus Position in Fume Hood

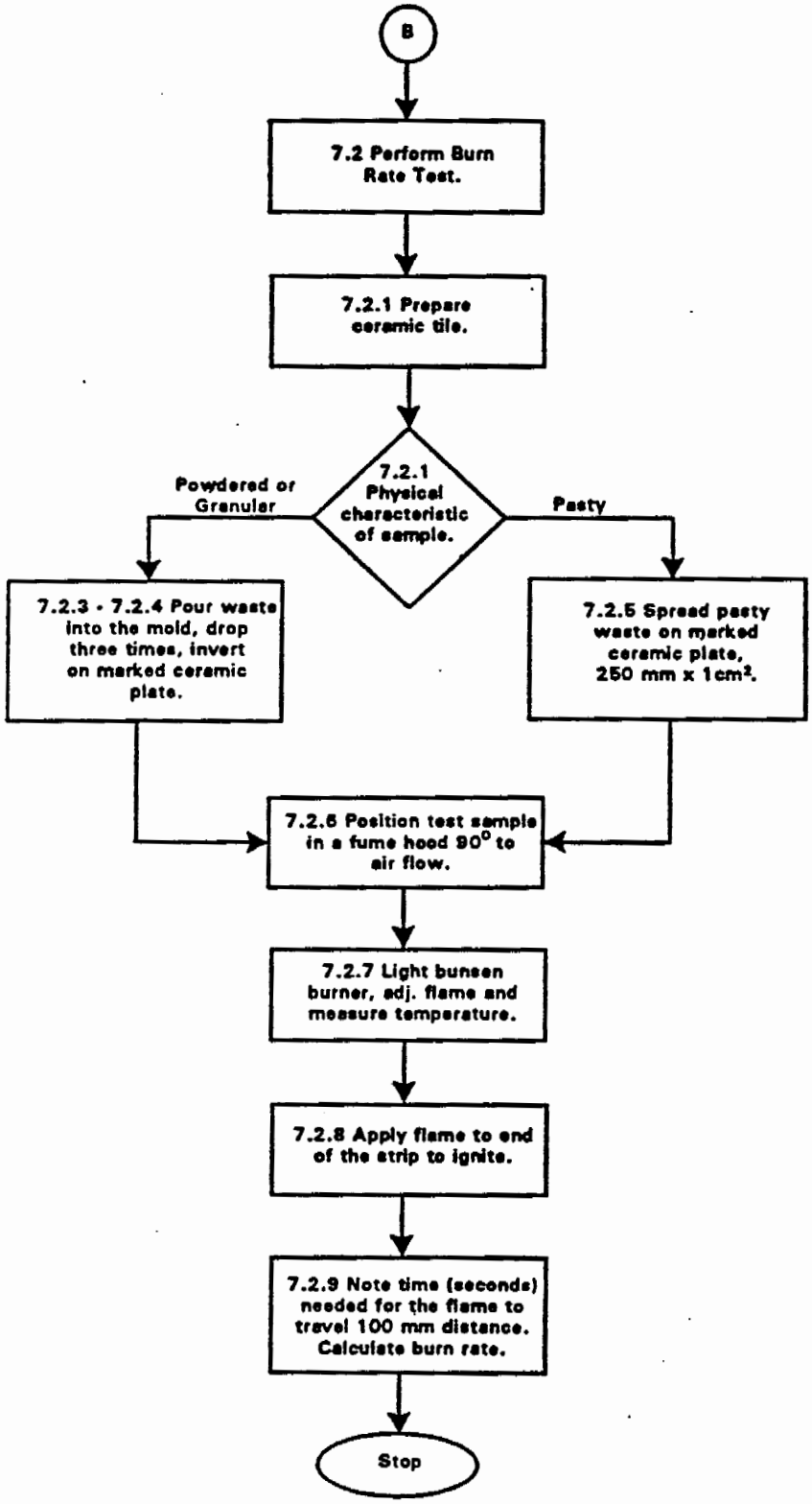


SAMPLE 90° TO AIR FLOW

METHOD 1030
IGNITABILITY OF SOLIDS



METHOD 1030
IGNITABILITY OF SOLIDS



CORE LABORATORIES

CORE LABORATORIES
ANALYTICAL REPORT

Job Number: 980849
Prepared For:

** Powerine Oil Company **
Ray Huie
12354 E. Lakeland Road
Santa Fe Springs, CA 90670

Date: 05/27/98

Signature

Date: 5/27/98

Name: Tim A. Scott

Core Laboratories
1250 Gene Autry Way
Anaheim, CA 92805

Title: LABORATORY MANAGER

C.A.E.L.A.P. 1174
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CORE LABORATORIES

LABORATORY TESTS RESULTS
05/27/98

JOB NUMBER: 980849 CUSTOMER: ** Powerine Oil Company ** ATTN: Ray Huie

CLIENT I.D.....: DBC-1-27-98
DATE SAMPLED.....: 01/27/98
TIME SAMPLED.....: 00:00
WORK DESCRIPTION...: POC-6-128A

LABORATORY I.D...: 980849-0001
DATE RECEIVED....: 05/07/98
TIME RECEIVED....: 11:45
REMARKS.....: soil

TEST DESCRIPTION	FINAL RESULT	LIMITS/*DILUTION	UNITS OF MEASURE	TEST METHOD	DATE	TECHN
Metals Digestion-Aqueous	COMPLETED		N/A	EPA 3010A	05/22/98	G D
Metals Digestion - Solids	COMPLETED	-----	N/A	EPA 3050A	05/08/98	G D
Metals		*50		EPA 6010A	05/12/98	EAW
Lead (Pb)	140	2.50	mg/kg	EPA 6010A		
STLC Metals		*1		EPA 6010	05/22/98	EAW
Lead (Pb)	3.2	0.050	mg/L	EPA 6010		
STLC Metals Extraction	COMPLETED	-----	N/A	Cal. DHS Method	05/20/98	G D
Extraction for Organic Metals	COMPLETED	-----	N/A	Cal. LUFT Manual	05/15/98	G D
Organic Lead	<1.0	1.0	mg/kg	Cal. DHS Method	05/15/98	EAW

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CORE LABORATORIES

QUALITY CONTROL REPORT
05/27/98

JOB NUMBER: 980849 CUSTOMER: ** Powerine Oil Company ** ATTN: Ray Huie

ANALYSIS				DUPLICATES		REFERENCE STANDARDS		MATRIX SPIKES		
ANALYSIS TYPE	ANALYSIS SUB-TYPE	ANALYSIS I.D.	ANALYZED VALUE (A)	DUPLICATE VALUE (B)	RPD or (|A-B|)	TRUE VALUE	PERCENT RECOVERY	ORIGINAL VALUE	SPIKE ADDED	PERCENT RECOVERY
PARAMETER:Organic Lead				DATE/TIME ANALYZED:05/15/98 00:00						QC BATCH NUMBER:967874
REPORTING LIMIT/DF: 1.0	UNITS:mg/L			METHOD REFERENCE :Cal. DHS Method						TECHNICIAN:EAW
BLANK	ICB	IB051598	<1.0							
BLANK	CCB	CB051598	<1.0							
STANDARD	ICVS	M80211	4.67			5.0	93			
STANDARD	CCVS	M80211	10.23			10.0	102			
STANDARD	CCVS	M80211	18.93			20.0	95			
SPIKE	BLANK	051598-0	10.23					0	10.0	102
DUPLICATE	BS/BSD	051598-0	10.23	9.98	2					

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CORE LABORATORIES

QUALITY ASSURANCE REPORT

Metals by ICP
EPA Method 6010A
ICP DATA in ug/L

DATE ANALYZED: 5/12/98

REFERENCE ID: M60293/94

	BLANKS			REFERENCE/CONTINUING CALIBRATION STANDARD		
	CALIBRATION	CONTINUATION	DETECTION LIMIT	TRUE VALUE	ANALYZED VALUE	% REC
Antimony	ND	ND	50	5000	4923	98
Arsenic	ND	ND	50	5000	4936	99
Barium	ND	ND	50	5000	4920	98
Beryllium	ND	ND	50	5000	5010	100
Cadmium	ND	ND	50	5000	5021	100
Chromium	ND	ND	50	5000	4996	100
Cobalt	ND	ND	50	5000	5003	100
Copper	ND	ND	50	5000	4953	99
Lead	ND	ND	50	5000	5009	100
Molybdenum	ND	ND	50	5000	4918	98
Nickel	ND	ND	50	5000	5037	101
Silver	ND	ND	50	5000	4940	99
Thallium	ND	ND	50	5000	4902	98
Vanadium	ND	ND	50	5000	4975	100
Zinc	ND	ND	50	5000	5020	100

DATE ANALYZED: 5/12/98 SPIKES SAMPLE ID: 980824-1

ANALYTE	SPIKE ADDED	ORIGINAL VALUE	MS CONC	MS % REC	MSD CONC	MSD % REC	RPD
Antimony(c)	5000	213	1621	28	1396	24	15
Arsenic	5000	604	4375	75	4171	71	5
Barium	5000	637	4317	74	4429	76	3
Beryllium	5000	ND	4101	82	4066	81	1
Cadmium	5000	ND	3725	75	3705	74	1
Chromium	5000	291	3996	74	4038	75	1
Cobalt(c)	5000	284	3963	74	3951	73	0
Copper	5000	967	4769	76	4858	78	2
Lead(c)	5000	297	3902	72	3890	72	0
Molybdenum	5000	ND	3519	70	3926	79	11
Nickel(c)	5000	262	3947	74	3926	73	1
Silver(c)	5000	110	1997	38	2107	40	5
Thallium	5000	193	3793	72	4139	79	9
Vanadium	5000	1440	5178	75	5325	78	3
Zinc(c)	5000	753	4450	74	4462	74	0

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CORE LABORATORIES

QUALITY ASSURANCE REPORT

Metals by ICP
EPA Method 6010A
ICP DATA in ug/L

DATE ANALYZED: 5/22/98

REFERENCE ID: M70222/23

	BLANKS			REFERENCE/CONTINUING CALIBRATION STANDARD		
	CALIBRATION	CONTINUATION	DETECTION LIMIT	TRUE VALUE	ANALYZED VALUE	% REC
Antimony	ND	ND	50	5000	4887	98
Arsenic	ND	ND	50	5000	4758	95
Barium	ND	ND	50	5000	4829	97
Beryllium	ND	ND	50	5000	4793	96
Cadmium	ND	ND	50	5000	4965	99
Chromium	ND	ND	50	5000	4869	97
Cobalt	ND	ND	50	5000	4845	97
Copper	ND	ND	50	5000	4863	97
Lead	ND	ND	50	5000	4937	99
Molybdenum	ND	ND	50	5000	4758	95
Nickel	ND	ND	50	5000	4876	98
Silver	ND	ND	50	5000	4470	89
Thallium	ND	ND	50	5000	4571	91
Vanadium	ND	ND	50	5000	4842	97
Zinc	ND	ND	50	5000	4936	99

DATE ANALYZED: 5/22/98 SPIKES SAMPLE ID: 52298

ANALYTE	SPIKE ADDED	ORIGINAL VALUE	BS CONC	BS % REC	BSD CONC	BSD % REC	RPD
Antimony	1000	ND	802	80	869	87	8
Arsenic	1000	ND	1139	114	968	97	16
Barium	1000	ND	924	92	928	93	0
Beryllium	1000	ND	926	93	960	96	4
Cadmium	1000	ND	828	83	861	86	4
Chromium	1000	ND	891	89	922	92	3
Cobalt	1000	ND	854	85	883	88	3
Copper	1000	ND	914	91	938	94	3
Lead	1000	ND	880	88	852	85	3
Molybdenum	1000	ND	797	80	825	83	3
Nickel	1000	ND	867	87	886	89	2
Silver	1000	ND	837	84	858	86	2
Thallium	1000	ND	778	78	841	84	8
Vanadium	1000	ND	892	89	919	92	3
Zinc	1000	ND	852	85	861	86	1

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NO. 07930

WESTERN ATLAS

CORE LABORATORIES

CHAIN OF CUSTODY RECORD

CUSTOMER INFORMATION	PROJECT INFORMATION
COMPANY: Powerine	PROJECT NAME/NUMBER: DTSC-1-27-98
SEND REPORT TO: Ray Hice	BILLING INFORMATION
ADDRESS: 12345 Lakeland Rd Sfs CA 90670	BILL TO: same
	ADDRESS:
PHONE: 562/944-6111	PHONE:
FAX: 562/903-8911	FAX: PO NO.:

LAB JOB NO. 980849

SAMPLE NO.	SAMPLE ID	SAMPLE DATE	SAMPLE TIME	SAMPLE MATRIX	CONTAINER TYPE	PRES.	NUMBER OF CONTAINERS	ANALYSIS / METHOD REQUEST: Organic Pb	ANALYSIS / METHOD REQUEST: Total Pb	REMARKS / PRECAUTIONS
POC-6-	28A soil	1/27/98		soil	glass	none				

SAMPLER:

SHIPMENT METHOD:

AIRBILL NO.:

REQUIRED TURNAROUND:* ☐ SAME DAY ☐ 24 HOURS ☐ 48 HOURS ☐ 72 HOURS ☐ 5 DAYS ☐ 10 DAYS ☒ ROUTINE OTHER

1. RELINQUISHED BY:	DATE	2. RELINQUISHED BY:	DATE	3. RELINQUISHED BY:	DATE
SIGNATURE: [signature]	5/6/98	SIGNATURE:		SIGNATURE:	
PRINTED NAME/COMPANY: Ray Hice / POC	TIME	PRINTED NAME/COMPANY:	TIME	PRINTED NAME/COMPANY:	TIME
1. RECEIVED BY:	DATE	2. RECEIVED BY:	DATE	3. RECEIVED BY:	DATE
SIGNATURE: [signature]	5-7-98	SIGNATURE:		SIGNATURE:	
PRINTED NAME/COMPANY: Manny Core Lab	TIME 11:45	PRINTED NAME/COMPANY:	TIME	PRINTED NAME/COMPANY:	TIME

* RUSH TURNAROUND MAY REQUIRE SURCHARGE

☐ Anaheim, California
1250 E. Gene Autry Way
Anaheim, California 92805
(714) 93[illegible]
(800) 404-2673

☐ Long Beach, California
3700 Cherry Avenue
Long Beach, California 90807
(310) 595-8401
(800) 814-3433

☐ Denver (Aurora), Colorado
10703 E. Bethany Drive
Aurora, Colorado 80014
(303) 751-1780
(800) 972-2673

☐ Casper, Wyoming
420 West 1st Street
Casper, Wyoming 82601
(307) 235-5741
(800) 666-0603

☐ Houston, Texas
8210 Mosely Road
Houston, Texas 77075
(713) 943-9776
(800) 734-2673

☐ Corpus Christi, Texas
1733 North Padre Island Drive
Corpus Christi, Texas 78408
(512) 289-2673
(800) 548-8228

☐ Lake Charles, Louisiana
3645 Beglis Parkway
Sulphur, Louisiana 70663
(318) 583-4926
(800) 259-4926

ORIGINAL

CORELAB

CORE LABORATORIES

CORE LABORATORIES
A N A L Y T I C A L R E P O R T

Job Number: 980840
Prepared For:

** Powerine Oil Company **
Ray Huie
12354 E. Lakeland Road
Santa Fe Springs, CA 90670

Date: 05/27/98

Signature

Date: 5/27/98

Name: Tim A. Scott

Core Laboratories
1250 Gene Autry Way
Anaheim, CA 92805

Title: LABORATORY MANAGER

C.A.E.L.A.P. 1174
L.A.C.S.D. 10146

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CORE LABORATORIES

LABORATORY TESTS RESULTS
05/27/98

JOB NUMBER: 980840 CUSTOMER: ** Powerine Oil Company ** ATTN: Ray Huie

CLIENT I.D.....: DTSC 1-27-98
DATE SAMPLED.....: 01/27/98
TIME SAMPLED.....: 00:00
WORK DESCRIPTION...: POC-7-128A

LABORATORY I.D...: 980840-0001
DATE RECEIVED....: 05/06/98
TIME RECEIVED....: 15:45
REMARKS.....: soil

TEST DESCRIPTION	FINAL RESULT	LIMITS/*DILUTION	UNITS OF MEASURE	TEST METHOD	DATE	TECHN
Metals Digestion-Aqueous	COMPLETED		N/A	EPA 3010A	05/22/98	G D
Metals Digestion - Solids	COMPLETED	-----	N/A	EPA 3050A	05/08/98	G D
Metals		*50		EPA 6010A	05/12/98	EAW
Lead (Pb)	360	2.50	mg/kg	EPA 6010A		
STLC Metals		*1		EPA 6010	05/22/98	EAW
Lead (Pb)	12	0.050	mg/L	EPA 6010		
STLC Metals Extraction	COMPLETED	-----	N/A	Cal. DHS Method	05/20/98	G D
Extraction for Organic Metals	COMPLETED	-----	N/A	Cal. LUFT Manual	05/15/98	G D
Organic Lead	<1.0	1.0	mg/kg	Cal. DHS Method	05/15/98	EAW

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CORE LABORATORIES

QUALITY CONTROL REPORT
05/27/98

JOB NUMBER: 980840 CUSTOMER: ** Powerine Oil Company ** ATTN: Ray Huie

ANALYSIS				DUPLICATES		REFERENCE STANDARDS		MATRIX SPIKES		
ANALYSIS TYPE	ANALYSIS SUB-TYPE	ANALYSIS I.D.	ANALYZED VALUE (A)	DUPLICATE VALUE (B)	RPD or (|A-B|)	TRUE VALUE	PERCENT RECOVERY	ORIGINAL VALUE	SPIKE ADDED	PERCENT RECOVERY
PARAMETER:Organic Lead				DATE/TIME ANALYZED:05/15/98 00:00					QC BATCH NUMBER:967874	
REPORTING LIMIT/DF: 1.0	UNITS:mg/L			METHOD REFERENCE :Cal. DHS Method					TECHNICIAN:EAW	
BLANK	ICB	IB051598	<1.0							
BLANK	CCB	CB051598	<1.0							
STANDARD	ICVS	M80211	4.67			5.0	93			
STANDARD	CCVS	M80211	10.23			10.0	102			
STANDARD	CCVS	M80211	18.93			20.0	95			
SPIKE	BLANK	051598-0	10.23					0	10.0	102
DUPLICATE	BS/BSD	051598-0	10.23	9.98	2					

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CORE LABORATORIES

QUALITY ASSURANCE REPORT

Metals by ICP
EPA Method 6010A
ICP DATA in ug/L

DATE ANALYZED: 5/12/98

REFERENCE ID: M60293/94

	BLANKS			REFERENCE/CONTINUING CALIBRATION STANDARD		
	CALIBRATION	CONTINUATION	DETECTION LIMIT	TRUE VALUE	ANALYZED VALUE	% REC
Antimony	ND	ND	50	5000	4923	98
Arsenic	ND	ND	50	5000	4936	99
Barium	ND	ND	50	5000	4920	98
Beryllium	ND	ND	50	5000	5010	100
Cadmium	ND	ND	50	5000	5021	100
Chromium	ND	ND	50	5000	4996	100
Cobalt	ND	ND	50	5000	5003	100
Copper	ND	ND	50	5000	4953	99
Lead	ND	ND	50	5000	5009	100
Molybdenum	ND	ND	50	5000	4918	98
Nickel	ND	ND	50	5000	5037	101
Silver	ND	ND	50	5000	4940	99
Thallium	ND	ND	50	5000	4902	98
Vanadium	ND	ND	50	5000	4975	100
Zinc	ND	ND	50	5000	5020	100

DATE ANALYZED: 5/12/98 SPIKES SAMPLE ID: 980824-1

ANALYTE	SPIKE ADDED	ORIGINAL VALUE	MS CONC	MS % REC	MSD CONC	MSD % REC	RPD
Antimony(c)	5000	213	1621	28	1396	24	15
Arsenic	5000	604	4375	75	4171	71	5
Barium	5000	637	4317	74	4429	76	3
Beryllium	5000	ND	4101	82	4066	81	1
Cadmium	5000	ND	3725	75	3705	74	1
Chromium	5000	291	3996	74	4038	75	1
Cobalt(c)	5000	284	3963	74	3951	73	0
Copper	5000	967	4769	76	4858	78	2
Lead(c)	5000	297	3902	72	3890	72	0
Molybdenum	5000	ND	3519	70	3926	79	11
Nickel(c)	5000	262	3947	74	3926	73	1
Silver(c)	5000	110	1997	38	2107	40	5
Thallium	5000	193	3793	72	4139	79	9
Vanadium	5000	1440	5178	75	5325	78	3
Zinc(c)	5000	753	4450	74	4462	74	0

1250 Gene Autry Way
Anaheim, CA 92805
(714) 937-1094

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CORE LABORATORIES

QUALITY ASSURANCE REPORT

Metals by ICP
EPA Method 6010A
ICP DATA in ug/L

DATE ANALYZED: 5/22/98

REFERENCE ID: M70222/23

	BLANKS			REFERENCE/CONTINUING CALIBRATION STANDARD		
	CALIBRATION	CONTINUATION	DETECTION LIMIT	TRUE VALUE	ANALYZED VALUE	% REC
Antimony	ND	ND	50	5000	4887	98
Arsenic	ND	ND	50	5000	4758	95
Barium	ND	ND	50	5000	4829	97
Beryllium	ND	ND	50	5000	4793	96
Cadmium	ND	ND	50	5000	4965	99
Chromium	ND	ND	50	5000	4869	97
Cobalt	ND	ND	50	5000	4845	97
Copper	ND	ND	50	5000	4863	97
Lead	ND	ND	50	5000	4937	99
Molybdenum	ND	ND	50	5000	4758	95
Nickel	ND	ND	50	5000	4876	98
Silver	ND	ND	50	5000	4470	89
Thallium	ND	ND	50	5000	4571	91
Vanadium	ND	ND	50	5000	4842	97
Zinc	ND	ND	50	5000	4936	99

DATE ANALYZED: 5/22/98 SPIKES SAMPLE ID: 52298

ANALYTE	SPIKE ADDED	ORIGINAL VALUE	BS CONC	BS % REC	BSD CONC	BSD % REC	RPD
Antimony	1000	ND	802	80	869	87	8
Arsenic	1000	ND	1139	114	968	97	16
Barium	1000	ND	924	92	928	93	0
Beryllium	1000	ND	926	93	960	96	4
Cadmium	1000	ND	828	83	861	86	4
Chromium	1000	ND	891	89	922	92	3
Cobalt	1000	ND	854	85	883	88	3
Copper	1000	ND	914	91	938	94	3
Lead	1000	ND	880	88	852	85	3
Molybdenum	1000	ND	797	80	825	83	3
Nickel	1000	ND	867	87	886	89	2
Silver	1000	ND	837	84	858	86	2
Thallium	1000	ND	778	78	841	84	8
Vanadium	1000	ND	892	89	919	92	3
Zinc	1000	ND	852	85	861	86	1

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CORE LAB

CORE LABORATORIES, INC.

CHAIN OF CUSTODY RECORD

CUSTOMER INFORMATION	PROJECT INFORMATION
COMPANY: Powerine	PROJECT NAME/NUMBER: DTSC 1-27-98
SEND REPORT TO: Ray Huie	BILLING INFORMATION
ADDRESS: 12345 Lakeland Rd	BILL TO: Same
SFS CA 90607	ADDRESS:
PHONE: 562/ 944-6111	PHONE:
FAX: 562/ 903-8911	FAX: PO NO.:

NUMBER OF CONTAINERS

ANALYSIS / METHOD REQUEST: Organic Pb, Total Pb

LAB JOB NO. 980840

SAMPLE NO.	SAMPLE DESCRIPTION	SAMPLE DATE	SAMPLE TIME	SAMPLE MATRIX	CONTAINER	PRESERV.									REMARKS / PRECAUTIONS
POC-7-1258A	SOIL	1/27/98		SOIL	GLASS	NONE									

SAMPLER: SHIPMENT METHOD: AIRBILL NO.:

REQUIRED TURNAROUND:* ☐ SAME DAY ☐ 24 HOURS ☐ 48 HOURS ☐ 72 HOURS ☐ 5 DAYS ☐ 10 DAYS ☒ ROUTINE OTHER

1. RELINQUISHED BY:	DATE	2. RELINQUISHED BY:	DATE	3. RELINQUISHED BY:	DATE
SIGNATURE: [signature]	5/6/98	SIGNATURE:		SIGNATURE:	
PRINTED NAME/COMPANY: Ray Huie / POC	TIME	PRINTED NAME/COMPANY:	TIME	PRINTED NAME/COMPANY:	TIME
1. RECEIVED BY:	DATE	2. RECEIVED BY:	DATE	3. RECEIVED BY:	DATE
SIGNATURE: [signature]	5/6/98	SIGNATURE:		SIGNATURE:	
PRINTED NAME/COMPANY: Manny Core Lab	TIME 15:45	PRINTED NAME/COMPANY:	TIME	PRINTED NAME/COMPANY:	TIME

* RUSH TURNAROUND MAY REQUIRE SURCHARGE

☒ Anaheim, CA 1250 E. Gene Autry Way Anaheim, CA 92805 (714) 937-1094 Fax (714) 937-1170

☐ Aurora, CO 10703 E. Bethany Drive Aurora, CO 80014 (303) 751-1780 Fax (303) 751-1784

☐ Casper, WY 420 W. First Street Casper, WY 82601 (307) 235-5741 Fax (307) 266-1676

☐ Corpus Christi, TX 1733 N. Padre Island Drive Corpus Christi, TX 78408 (512) 289-2673 Fax (512) 289-2471

☐ Edison, NJ 284 Raritan Center Parkway Edison, NJ 08837 (908) 225-6700 Fax (908) 225-6777

☐ Houston, TX (Env) 8310 Rothway Drive Houston, TX 77040 (713) 690-4444 Fax (713) 690-5646

☐ Houston, TX (Pet) 8210 Mosley Road Houston, TX 77075 (713) 943-6776 Fax (713) 943-3846

☐ Indianapolis, IN 7726 Moller Road Indianapolis, IN 46268 (317) 875-5894 Fax (317) 872-6189

☐ Lake Charles, LA 3645 Beglis Parkway Sulphur, LA 70663 (318) 583-4926 Fax (318) 583-4929

☐ Long Beach, CA 3700 Cherry Avenue Long Beach, CA 90807 (310) 595-8401 Fax (310) 427-5174

☐ Tampa, FL 5460 Beaumont Center Blvd. Tampa, FL 33634 (813)884-8268 Fax (813) 885-4938

☐ [illegible]raiso, IN [illegible] Cumberland Drive [illegible]aiso, IN 46363 [illegible] 464-2389 Fax (219) 462-2953

ORIGINAL

DECLARATION OF KEITH DARNEY

I, KEITH DARNEY, declare as follows:

1. I have held various managerial positions with Powerine from December 1979 to September 1997 working in the pipeline, maintenance and marine terminal departments. I know the facts in this Declaration are true and of my own personal knowledge. If called upon to do so, I could and would testify competently hereto.

2. Since I started working for Powerine in 1979, I know that the tanks in the asphalt area, which includes Tanks 10004, 10006, 10045, 10046, 20091 and 20092 have not been sandblasted nor painted. Any paint that is on the tanks was applied prior to when I joined Powerine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 29TH day of June, 1998, at Santa Fe Springs, California.

Keith A Darney

KEITH DARNEY

DECLARATION OF RONALD ROBERTSON

I, RONALD ROBERTSON, declare as follows:

1. I was employed at Powerine Oil Company ("Powerine") from October 27, 1986 to November 13, 1996. I was rehired on April 20, 1998. During my entire employment with Powerine I was involved with the Operations Department. I held the position of Operations Manager when the refinery shut down in 1995. I know the facts in this Declaration are true and of my own personal knowledge. If called upon to do so, I could and would testify competently hereto.

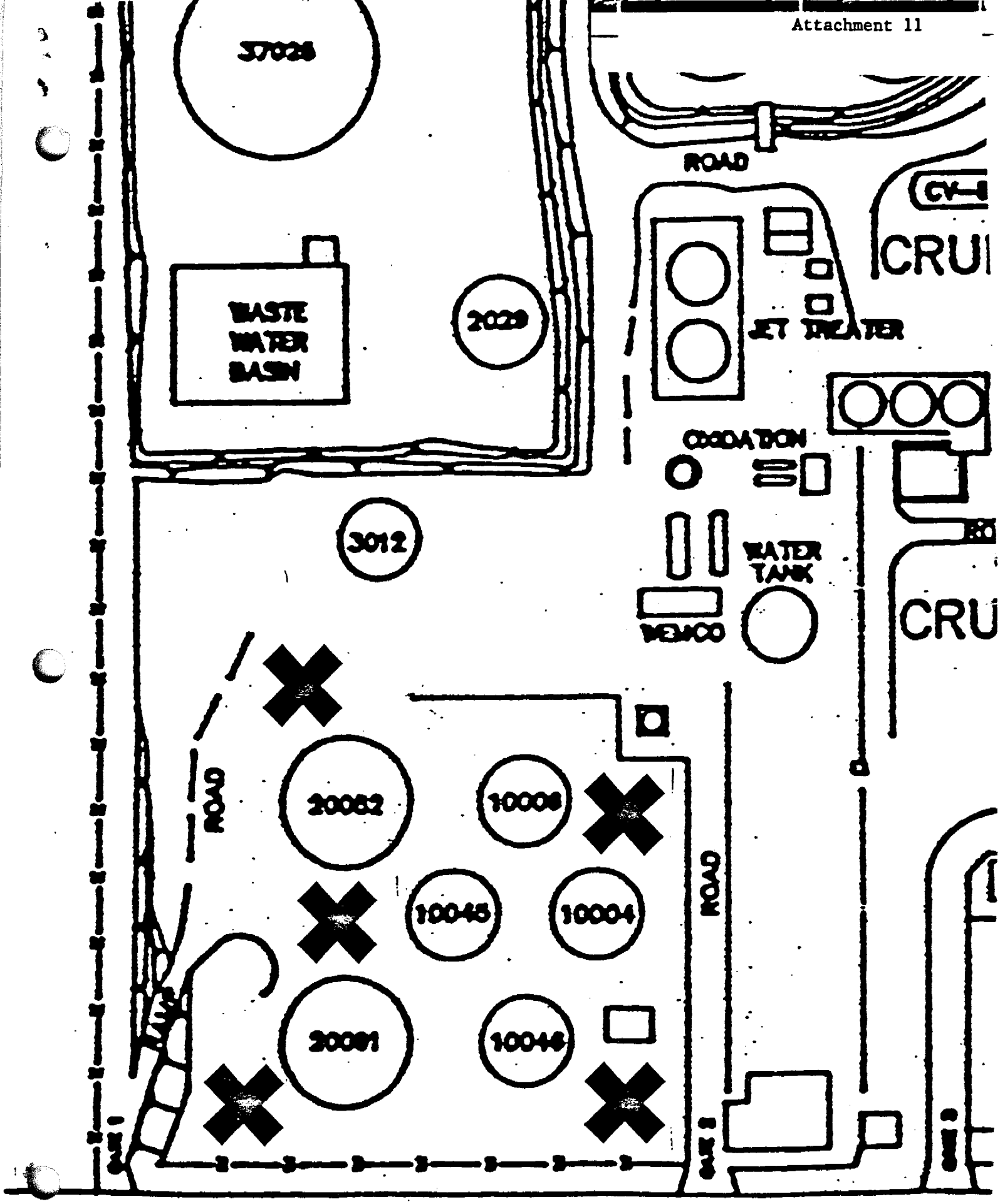
2. Since I started working for Powerine in 1986, I know that the tanks in the asphalt area, which includes Tanks 10004, 10006, 10045, 10046, 20091 and 20092 have not been sandblasted nor painted. Any paint that is on the tanks was applied prior to when I joined Powerine.

3. Due to Powerine's bankruptcy of 1984, and my 1986 hire date corresponding with restart of the refinery, I am confident that these tanks were not painted between 1984 and 1986.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 26 day of June, 1998, at Santa Fe Springs, California.

Ronald Robertson

RONALD ROBERTSON



Proposed sampling locations

AUG 1 1 1998

Powerine Oil Company

Via Facsimile (818) 551-2901 and U.S. Mail

August 5, 1998

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91210

Re: Reduction of Volume and Reuse of Materials from Tanks 10006 and 27105

Dear Mr. Agarwal:

As agreed between Powerine and the Department during our meeting of June 11, 1998, Powerine has decanted the oil layer from Tanks 10006 and 27105 and transferred it into another tank. Powerine is now awaiting your acknowledgment that transfer of this approximately 1,000 barrels of recovered oil to another local refinery for reuse in their refinery process is exempt from hazardous waste regulations. An aqueous layer has also been decanted from Tank 10006 and has been transferred to the wastewater system for further oil-water separation. To date, approximately 2,000 barrels of oil and water have been transferred out of Tanks 10006 and 27105. Another approximately 3,500 barrels of the aqueous layer in Tank 10006 will also be transferred to the wastewater system for further oil water separation. Upon completion, Tanks 10006 and 27105 will have approximately 5,400 and 13,000 barrels of oil-bearing sludge remaining, respectively.

As discussed with you last week, because of the recovered oil exemption in Health and Safety Code Section 25144(c) (summarized below) Powerine is confident that the recovered oil from Tanks 10006 and 27105 is exempt from regulation as a hazardous waste. In fact, Powerine maintains that the entire tank systems and oil-bearing materials in the tanks are also excluded from classification as a waste. Our regulatory analysis follows.

Tanks 10006 and 27105 and the material in the tanks are not subject to regulation under the hazardous waste program because the tanks are part of Powerine's oil recovery operations. Specifically, the tanks are used to separate oil from oil- bearing materials through gravity separation. Health and Safety Code Section 25144(c) provides that "units, including associated piping, that are part of a system used to recover oil from oil-bearing materials, and the associated storage of oil-bearing materials and the recovered oil, are exempt" from the hazardous waste regulations provided certain conditions are met.

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 944-8522

Powerine meets all the conditions in Section 25144(c). First, in accordance with Subsection (c)(1), Tanks 10006 and 27105 perform oil recovery operations at Powerine's petroleum refinery, which bears the SIC classification of 2911. Second, the oil-bearing materials consist of sludges and slop generated at Powerine's refinery, and thus qualify under subsection (c)(2) because they were generated at the same facility at which the oil recovery operations are being conducted. Third, Powerine intends to have the recovered oil inserted into petroleum refinery process units to produce fuel or other refined products. While the generation of oil-bearing material and the oil recovery operations must take place at the same facility, there is no requirement that reuse of recovered oil also take place at the same facility. To expedite reuse of recovered oil, Powerine proposes to have the recovered oil inserted into the refining process units of another local refinery. Fourth, Powerine has not stored recovered oil in a surface impoundment or accumulated recovered oil speculatively. Gravity separation has taken place in above-ground storage tanks, and has been continuous since the material entered the tanks. Once oil is recovered by removing the top hydrocarbon layer from the tanks, Powerine intends to promptly ship the recovered oil to another local refinery for insertion into the refining process units. Per 22 CCR Section 66260.10, material which has been removed for recycling is not being accumulated speculatively. Thus, Powerine has satisfied and will continue to satisfy the requirements of Subsection (c)(4). Fifth, as required by Subsection (c)(5), when Powerine ceases to use Tanks 10006 and 27105 for gravity separation, or when it removes any residual water and sludge in the tanks, it will separately evaluate whether these materials are subject to regulation as hazardous waste.

Finally, Section 25144(c)(6) requires that the "oil-bearing materials would be excluded from classification as a waste pursuant to, or would otherwise meet the requirements for an exemption under, Section 24153.2" as modified by Section 25144(c)(6)(A) through (D). Section 25143.2(b), (c) and (d) offer three independent sets of criteria under which material maybe excluded from classification as waste or exempted from regulation. In this case, the materials in tanks 10006 and 27105 are excluded from classification as a waste under Section 25143.2(b)(1). The material in the tanks will be "used or reused as an ingredient in an industrial process to make a product". In explaining similar language in the federal regulations, EPA has used the example of distillation bottoms from one process used as feedstock in another process (40 CFR §261.1(c)(5)(I)). Here, the recovered oil will be re-introduced into the refining process as feedstock to make fuels and other products. (It should be noted that although Subsections (c) and (d) also refer to certain refinery processes and wastes, those sections do not preclude a material qualifying for exclusion from classification as waste under Subsection (b)).

Finally, Section 25143.2(b) allows a material to be excluded from classification as a waste only if none of the disqualifying circumstances described in Subsections (e), (f) and (g) apply. None of those disqualifying circumstances apply to Tanks 10006 and 27105. As noted above, although the tanks have been still for some period of time, there has not been any speculative accumulation. Gravity separation requires that the material remain in the tank undisturbed for a period of time. Now that some of the oil has separated and floated to the surface, it will be recovered by removing the top layer from the tanks. Accumulation will begin once the recovered oil is removed from the tank. This is consistent with the provision in Section 25143.10(e) that a recyclable material is not generated until it exits the unit in which it is stored, where, as here, storage and gravity separation are continuing. Powerine intends to have the recovered oil reused at another local refinery as soon as it is removed from Tanks 10006 and 27105, and the company will ensure that the accumulation periods are not exceeded once the recovered oil is removed from the tanks.

Tanks 10006 and 27105 are an integral part of Powerine's oil recovery system. The tanks contain oil-bearing material that is excluded from classification as a waste. The tank system itself is exempt from hazardous waste control requirements. The material in these tanks is not a hazardous waste nor is it a non-hazardous waste, it is simply not a waste.

For the reasons outlined above, there is no question that the recovered oil is exempt from regulation as hazardous waste. Approximately 1,000 barrels of recovered oil have been recovered from Tanks 10006 and 27105 and are waiting to be transferred to another refinery for reuse. This local refinery would, upon receiving the recovered oil, insert it directly into their process stream. It can be shipped to the other local refinery on a bill of lading. Powerine is prepared to ship the recovered oil to the other local refinery upon receiving your verbal acknowledgment that the Department agrees with Powerine's interpretation of the regulations. If the Department disagrees with Powerine's interpretation of the regulation, then we must confer with your legal department to discuss this issue. Misclassification of the recovered oil as hazardous waste by DTSC would eliminate the possibility of allowing another refinery to process this material. The other refinery is not a TSDF. The other refinery and Powerine are confident that Section 25144, known to refiners as "the recovered oil exemption" does exactly that...exempts recovered oil from regulation as a hazardous waste.

As discussed during our June meeting and in our July submittal, the optimum solution to eliminating the remaining oil-bearing sludge in Tanks 10006 and 27105 is to reinject this material into Powerine's Coker. A third party is currently negotiating to acquire Powerine. The third party's intent is to complete required upgrade and maintenance projects at Powerine to enable a full refinery startup that will in turn enable the refinery

to once again produce quality finished California fuels. Full refinery start-up is projected for 1999. Re-injection of the oil-bearing material from Tanks 10006 and 27105 to the Coker will be a high priority. Re-injection will commence within one week of stable operation of the Coker Unit. It is estimated that the entire inventory of the oil-bearing material in these two tanks can be recycled in eight (8) months of continuous Coker operations. Powerine will further define this proposal in our next submittal.

In summary, Powerine requests your concurrence with our interpretation of the recovered oil exemption so that Powerine can transfer its recovered oil to another refinery for processing. Powerine's next submittal will include a Professional Engineer's certified external inspection of Tanks 10006 and 27105 and Powerine's proposal and justification for recycling the remaining oil-bearing sludge into Powerine's Coker.

Please feel free to contact me or Ray Huie of my staff with any questions you may have.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:md

cc: Ahmed Hegab
Ray Huie
File 41005.07
Reader File

\ray\dtsc\reply\dec-oil.doc

Powerine Oil Company

FAX TRANSMITTAL COVER SHEET

DATE: August 11, 1998

TO: Ahmed Hegub

FROM: Ray Huie x238

Number of pages including cover page: 6

Ahmed,

Attached is the DTSC document you requested:

Acceptance of Closure Certification for the Alky Neutalization Unit Basins, Powerine Facility, Santa Fe Springs, CA Los Angeles County, EPA ID No. CAD008383291

If you require additional information, please let me know.

Ray

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12345 Lakeland Road - PO Box 2108 - Santa Fe Springs, CA 90670 - Tel: (562) 944-6111 - Fax: (562) 903-8911

FILE, 90503.08.08

STATE OF CALIFORNIA — ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, Governor

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

EGION 1
0151 CROYDON WAY, SUITE 3
SACRAMENTO, CA 95827-2106
(916) 255-3602

October 2, 1995

RECEIVED
OCT 0 4 1995

Ms. June M. Christman
Manager-Environmental Engineering
Powerine Oil Company
12354 Lakeland Road
Santa Fe Springs, California 90670-3857

ACCEPTANCE OF CLOSURE CERTIFICATION FOR THE ALKY NEUTRALIZATION UNIT BASINS, POWERINE FACILITY, SANTA FE SPRINGS, CALIFORNIA, LOS ANGELES COUNTY, E.P.A. I.D. NO. CAD008383291

Dear Ms. Christman:

The Department of Toxic Substances Control (DTSC) has received both your certification as Manager of Environmental Engineering and an independent engineer's certification that the Alky Neutralization Unit (ANU) East and West basins at the Powerine facility located at 12354 Lakeland Road, Santa Fe Springs, California have been clean closed in accordance with the revised closure plan submitted to DTSC in January 1994. A summary of actions taken to close the ANU accompanies this letter in Attachment A. This letter is to acknowledge that DTSC considers the Alky Neutralization Unit East and West basins at the Powerine Facility officially closed and interim status originally granted to Powerine Oil officially terminated.

This acceptance is based on the assumption that the information submitted in the certifications as well as any information used as a basis for this decision is true and accurate. Any inaccuracies found in this information may be grounds for nullification of this clean closure certification and potential enforcement action. The Owner/Operator must inform DTSC of any deviation from or changes in the information provided which would affect the clean closure certification. This acknowledgement shall not relieve Powerine Oil of any liabilities associated with the past hazardous waste management practices which occurred on the site. This closure certification acknowledgement does not limit or preclude any future investigations of any other on-site operations by any agency, nor in resulting corrective action deemed necessary for closure and remediation of any solid waste management units at the facility.

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DA37.085/jka29

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Any questions about this acceptance can be directed to Mr. Dan Aguirre, Project Manager, at (916) 255-3602.

Sincerely,

James M. Pappas

James M. Pappas, P. E.
Chief
Facility Permitting Branch

Enclosure

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DA37.085/jka29

ATTACHMENT A
SUMMARY OF CLOSURE ACTIONS

Interim Status was granted to the Powerine Oil Company in April 6, 1981, for the Alky Neutralization Unit. Powerine Oil Company notified the DTSC that use of the ANU was discontinued in early June 1992, the non-hazardous contents of the ANU basins had been removed and disposed at a Class II disposal facility, and an In-Line-Neutralization (ILN) system had been installed. The new ILN system will prevent the generation of hazardous waste.

The ANU basins were used to neutralize acidicregeneration bottoms produced as an undesirable by-product of the refinery's hydrofluoric alkyation plant. The combined dimensions of the East and West ANU basins were approximately 23 feet long, 22 feet wide and 10 feet deep. During the operation of the ANU basins, a minimum freeboard of three feet was maintained, yielding a design capacity of approximately 26,460 gallons or 630 barrels. Ancillary equipment included steel lids, valves and pipes to form an acid/water/polymer/lime slurry. The alkylation plant facility has a dedicated operator 24 hours a day, 365 days a year. The slurry was contained within 10 inch thick concrete walls and bottoms. These ANU basins have been replaced with an above-ground storage tank that is manifolded to an ILN system. The wastes stored in the ANU East and West basins closely resembled California Waste Code 791, liquids with pH < 2. Calcium Fluoride (CaF_2) was immediately formed in the ANU basins from the reaction between the inflowing acidic stream and the hydrated lime in the ANU basins. The calcium fluoride slurry stored in the ANU basins was in a liquid state with a specific gravity between 1.1 and 1.2. The maximum volume of CaF_2 slurry stored at any given time was approximately 630 barrels.

The objective of sampling during the closure was to determine whether a hazardous waste release had occurred as a result of operating the ANU East and West basins. Both soil samples and wipe samples were taken. AeroVironment drilled soil borings from the West ANU basin on September 2, 1994, and from the East ANU basin on September 6, 1994. Weathered areas were located in the 10 inch thick concrete bottom of the basins, during field observations. The weathered areas exposed the underlying reinforcement bars and were approximately two and a half feet in diameter. A concrete coring machine was used to cut a four-inch diameter hole through the center of each weathered area for access to the underlying soil. Soil borings to a total depth of 10 feet underneath the concrete floor of the ANU basins were taken using a hand auger. The concrete floor of the basins was measured to be nine feet below the ground surface. Soil samples were taken at one, five, and 10 feet beneath the bottom of each basin.

The soil encountered during the sampling was logged and described according to the Unified Soil Classification System. The soil samples were screened for volatile organic compounds (VOCs) using an organic vapor analyzer flame ionization detector (OVA-FID). The soil samples were analyzed for free fluoride using United States Environmental Protection Agency (U.S. EPA) Method 340.2 and U.S. EPA Method 9045 for pH. The analytical results for fluoride ranged from 1.4 milligrams per kilogram (mg/kg) to 25 mg/kg. These concentrations are within the range of naturally occurring fluoride concentrations in soil in the western United States. The analytical results for pH ranged from 7.5 to 9.5. The pH values are not considered corrosive, according to Title 22 of the California Code of Regulations (Cal. Code of Regs.). The soil borings were backfilled with bentonite chips and capped with concrete flush with the concrete flooring.

The steel basin lids were decontaminated by flushing them with a basic solution of soda ash and water. Two lids covered the East basin and two lids covered the West basin. There were two wipe samples collected from each of the four lids for a total of eight wipe samples. Each wipe sample was analyzed for total fluoride using U.S. EPA Method 340.2 and U.S. EPA Method 9045 for pH. The analytical results show total fluoride concentrations between 0.011 mg/kg and 1.2 mg/kg. The results of pH sampling were between 8.9 and 9.6. Based on the analytical results the lids are non-hazardous.

The quality control and the quality assurance procedures use at the Powerine ANU were exhaustive. All soil sampling equipment and hand augering equipment was decontaminated with a solution of Alconox and tap water, rinsed with tap water, and rinsed a second time with distilled water before sampling began and between soil samples. Wipe samples were collected from the barrel tubes that were used to collect soil samples. These wipe samples were collected to document any interference's that may have occurred during the field soil sampling activities and to check the field equipment decontamination procedures. One duplicate soil sample was collected from each soil boring at one foot below the ANU basin concrete bottoms. These four samples were analyzed using U.S. EPA Method 340.2 and 9045. In addition, a matrix spike and matrix spike duplicate analysis were performed on these duplicate samples. Also Golden West/CAS Laboratories ran reference standards and method blanks for U.S. EPA Method 340.2 and 9045.

Because the ANU basins were clean closed there will be no need for a post-closure permit. Powerine currently monitors fifteen groundwater wells at the refinery or in the vicinity of the refinery.

On June 14, 1995, Powerine personnel filled the ANU East and West Basins with slurry. On June 19, 1995, Powerine personnel capped the slurry-filled basins with concrete until the basins were flush with the surrounding concrete pad. Confirmation sampling has confirmed that contaminants associated with a chemical release are not present in the soil beneath the ANU basins, and that pH levels in the soil are above level 2 and below level 12.5, therefore the soil is not considered hazardous or corrosive.

CENCO Refining Company

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 903-8911

January 8, 1999

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Mr. Agarwal:

During the week of December 14, we discussed CENCO's status and I gave you an update on CENCO's financing activities. Despite some of the problems CENCO has experienced, which are further described below, financing is imminent and should be in place by March 1999. As we discussed, CENCO's restart of refinery operations has been delayed by several factors. First, the high yield bond market collapsed in August 1998. There were essentially no issues of bonds of the quality CENCO anticipates selling to raise its required capital in the latter part of 1998. Second, CENCO's other financing option, a traditional bank loan has also been delayed. In the latter part of 1998 CENCO identified a bank which is interested in making a loan. However, funding through this source is more expensive than a high yield bond issue and therefore is not CENCO's preferred financing option. Third, delays in receiving a reinstated refinery permit, further described below, hindered CENCO's ability to obtain financing from either source. Underwriters were hesitant to issue bonds and lending institutions would not loan funds to a refinery without an air quality permit.

Reinstatement of Powerine/CENCO's air quality permit has taken longer than CENCO anticipated. The Hearing Board of the SCAQMD adopted a Stipulated Abatement Order (SAO) on December 11, 1998 which gives the SCAQMD staff confidence in the enforceability of their startup oversight, and they reinstated the refinery permit on December 29, 1998.

Fortunately, the high yield bond market is improving rapidly. These improvements in market conditions, along with receipt of the refinery's reinstated permit, causes us to believe that CENCO can go to the market with its bond offering in February 1999. Therefore funding is expected to be available in March 1999.

Receipt of the financing proceeds will enable CENCO to complete the planned refinery turnaround (refurbishment) activities and capital project work required to resume operation of the refinery under the terms of its permits and the abatement order. Completion of the turnaround, permitting and procurement activities, construction of

capital projects and restart of the refinery should be completed within eight months of receipt of financing. CENCO estimates that the oil-bearing materials in Tanks 10006 and 27105 can be recycled within eight months of continuous Coker operations.

Given the fact that financing now appears to be imminent, CENCO wishes to make the following changes to its August 13, 1998 proposal to you:

1. CENCO will obtain financing for the significant commitment required to complete the modifications and maintenance projects at the refinery to enable a full refinery startup by late 1999. If financing is not obtained, CENCO will comply with Condition 2, below.

2. If financing is not in hand or imminent on April 30, 1999, CENCO will submit a proposal to the Department by May 31, 1999 to dispose of the oil-bearing material in Tanks 10006 and 27105.

If financing is obtained and refinery startup ensues:

3. CENCO will provide month-end updates on the status of startup activities beginning March 31, 1999 and continuing until stable operation of the Coker Unit is achieved.

4. CENCO will begin injection of the oil-bearing sludge from Tanks 10006 and 27105 to the Coker no later than one week after achieving stable operation of the Coker Unit.

5. CENCO will inject the oil-bearing sludge at a maximum rate which will not cause adverse affects to operation of the Coker Unit or coke quality until all the sludge in Tanks 10006 and 27105 has been recycled to the Coker.

6. Upon beginning injection to the Coker, CENCO will monitor the recycling of the oil-bearing sludge and will submit monthly progress reports to the Department.

7. CENCO will conduct and document visual inspections of the tanks for leakage on a weekly basis, until all the oil-bearing sludge is recycled.

8. CENCO will ensure that at a minimum, on a 24-hour basis, one person per shift will conduct rounds that include driving in the vicinity of Tanks 10006 and 27105.

We discussed several other issues in our phone conversation. You commented that if Powerine/CENCO believed it was recycling the material in these tanks, reporting under

Health and Safety Code 25143.10 is required. You asked whether Powerine or CENCO had completed such reports. In response to your question, attached is a copy of Powerine's June 30, 1994 Recyclable Materials report. You will note that the report lists materials other than the oil-bearing material in Tanks 10006 and 27105 that were recycled under section 25143. Please remember that Powerine/CENCO is not relying on recycling exemptions from 25143 which require the reporting per 25143.10 for the oil-bearing material in Tanks 10006 and 27105. The oil bearing material in Tanks 10006 and 27105 is exempt from regulation under Health and Safety Code 25144 which does not require reporting under 25143.10.

You also asked several questions about the specific violations alleged in the Complaint Inspection Report (Report). With the exception of the lead contaminated soil which was the subject of my December 14, 1998 letter to you, my staff assures me that every violation alleged in the Report has been corrected and that we have provided you documentation to you to verify that these corrections have been made. I suggest that we select a time for a conference call that is convenient for both of us to review the documents that have been submitted by CENCO/Powerine in response to the Report and to complete an item by item review of the violations alleged in the Report. I am available at your convenience on any day during the weeks of January 11 and 18 with the exception of January 12 and 20.

Please feel free to contact me with any questions you may have and to schedule a conference call.

Sincerely,

June Christman

June M. Christman

DEC 1 5 1998

CENCO Refining Company

12345 Lakeland Road • Santa Fe Springs, CA 90670 • Phone (562) 944-6111 • Fax (562) 903-8911

December 14, 1998

Mr. Mukul Agarwal
Department of Toxic Substances Control
1011 N.Grandview Avenue
Glendale, CA 91201

Dear Mr. Agarwal:

In reference to the lead contaminated soil around the foundation of Tank 10006, CENCO proposes to excavate and ship the contaminated soils to a permitted facility for disposal.

Two soil samples from the Department's investigation found lead levels above the hazardous criteria of 5.0 ppm STLC. These soil sample were from the western berm wall in the asphalt area and from the footing of Tank 10006 (samples POC-6-128 and POC-7-128, respectively). CENCO has taken additional samples. As promised in my July 2, 1998 letter to you, CENCO has sampled the area surrounding Tank 10006. The sample results are as follows:

Sample Number[1]	Depth	TTLC (ppm)[2]	STLC (ppm)[3]
POC-6-128A[4]	surface		5.3
POC-7-128A[4]	surface		27
POC-6-128B[5]	surface	140	3.2
POC-7-128B[6]	surface	360	12
Asphalt-1-006	8 inches	72	5.7
Asphalt-2-046	surface	72	2.52
Asphalt-3-091	surface	54	0.72
Asphalt-4-045	surface	80	0.86
Asphalt-5-092	surface	180	6.1

CENCO's sample Asphalt-1-006 was taken at the same location as the Department's sample POC-7-128, except that CENCO's sample was taken at a depth of

[1] The location of the samples are shown in the attached Figure.
[2] Regulatory limit: 1,000 ppm.
[3] Regulatory limit: 5.0 ppm.
[4] Taken and analyzed by DTSC.
[5] Split sample of DTSC's POC-6-128A; sample taken by DTSC.
[6] Split sample of DTSC's POC-7-128A; sample taken by DTSC.

approximately 8 inches, while the Department's sample was taken from the surface. Comparing the Department's surface sample (POC-7-128) to CENCO's subsurface sample (Asphalt-1-006), the lead concentration drops significantly with relatively shallow depth; 27 ppm STLC to 5.7 ppm STLC, respectively. This further substantiates CENCO's claim that the distribution of lead is surficial.

Based on the data in the above table, CENCO concludes that the lead is surficially dispersed from Tank 10006 towards the western berm. The concentration decreases with increasing distance from Tank 10006, as noted with the drop off from POC-7-128 (12 & 27 ppm at Tank 10006) to Asphalt-5-092 (6.1 ppm on the access road, three quarters from Tank 10006 to the western berm) to POC-6-128 (5.3 ppm at the western berm).

Since the lead contamination appears to be surficial, CENCO proposes to remediate the area by excavating the top layer of soil with a front-loader and shovels. The loader will be used in the open areas, while a shovel will be used in the close quarters of the tank foundations and piping. The contaminated soil will be placed in 55-gallon drums and sent to a permitted facility for disposal. CENCO must be cautious when removing material from the tank footing. Excessive removal of material could undermine the foundation of the tank.

The area directly north of Tank 10006 and Tank 20092 is filled with gravel. This area was not sampled. In the past, three tanks sat in this area; the tanks have since been removed. Any surficial lead present was likely removed when the foundations for these tanks were removed. This area will not be further remediated.

CENCO requests the Department's concurrence to begin remediation as discussed above.

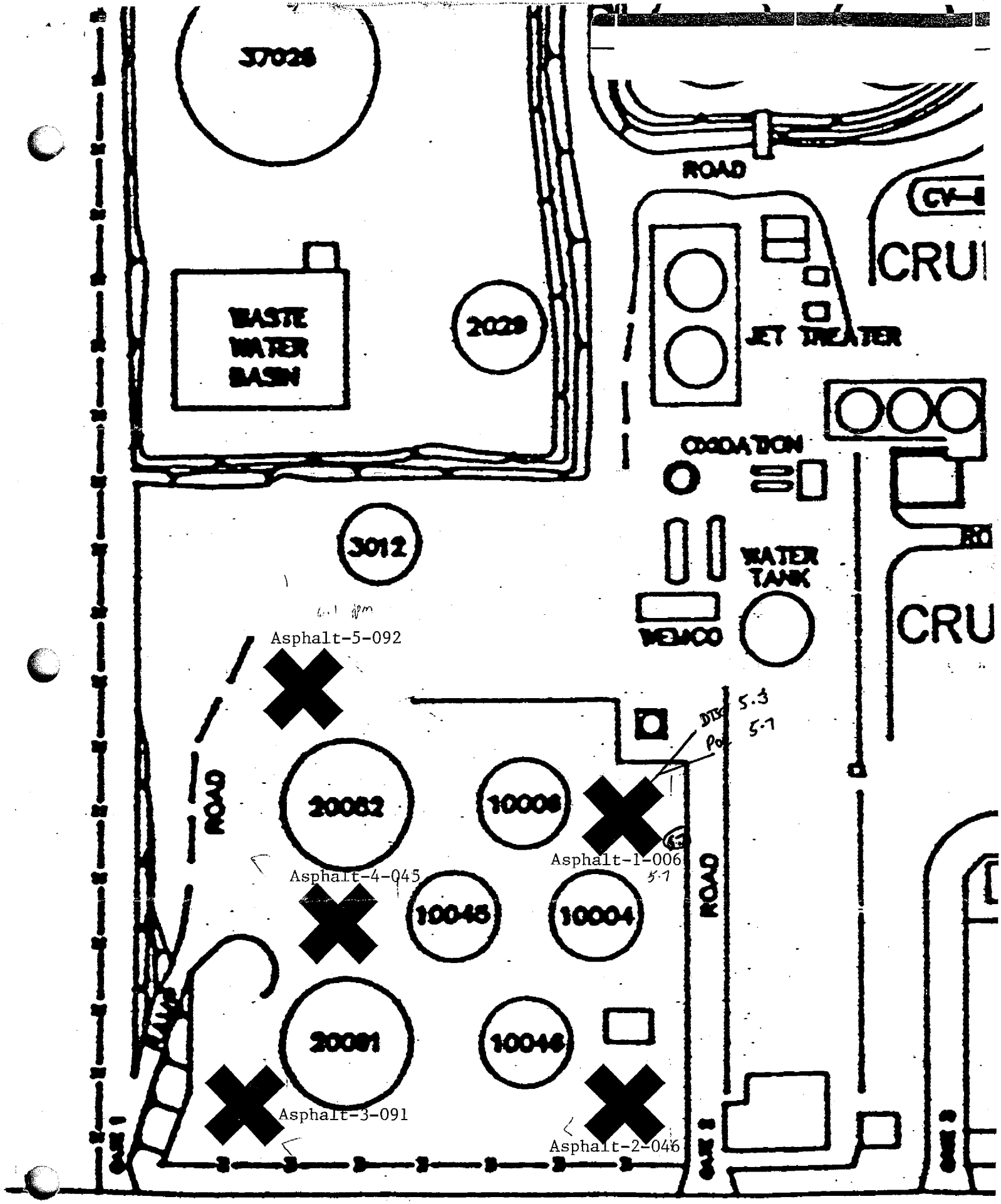
Please feel free to contact Ray Huie of my staff with any questions you may have.

Sincerely,

June Christman

June M. Christman
Manager - Environmental Engineering

JMC:rh
cc: Ray Huie
File 41005.07
Reader File



Proposed sampling locations

Z 471 657 141

US Postal Service

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Sent to Chico Refining Company	
Street & Number 12345 Lakeland	
Post Office, State, & ZIP Code Santa Fe Springs, CA 90670	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date 10/7/99 June Christman AH:cc	

PS Form **3800**, April 1995

Department of Toxic Substances Control

Edwin F. Lowry, Director
1011 N. Grandview Avenue
Glendale, California 91201

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

October 7 , 1999

CERTIFIED MAIL

Ms. June Christman,
Environmental Engineering Manager
Cenco Refining Company
12345 Lakeland
Santa Fe Spring, CA 90670

Dear Ms. Christman :

IN THE MATTER OF: POWERINE OIL COMPANY / CENCO REFINING COMPANY, CONSENT ORDER DOCKET NUMBER 99/00-3006

Enclosed please find the Draft Consent Order concerning violations of Chapter 6.5 of Division 20 of the California Health and Safety Code and Title 22 of the California Code of Regulations. It is in DTSC and Cenco Refinery Company's best interest to achieve compliance with the terms of this order expeditiously. Please provide DTSC with your comments on the draft Consent Order no later than October 21, 1999. Please address your comments and/or request for a meeting, to Mukul Agarwal, Unit Chief at (818) 551-2908.

You are encouraged to take advantage of the possibility of settlement.

Sincerely,

Florence Gharibian

Florence Gharibian, Chief
Statewide Compliance Branch
Southern California Region

Enclosure
Certified Mail
Z 471 657 141
(Return Receipt Requested)

DRAFT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: Powerine Oil Company / Cenco Refining Company 12345 Lakeland Road Santa Fe Springs, CA 90670 Respondent.	Docket HWCA 99/00-3006 CONSENT ORDER Health and Safety Code Section 25187

The State Department of Toxic Substances Control (Department) and Cenco Refining Company (Respondent) enter into this Consent Order and agree as follows:

1. Respondent stores hazardous waste at 12345 Lakeland Road, Santa Fe Springs, California 90670 (Site).

2. The Department inspected the Site on January 27 and 28, 1999.

3. The Department alleges the following violations: Respondent violated Health and Safety Code (HSC) Sections 25143.2(e)(4) and 25201(a) in that on or about August 6, 1998, 1998, Respondent speculatively accumulated in excess of 1,300,000 gallons of hazardous waste and failed to obtain a hazardous waste permit or other grant of authorization from the Department, to wit: Respondent has stored hazardous waste in tank #10006 and tank #27105 since August 6, 1998 and has not obtained a permit or other authorization from the Department.

4. A dispute exists regarding the alleged violations.

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

6. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

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

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

9. Respondent admits the violations described above.

SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

10.1. Effective immediately, Respondent shall cease storing hazardous waste at its facility. Within 14 days, Respondent shall submit a written report to the Department which details all actions taken to comply with this paragraph including, but not limited to a description of the final disposition of the hazardous waste stored in tank #10006 and tank #27105.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Ms. Florence Gharibian
Chief, Statewide Compliance Division
Southern California Region
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No

informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.7. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on

Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

10.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 10.16 in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.11. 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.

10.12. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.13. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.14. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

10.15. 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 HSC section 25188 and other applicable provisions of law.

10.16. 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.

10.17. 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.

[8] 10.18. Notice of Disposal: Respondent shall, by certified mail, return receipt requested, notify the following persons of the violation alleged in paragraph [9] above:

[10]

Notices under this paragraph are subject to paragraph 10.2.

PAYMENTS

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of $123,487.00, of which $119,579.90 is a penalty and $3,907.10 is reimbursement of the Department's costs. 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
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Ms. Florence Gharibian
Chief, Statewide Compliance Division
Southern California Region
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

Office of Legal Counsel
Department of Toxic Substances Control
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

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

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

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

Dated: _____ _____
Signature of Respondent's Representative

Dated: _____ _____
Typed or Printed Name and Title of Respondent's Representative

Dated: _____ _____
[15]
Department of Toxic Substances Control

Z 471 657 142

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail *(See reverse)*

ent to Powerine Oil Company	
Street & Number 767 Fifth Avenue, 23rd Floor	
Post Office, State, & ZIP Code New York, New York 10153	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	$
Postmark or Date 10/7/99 Vincent Papa AH:cc	

PS Form **3800**, April 1995

Department of Toxic Substances Control

Edwin F. Lowry, Director
1011 N. Grandview Avenue
Glendale, California 91201

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

October 7, 1999

CERTIFIED MAIL

Mr. Vincent Papa,
Powerine Oil Company
c/o EMC
General Motors Building
767 Fifth Avenue, 23rd Floor
New York, New York 10153

Dear Mr. Papa:

IN THE MATTER OF: POWERINE OIL COMPANY / CENCO REFINING COMPANY, CONSENT ORDER DOCKET NUMBER 98/99-3020

Enclosed please find the Draft Consent Order concerning violations of Chapter 6.5 of Division 20 of the California Health and Safety Code and Title 22 of the California Code of Regulations. It is in DTSC and Powerine Oil Company's best interest to achieve compliance with the terms of this order expeditiously. Please provide DTSC with your comments on the draft Consent Order no later than October 21, 1999. Please address your comments and/or request for a meeting, to Mukul Agarwal, Unit Chief at (818) 551-2908.

You are encouraged to take advantage of the possibility of settlement.

Sincerely,

Florence Gharibian

Florence Gharibian, Chief
Statewide Compliance Branch
Southern California Region

Enclosure
Certified Mail
Z 471 657 142
(Return Receipt Requested)

DRAFT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: Powerine Oil Company 12345 Lakeland Road Santa Fe Springs, CA 90670 Respondent.	Docket HWCA 98/99-3020 CONSENT ORDER Health and Safety Code Section 25187

The State Department of Toxic Substances Control (Department) and Powerine Oil Company (Respondent) enter into this Consent Order and agree as follows:

1. Respondent stored hazardous waste at 12345 Lakeland Road, Santa Fe Springs, California 90670(Site).

2. The Department inspected the Site on January 27 and 28, 1999.

3. The Department alleges the following violations: Respondent violated Health and Safety Code (HSC) Sections 25143.2(e)(4) and 25201(a) in that on or about January 27 and 28, 1998, Respondent speculatively accumulated in excess of 1,300,000 gallons of hazardous waste and failed to obtain a hazardous waste permit or other grant of authorization from the Department, to wit: Respondent stored hazardous waste in tank #10006 and tank #27105 during the period of June 15, 1995 to August 6, 1998 and did not possess a permit or other authorization from the Department.

4. A dispute exists regarding the alleged violations.

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

6. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

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

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

9. Respondent admits the violations described above.

10. Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

11. 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.

PAYMENTS

12. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of $173,487.00, of which $169,579.89 is a penalty and $3,907.11 is reimbursement of the Department's costs. 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
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Ms. Florence Gharibian
Chief, Statewide Compliance Division
Southern California Region
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

Office of Legal Counsel
Department of Toxic Substances Control
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

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

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

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

Dated: _____ _____
Signature of Respondent's Representative

Dated: _____ _____
Typed or Printed Name and Title of Respondent's Representative

Dated: _____ _____
[15]
Department of Toxic Substances Control

CENCO Refining Company

The Creative Energy Company

12345 Lakeland Road • P.O. Box 2108 • Santa Fe Springs, CA 90670 • Phone: (562) 944-6111 • Fax (562) 903-8911

October 21, 1999

Via FedEx Overnight Delivery

Ms. Florence Gharibian, Chief
Statewide Compliance Branch
Southern California Region
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, CA 91201

Dear Ms. Gharibian

CENCO Refining Company (CENCO) provides as Attachment 1 comments on DTSC's draft Consent Order. CENCO requests a meeting with DTSC at your convenience to discuss these comments. CENCO appreciates the Department's patience to date as we continue to pursue conventional financing to resume refinery operations. However, CENCO must request that the Department grant us an additional 90 days to make significant progress in obtaining financing. CENCO is currently undergoing due diligence with three large financial institutions. Warburg Dillon Read, our investment bankers, tell us they are highly confident that the financing will be completed. However, because of the upcoming holidays and market uncertainty of potential Y2K issues, financing will most likely occur in January. In addition to Warburg Dillon Read, CENCO is in discussions with the second largest bank in the nation. Since refinery economics in California are outstanding, CENCO is confident that the financing can and will be accomplished.

Attachment 2 is CENCO's first Rule 212 Notice published in multiple local newspapers by the SCAQMD stating that the SCAQMD plans to issue permits to construct (P/Cs) for nine process units at the Refinery. The process units include four product-loading racks and their associated vapor recovery, and four safety and improvement modifications to CENCO's HF Alkylation Unit. Financial institutions have made it clear that CENCO must demonstrate its ability to obtain the P/Cs it requires to achieve its business plan. This 212 notice demonstrates CENCO's further progress in its permitting and financing efforts. SCAQMD will issue the nine permits as soon as CENCO's EIR for the Refinery Upgrades is certified, which is currently planned in December, 1999.

CENCO questions the magnitude of penalties proposed by DTSC ($119,579.90 to CENCO and $169,579.89 to Powerine or a total of $289,159.79) given the following facts:

1) There is no clear violation whatsoever. There is ambiguity as to whether the material stored in the tanks is oil-bearing material or hazardous waste. In fact, there is ambiguity as to whether the material is in fact hazardous.

2) The volume of oil-bearing material stored by CENCO is significantly less than 1,300,000 gallons. The volume is approximately 871,500 gallons. As explained to DTSC in my August 5, 1998 letter to Mukul Agarwal of your staff, Powerine began and CENCO continued recycling activities in Tanks 10006 and 27105 in July and August of 1998. Hydrocarbon and water removal activities reduced the volume in Tanks 10006 and 27105 to approximately 8,250 and 12,500 barrels, respectively.

In summary, CENCO requests that the Department give CENCO an additional 90 days to obtain financing so that the oil-bearing material stored at the Refinery can be recycled into usable product.

Please feel free to call me with any questions you may have.

Sincerely,

June Christman
Manager - Environmental Engineering

JMC:md

cc: Mukul Agarwal

916-327-6105

Dec. 2, 1999

Attachment 1

COMMENTS ON DTSC'S DRAFT CONSENT ORDER

Attachment A is CENCO's mark up of DTSC's draft Consent Order.

Comment 1. CENCO did not accumulate any oil-bearing material in Tanks 10006 and 27105. CENCO acquired liability for existing oil-bearing material stored at the Refinery.

Comment 2. CENCO does not admit to the violations described in the Order. CENCO and DTSC are settling a dispute, there is no need to admit the violations. In fact, CENCO requests that the following be inserted into the Order: "This agreement shall not be construed as an admission of liability for any of the alleged violations."

Comment 3. DTSC is alleging that CENCO is storing hazardous waste at its facility. It is physically impossible to comply with the requirement to immediately cease storing the material at its facility. CENCO remains confident that the best resolution of this situation is to allow recycling of the oil-bearing material to its Coker upon resumption of refining. CENCO requests that the Department issue a consent order with conditions similar to those provided in Attachment 3.

Comment 4. CENCO requests 14 days to prepare a plan that will consolidate all the oil-bearing materials in Tanks 10006 and 27105 into tank 27105. Consolidating the material in Tank 27105 will limit any potential impacts from the oil-bearing material to one location. Additionally, consolidating into Tank 27105 makes it more readily available for injection into the Coker and eases tank inspection requirements.

Comment 5. This section appears to have been inadvertently included and should be deleted.

Comment 6. Due to financial constraints, CENCO requires additional time to make settlement payments to the Department. CENCO requests to make twelve monthly settlement payments to satisfy its settlement obligations.

Comment 7. Not withstanding that fact that a release from liability in this matter is referred to in section 10.7 of this agreement, none is provided in the agreement. CENCO requests that the Department provide such a release in the draft Consent Order.

Attachment A

DRAFT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:	Docket HWCA 99/00-3006
Powerine Oil Company / Cenco Refining Company 12345 Lakeland Road Santa Fe Springs, CA 90670 Respondent.	CONSENT ORDER Health and Safety Code Section 25187

The State Department of Toxic Substances Control (Department) and Cenco Refining Company (Respondent) enter into this Consent Order and agree as follows:

1. Respondent stores hazardous waste at 12345 Lakeland Road, Santa Fe Springs, California 90670 (Site).

2. The Department inspected the Site on January 27 and 28, 1999.

3. The Department alleges the following violations: Respondent violated Health and Safety Code (HSC) Sections 25143.2(e)(4) and 25201(a) in that on or about August 6, 1998, 1998, ~~Respondent~~ Powerine speculatively accumulated in excess of 1,300,000 gallons of hazardous waste and failed to obtain a hazardous waste permit or other grant of authorization from the Department, to wit: Respondent assumed liability for and has stored hazardous waste in tank #10006 and tank #27105 since August 6, 1998 and has not obtained a permit or other authorization from the Department.

Comment 1

4. A dispute exists regarding the alleged violations.

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

6. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

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

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

Comment 2 ~~9. Respondent admits the violations described above.~~

SCHEDULE FOR COMPLIANCE

10. Respondent shall comply with the following:

Comment 3 10.1. ~~Effective immediately, Respondent shall cease storing hazardous waste at its facility.~~ Within 14 days, Respondent shall submit a written report to the Department which details all actions to be taken to comply with this paragraph including, but not limited to a description of the final disposition of the hazardous waste stored in tank #10006 and tank #27105.

Comment 4

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent ~~simultaneously~~ to:

Ms. Florence Gharibian
Chief, Statewide Compliance Division
Southern California Region
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No

10.17. 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.

~~[8] 10.18. Notice of Disposal: Respondent shall, by certified mail, return receipt requested, notify the following persons of the violation alleged in paragraph [9] above:~~

Comments

~~[10]~~

~~Notices under this paragraph are subject to paragraph 10.2.~~

PAYMENTS

Comment 6

11. ~~Within 30 days~~ of the effective date of this Consent Order, Respondent shall pay the Department a total of $123,487.00, of which $119,579.90 is a penalty and $3,907.10 is reimbursement of the Department's costs. 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
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Ms. Florence Gharibian
Chief, Statewide Compliance Division
Southern California Region
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

Public Notices 51

Public Notices 51

1 SECTION 3071 OF
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ORNIA COACH INC.
VD., WALNUT, CA

Ad No. 70421

N NO. 7096

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EAR 2000

Council of the City of
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to attend such hearing
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Written protests may

Clerk shall certify to
hereof.
OPTED this 28th day

EG NORDBAK, Mayor

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Ad No. 70137

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NOTICE OF TRUSTEE'S SALE TS No.: 19999080500155 Loan No.: 0003526291 FHA/VA/MI No: YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED 07/28/92. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER. On November 5, 1999 at 01:00 PM, Lonestar Mortgagee Services, L.L.C., as duly appointed Trustee under and pursuant to Deed of Trust recorded 08/04/92, as Instrument No. 92-1428377, in book , page , of Official Records in the office of the County Recorder of LOS ANGELES County, State of California. Executed by ANTOINE KARBAJ, AN UNMARRIED PERSON WILL SELL AT PUBLIC AUCTION TO HIGHEST BIDDER FOR CASH, CASHIER'S CHECK/CASH EQUIVALENT or other form of payment authorized by 2924h(b), (payable at time of sale in lawful money of the United States). AT THE ENTRANCE TO CITY OF LA MIRADA CITY HALL AT 13700 LA MIRADA BLVD., LA MIRADA, CA. All right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and State described as: As more fully described in the above mentioned Deed of Trust APN# 8238-014-006. The street address and other common designation, if any, of the real property described above is purported to be: 1594 CYPRESS STREET, LA HABRA HEIGHTS, CA 90631. The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of said Deed of Trust, fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust. The total amount of the unpaid balance of the obligation secured by the property to be sold and reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is $459,308.19. The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located. Date: 10/11/99, Nationwide Posting Publication, As agent for Lonestar Mortgagee Services, L.L.C., as Trustee, 1050 Fulton Avenue, Suite 213, Sacramento, CA 95825, SUSAN BARRON, Authorized Signature, FOR TRUSTEE'S SALE INFORMATION PLEASE CALL (916) 974-6099, 15000 Surveyor Boulevard, Suite 250, Addison, Texas 75001, (800)795-5041, LONESTAR MORTGAGEE SERVICES, L.L.C., IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. NPP0068447, 10/15/99, 10/22/99, 10/29/99
CNS1746201
Whittier Daily News Ad No. 110320

CITY OF PICO RIVERA
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT
MODIFICATION 97-561.1

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Pico Rivera Planning Commission to consider a request from Jose Cruz Telles for Conditional Use Permit Modification 97-561.1. The applicant is requesting City approval for a time extension to a previously approved Conditional Use Permit (CUP97-561) to sell beer and wine from an existing grocery store for off-site consumption. The subject property is located at the northeast corner of Rosemead Boulevard and Burke Street in the C-G (General Commercial) zoned district, generally known as 7828 Rosemead Boulevard, legally described as Lots 12, 13, and 14 of Tract No. 2789, in the City of Pico Rivera, County of Los Angeles, State of California, as per map recorded in Book 29, pages 4 and 5 of Maps, in the office of the County Recorder of said County.

WHEN:	Monday, October 25, 1999 7:00 p.m.
WHERE:	City Hall Council Chambers 6615 Passons Boulevard Pico Rivera, CA 90660
MAIL:	PO Box 1016 **TELEPHONE:** (562)801-4332

Pursuant to the California Environmental Quality Act and CEQA Guidelines, the project is categorically exempt per Section 15301-Class 1(e)-Operation of Existing Structures, and therefore no additional environmental review is necessary.

PERSONS INTERESTED IN THIS MATTER are invited to attend this hearing to express their opinion on the above matter. The application and information relevant to the proposed project is on file and may be reviewed at City Hall in the Community Development Department-Planning Division.

David D. Hertzing
Community Development Director
Hrg: October 25, 1999, 7:00 p.m.
CUP Mod. 97-561.1
7828 Rosemead Boulevard

In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for a person with a disability. Please contact Cindy-Lu Gans at (562) 801-4430 or Christine J. Schaefer at (562) 801-4383 if special program accommodations are necessary and/or program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged. #2017A.

Publish: October 15, 1999
Whittier Daily News **Ad No. 64583**

PUBLIC NOTICE OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
NOTICE OF PUBLIC HEARING
TO CONSIDER ANNEXATION TO
COUNTY LIGHTING MAINTENANCE DISTRICT 1687

NOTICE OF TRUSTEE'S SALE
Trustee Sale No. 400086 Loan No. 7007384345 Title Order No. 9253892
YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED MARCH 20, 1987. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER.
On November 5, 1999 at 11:30am, California Reconveyance Company as the duly appointed Trustee under and pursuant to Deed of Trust Recorded on March 30, 1987, Instrument 87 469560 of official records in the Office of the Recorder of Los Angeles County, California, executed by: Richard Botello and Virginia Botello, huband and wife, and Rudy Rosas, a single man, as Trustor, Home Savings of America, F.A., A Corporation, as Beneficiary, will sell at public auction sale to the highest bidder for cash, cashier's check drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state. Sale will be held by the duly appointed trustee as shown below, of all right, title, and interest conveyed to and now held by the trustee in the hereinafter described property under and pursuant the Deed of Trust. The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, interest thereon, estimated fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. the amount may be greater on the day of sale.
Place of Sale: At the front entrance to the Pomona Municipal Courts Building, 350 W. Mission Blvd., Pomona, CA Legal Description: As more fully described on said Deed of Trust Amount of unpaid balance and other charges: $74,271.90 (estimated) Street address and other common designation of the real property: 7912 Washington Avenue, Whittier, CA 90601 APN 8142-037-010
The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The property heretofore described is being sold "as is". Date: October 8, 1999 California Reconveyance Company 9301 Corbin Avenue - N 03 02 04 Northridge, CA 91324 (916) 387-7728 or (714) 573-1965 Deborah Brignac, Vice President
Pub: 10/15/99, 10/22/99, 10/29/99
CNS1745975
Whittier Daily News Ad No. 60838

NOTICE OF TRUSTEE'S SALE Trustee Sale No. 702058 Loan No. 0805461985 Title Order No. 00661601 YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 07/02/1987. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER. On 10/29/1999 at 10:30am, California Reconveyance Company as the duly appointed Trustee under and pursuant to Deed of Trust Recorded on 07/10/1987, Instrument: 87 1093655 of official records in the Office of the Recorder of Los Angeles County, California, executed by: David Magallanes and Renee Magallanes, husband and wife, as Trustor, Great Western Bank, a federal savings bank, as Beneficiary, will sell at public auction sale to the highest bidder for cash, cashier's check drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state) will be held by the duly appointed trustee as shown below, of all right, title, and interest conveyed to and now held by the trustee in the hereinafter described property under and pursuant the Deed of Trust. The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, interest thereon, estimated fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale. Place of Sale: At the East entrance to the Los Angeles County Courthouse, Southeast District, 12720 Norwalk Blvd., Norwalk, CA Legal Description: --. Amount of unpaid balance and other charges: $97,618.20 (estimated) Street address and other common designation of the real property: 8458 Davista Drive, Whittier, CA 90605 APN 8147-001-009 The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The property heretofore described is being sold "as is". California Reconveyance Company, 9301 Corbin Avenue - N 03 02 04, Northridge, CA 91324, (916) 387-7728 or (714) 573-1965, Deborah Brignac, Vice President, Date: 09/30/1999 ASAP370000 10/8, 10/15, 10/22
Whittier Daily News Ad No. 49650

NOTICE OF TRUSTEE'S SALE
APN: 8166-005-008 LOAN NO: 2778777 REF: RAYMOND A GARCIA
T.S. No: 1018452-08
IMPORTANT NOTICE TO PROPERTY OWNER:
YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED OCTOBER 16, 1978. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.
On November 4, 1999, at 11:30 AM, Cal-Western Reconveyance Corporation, a California corporation as duly appointed trustee under and pursuant to Deed of Trust recorded October 26, 1978, as inst. No. 78-1190944, of Official Records in the office of the County Recorder of Los Angeles County, State of California executed by Virginia Montes, a unmarried woman Donald Montes, a single man Will sell at public auction to highest bidder for cash, cashier's check drawn on a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state will be held At the north entrance to the Cerritos City Hall, 18125 Bloomfield Avenue Cerritos, California all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and State described as: Completely described in said Deed of Trust.
The street address and other common designation, if any, of the real

NOTICE OF TRUSTEE'S SALE
TS No. 99-05261 Loan No. 9006911 Title Order No. 03142474 Investor/Insurer No. 0418498649734 APN No.: 8125-054-091
YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED 03/05/94. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER. Notice is hereby given that CTC Real Estate Services FKA CTC Foreclosure Services Corporation as duly appointed trustee pursuant to the Deed of Trust executed by MARGARET E GUERENA, AN UNMARRIED WOMAN dated 03/05/94 and recorded 03/18/94, as Instrument No. 94540824, of Official Records in the office of the County Recorder of Los Angeles County, State of California, will sell on 10/22/99 at 11:15AM, AT THE SOUTH EXIT TO THE PASADENA MUNICIPAL COURT, 200 NORTH GARFIELD AVENUE, PASADENA, CA at public auction, to the highest bidder for cash or check as described below, payable in full at time of sale, all right, title, and interest conveyed to and now held by it under said Deed of Trust, in the property situated in said County and State and as more fully described in the above referenced Deed of Trust. The street address and other common designation, if any, of the real property described above is purported to be: 4140 WORKMAN MILL ROAD #86, WHITTIER, CA, 90601 The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The total amount of the unpaid balance with interest thereon of the obligation secured by the property to be sold plus reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is $102906.14 It is possible that at the time of sale the opening bid may be less than the total indebtedness due. In addition to cash, the Trustee will accept cashier's checks drawn on a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in Section 5102 of the Financial Code and authorized to do business in this state. Said sale will be made, in an "AS IS" condition, but without covenant or warranty, express or implied, regarding title, possession or encumbrances, to satisfy the indebtedness secured by said Deed of Trust, advances thereunder, with interest as provided, and the unpaid principal of the Note secured by said Deed of Trust with interest thereon as provided in said Note, plus fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust. Dated: CTC Real Estate Services FKA CTC Foreclosure Services Corporation, 400 Countrywide Way, SV-88, Simi Valley, CA 93065 Phone: (805) 520-5241, Sale Information (805) 578-6618 By: /S/Trustee Sale Officer
CTC Real Estate Services is a debt collector attempting to collect a debt. Any information obtained will be used for that purpose.
10/01/1999, 10/08/1999 and 10/15/1999
CNS1741410
Whittier Daily News Ad No. 17063

NOTICE OF INTENT TO ISSUE PERMIT PURSUANT TO RULE 212

This notice is to inform you that the South Coast Air Quality Management District (AQMD) has received 54 applications for permits to construct new equipment and modify existing equipment for a project that is being undertaken to upgrade the CENCO refinery. The purpose of this upgrade is to produce gasoline that would meet State standard and improve operation efficiency.

The AQMD is the air pollution control agency for Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties. Anyone wishing to install or modify equipment that could control or be a source of air pollution within this region must first obtain a permit from the AQMD. Under certain circumstances, before a permit is granted, a public notice, such as this, is prepared by the AQMD and distributed by the applicant.

The AQMD has evaluated some of the submitted permit applications, which are part of the refinery upgrade project. It was determined that they would meet all the applicable requirements of of AQMD's Rules and Regulations. Considering this finding, the AQMD intends to issue permits for the equipment described below at the end of this 30-day public notice period provided that the required emission offsets are purchased by CENCO and surrendered to the AQMD, and the California Environmental Quality Act (CEQA) document prepared for the project is certified:

APPLICANT: CENCO Refining Company
LOCATION: 12345 Lakeland Road
Santa Fe Springs, CA 90670-3856

APPLICATION NUMBER	EQUIPMENT DESCRIPTION
352864	Gasoline Bulk Loading Rack No.1(New)
352865	Gasoline Bulk Loading Rack No.2(New)
352866	Gasoline Bulk Loading Rack No.3(New)
352867	Gasoline Bulk Loading Rack No.4(New)
352868	Vapor Recovery System for above(New)
353412	Alkylation Unit(Modification)
355320	Emergency Acid Transfer&Storage System (Modification)
355321	Butane Treating/Defluorinator (Modification)
355322	Acid Soluble Oil(ASO) Treating/ Neutralization(Modification)

The proposed modification to the existing Hydrofluoric Acid (HF) alkylation unit would enhance its operational safety by the use of an additive capable of reducing volatilization of HF acid in the event of an accidental chemical release into the atmosphere. The modification to the emergency acid transfer/storage system would allow rapid transfer of all acid materials in the process into a storage tank during an emergency condition. The modification to the butane treating/defluorinator would remove residual

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provement Area for
persons interested in
o attend such hearing
ews relating to the
Written protests may

Clerk shall certify to
hereof.
OPTED this 28th day

EG NORDBAK, Mayor

Ad No. 70137

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tober 28, 1999 - 10:00
Middle School.
1999

Ad No. 72758

WHEN: Monday, October 25, 1999
7:00 p.m.
WHERE: City Hall Council Chambers
6615 Passons Boulevard
Pico Rivera, CA 90660
MAIL: PO Box 1016
TELEPHONE: (562) 801-4332

Pursuant to the California Environmental Quality Act and CEQA Guidelines, the project is categorically exempt per Section 15301-Class 1(e)-Operation of Existing Structures, and therefore no additional environmental review is necessary.

PERSONS INTERESTED IN THIS MATTER are invited to attend this hearing to express their opinion on the above matter. The application and information relevant to the proposed project is on file and may be reviewed at City Hall in the Community Development Department-Planning Division.

David D. Hertzing
Community Development Director
Hrg: October 25, 1999, 7:00 p.m.
CUP Mod. 97-561.1
7828 Rosemead Boulevard

In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for u person with a disability. Please contact Cindy-Lu Gans at (562) 801-4430 or Christine J. Schaefer at (562) 801-4383 if special program accommodations are necessary and/or program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged. #2017A.

Publish: October 15, 1999
Whittier Daily News **Ad No. 64583**

PUBLIC NOTICE OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
NOTICE OF PUBLIC HEARING
TO CONSIDER ANNEXATION TO
COUNTY LIGHTING MAINTENANCE DISTRICT 1687
AND
COUNTY LIGHTING DISTRICT LLA-1,
UNINCORPORATED ZONE
PETITION 49-38
(LEFFINGWELL ROAD)

Notice is hereby given that a public hearing will be held by the Board of Supervisors to consider the annexation of territory to County Lighting Maintenance District 1687 and County Lighting District LLA-1, Unincorporated Zone, Petition 49-38. Said Hearing will be held on Tuesday, November 23, 1999, at 9:30 a.m., in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street at Grand Avenue), Los Angeles, California 90012.

This territory is proposed for annexation to the County-administered Lighting Districts to install street lights on Leffingwell Road between Carmenita Road and Hastings Drive, in the Santa Fe Springs area, and to pay for their operation and maintenance. The proposed annual street lighting assessment is $5.00 for a single-family home. Vacant lots will not be assessed until the lot is developed. The levy of a new assessment is now subject to property owner approval with the passing of Proposition 218 (approved by California voters in November 1996) which provides for property owners to determine by ballot whether of not they approve of the proposed assessment for this purpose. As required under Proposition 218, assessment ballots will be mailed to all property owners of parcels within the territory proposed for annexation at least 45 days in advance of the public hearing. All assessment ballots must be received by the County before the conclusion of the public hearing. Ballots will be tabulated at the conclusion of the public hearing. The assessment will not be levied and the territory will not be annexed if the weighted majority of the returned ballots submitted are opposed to the increase. The ballots are weighted according to the amount of the street lighting assessment paid by each property owner.

In addition to returning the assessment ballots, property owners may file, with the Executive Officer of the Board of Supervisors, a written protest against the proposed annexation at any time prior to the conclusion of the public hearing. The written protest must identify the property owned and must state all grounds for objection. The protest may be withdrawn in writing prior to the conclusion of the public the hearing. A majority protest will cause abandonment of the proposed annexation.

The Engineer's Report on Petition 49-38 is on file and available for public review in the Executive Office of the Board of Supervisors, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street at Grand Avenue), Los Angeles, California 90012.

If you have any comments about the proposed annexation, you may address them in writing to: County of Los Angeles Department of Public Works, Attention Mr. Joaquin Herrera, Traffic and Lighting Division, P.O. Box 1460, Alhambra, California 91802-1460. In your letter, please include your name, address, and parcel identification number as they appear on your property tax bill.

For further information, please call (626) 458-5927.

Para mas información con relación a esta noticia, por favor llame a. (626) 458-5927.

JOANNE STURGES
EXECUTIVE OFFICER
BOARD OF SUPERVISORS
10/15/99, 10/22/99

CNS-56723#
Whittier Daily News **Ad No. 74246**

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made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, interest thereon, estimated fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale. Place of Sale: At the East entrance to the Los Angeles County Courthouse, Southeast District, 12720 Norwalk Blvd., Norwalk, CA Legal Description: --. Amount of unpaid balance and other charges: $97,618.20 (estimated) Street address and other common designation of the real property: 8458 Davista Drive, Whittier, CA 90605 APN 8147-001-009 The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The property heretofore described is being sold "as is". **California Reconveyance Company**, 9301 Corbin Avenue - N 03 02 04, Northridge, CA 91324, (916) 387-7728 or (714) 573-1965, Deborah Brignac, Vice President, Date: 09/30/1999 ASAP370000 10/8, 10/15, 10/22
Whittier Daily News **Ad No. 49650**

NOTICE OF TRUSTEE'S SALE
APN: 8166-005-008 LOAN NO: 2778777 REF: RAYMOND A GARCIA T.S. No: 1018452-08
IMPORTANT NOTICE TO PROPERTY OWNER:
YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED OCTOBER 16, 1978. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.
On November 4, 1999, at 11:30 AM, Cal-Western Reconveyance Corporation, a California corporation as duly appointed trustee under and pursuant to Deed of Trust recorded October 26, 1978, as inst. No. 78-1190944, of Official Records in the office of the County Recorder of Los Angeles County, State of California executed by Virginia Montes, a unmarried woman Donald Montes, a single man Will sell at public auction to highest bidder for cash, cashier's check drawn on a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state will be held At the north entrance to the Cerritos City Hall, 18125 Bloomfield Avenue Cerritos, California all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and State described as: Completely described in said Deed of Trust.
The street address and other common designation, if any, of the real property described above is purported to be: 12616 East Dunton Drive Whittier CA 90602
The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, express or implied, regarding title, possession, condition, or encumbrances, including fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to pay the remaining principal sums of the note(s) secured by said Deed of Trust to wit: $34,232.13 with interest thereon from 02/01/1999 @ 9.500 % per annum as provided in said note(s) plus cost and any advances with interest. ESTIMATED TOTAL DEBT $36,793.38 The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located.
For sales information: Mon-Fri 9:00am to 4:00pm (619)590-9200
Cal-Western Reconveyance Corporation 525 East Main Street P.O. Box 22004 El Cajon CA 92022-9004 (619) 590-9200 Dated: October 15, 1999 Cal-Western Reconveyance Corporation By: Dell Cunamay, Authorized Signature
Pub: 10/15/99, 10/22/99, 10/29/99
CNS1742487
Whittier Daily News **Ad No. 34728**

NOTICE OF SHERIFF'S SALE
CASE NO: BC187917 R
United National Bank VS Oliver G. Galicia
(X) Under a writ of Sale issued on 12/21/98. Out of the Superior Court (Civil), of the Central District, County of Los Angeles, State of California, on a judgment entered on 11/20/98.
(X) The described property is sold subject to the right of redemption. The amount of the secured indebtedness with interest and costs is $252655.89 (Amount Subject to Revision)
In favor of United National Bank and against Galicia, Oliver; Galicia, Maria De Jesus
I have levied upon all the right, title and interest of said judgment debtor(s) in the property in the County of Los Angeles, State of California, described as follows: Exhibit "I"
Common Description: 8222 Colima Road, Whittier, California (the residence of Oliver and Maria De Jesus Galicia)
Title Vesting: Oliver Galicia and Maria De Jesus Galicia
Legal Description: The Northerly 25 feet of Lot 72, and all of Lot 73, of Tract 15348, in the city of Whittier, as per map recorded in Book 342, Pages 43 to 46, inclusive, of Maps, in the office of the county records of said county.
EXCEPT the Westerly 10 feet of said land.
ALSO EXCEPT therefrom all that portion of real property lying below a depth of 500 feet, measured vertically from the surface, together with all rights therein including, but not limiting the generality of the foregoing, the right in all oil, gas, asphaltum and other hydrocarbons and other minerals, whether similar to those herein specified or not, within or that may be produced from land, reserved in deed from Murphy Ranch company, recorded July 23, 1956, in Book 51809, Page 385, as Instrument No. 99, as to Lot 73, and in deed recorded September 26, 1949 in Book 31076, Page 194, as Instrument No. 980, as Lot 72.
Assessors Parcel No.: 5202-011-017
Commonly known as: 8222 Colima Road Whittier, CA
Public notice is hereby given that I will sell at public auction to the highest bidder for cash in lawful money of the United States all the right, title and interest of the debtor(s) in the above described property or so much as will be sufficient to satisfy said writ or warrant with interest and all costs on November 17, 1999, 10:00 AM at the following location: Los Angeles County Courthouse 111 N. Hill Street, Room 125-B Los Angeles, CA 90012
(X) This sale is subject to a minimum bid which must exceed the amount of $14096.42
Prospective bidders should refer to sections 701.510 To 701.680, inclusive, of the Code of Civil Procedure for provisions governing the terms, conditions and effect of the sale and the liability of defaulting bidders. Creditor's Attorney C. Timothy O'Malley; Leland Parachini, Steinberg 500 S. Grand Avenue, Ste. 1100 Los Angeles, CA 90071
Dated: September 15, 1999
Branch: Los Angeles
Leroy D. Baca, Sheriff
Operator ID: E263083
By: Anthony Navarro Deputy
Para obtener esta informacion - traduccion en Espanol llame a este numero: (213) 974-4827
NOTE: IT IS A MISDEMEANOR TO TAKE DOWN OR DEFACE A POSTED NOTICE BEFORE THE DATE OF SALE. (Penal Code section 616)
Pub: 10/08/99, 10/15/99, 10/22/99
CNS1744126
Whittier Daily-News **#49428**

The AQMD has evaluated some of the submitted permit applications, which are part of the refinery upgrade project. It was determined that they would meet all the applicable requirements of of AQMD's Rules and Regulations. Considering this finding, the AQMD intends to issue permits for the equipment described below at the end of this 30-day public notice period provided that the required emission offsets are purchased by CENCO and surrendered to the AQMD, and the California Environmental Quality Act (CEQA) document prepared for the project is certified:

APPLICANT: CENCO Refining Company
LOCATION: 12345 Lakeland Road
Santa Fe Springs, CA
90670-3856

APPLICATION NUMBER	EQUIPMENT DESCRIPTION
352864	Gasoline Bulk Loading Rack No.1(New)
352865	Gasoline Bulk Loading Rack No.2(New)
352866	Gasoline Bulk Loading Rack No.3(New)
352867	Gasoline Bulk Loading Rack No.4(New)
352868	Vapor Recovery System for above(New)
353412	Alkylation Unit(Modification)
355320	Emergency Acid Transfer&Storage System (Modification)
355321	Butane Treating/Defluorinator (Modification)
355322	Acid Saluble Oil(ASO) Treating/ Neutralization(Modification)

Continued

The proposed modification to the existing Hydrofluoric Acid (HF) alkylation unit would enhance its operational safety by the use of an additive capable of reducing volatilization of HF acid in the event of an accidental chemical release into the atmosphere. The modification to the emergency acid transfer/storage system would allow rapid transfer of all acid materials in the process into a storage tank during an emergency condition. The modification to the butane treating/defluorinator would remove residual HF acid and flourides from butane that is currently burned as fuel gas so that it can be used as feed for the refinery's butane isomerization unit. The modification to the acid soluble oil (ASO) treating/neutralization system is to improve the treatment of acid soluble oil by-product and recover it for processing in the delayed coker.

The construction of new bulk loading racks with vapor control will provide a means for the refinery to distribute finished products using tank trucks.

The proposed modifications/new construction as stated above are part of the refinery upgrade project planned for the facility. The subject modifications/new construction would contribute approximately 122 lbs of volatile organic compounds (VOC)/day of the estimated total VOC emission increase of 308lbs VOC/day for the project. Approximately 15 lbs VOC/day from the proposed modifications/new construction will be exempt from emission offsets because the modifications to the Alkylation Unit and ASO Treating/Neutralization are being undertaken to comply with a District order related to a conditional use permit issued by the City of Santa Fe Springs requiring use of a modified hydrofluoric acid alkylation process, and no increase in capacity is expected. The remaining 107 lbs VOC/day are emissions from the Gasoline Bulk Loading racks and the Butane Treating/Defluorinator. These emissions will be offset. The proposed modifications/new constructions will use the required Best Available Control Technology (BACT) for controlling VOC emissions from fugitive components such as sealed bellows valves and sealless pumps, when feasible. The new gasoline bulk loading racks will be vented to a vapor recovery system.

Materials handled by the proposed gasoline bulk loading racks contain pollutants that are considered toxic under AQMD Rule 1401. Therefore, a health risk assessment was performed for this equipment. The health risk assessment uses health protective assumption in estimating actual risk to an individual person. Even assuming this health protective condition, the evaluation shows that the maximum individual cancer risk increase from the equipment is about 6.73 x 10(to the negative 7th power) which is less than one in one million. This level of estimated risk is within limits established for new or modified sources.

The proposed facility permit is available for public review at the AQMD's headquarters in Diamond Bar. Anyone wishing to comment on this facility permit should submit the comments in writing by Tuesday, November 16, 1999. Please understand that the AQMD can only consider comments relating to whether or not this individual project complies with the AQMD's rules. Zoning decisions are made by the local city or county. AQMD will issue additional public notices in the future as we complete our review of the remaining applications for permits to construct. Submit comments to Pang Mueller, Engineering and Compliance, South Coast Air Quality Management AQMD, 21865 Copley Drive, Diamond Bar, California 91765-4182. For additional information, please call Emmanuel Ruivivar at (909) 396-2509.

Publish: October 15, 1999
Whittier Daily News **Ad No. 68285**

MORE LEGALS IN CLASSIFIED

Attachment 3

CENCO makes the following proposal to DTSC.

1. CENCO will obtain financing for the significant commitment required to complete the modifications and maintenance projects at the refinery to enable a full refinery startup. If financing is not obtained, CENCO will comply with Condition 2, below.

2. If financing is not in hand or imminent on January 31, 2000, CENCO will submit a proposal to the Department by February 29, 2000 to dispose of the oil-bearing material in Tanks 10006 and 27105.

If financing is obtained and refinery startup ensues:

3. CENCO will provide month-end updates on the status of startup activities beginning March 31, 1999 and continuing until stable operation of the Coker Unit is achieved.

4. CENCO will begin injection of the oil-bearing sludge from Tanks 10006 and 27105 to the Coker no later than one week after achieving stable operation of the Coker Unit.

5. CENCO will inject the oil-bearing sludge at a maximum rate which will not cause adverse affects to operation of the Coker Unit or coke quality until all the sludge in Tanks 10006 and 27105 has been recycled to the Coker.

6. Upon beginning injection to the Coker, CENCO will monitor the recycling of the oil-bearing sludge and will submit monthly progress reports to the Department.

7. CENCO will conduct and document visual inspections of the tanks for leakage on a weekly basis, until all the oil-bearing sludge is recycled.

8. CENCO will ensure that at a minimum, on a 24-hour basis, one person per shift will conduct rounds that include driving in the vicinity of Tanks 10006 and 27105.

DTSC / Cenco Meeting

12/6/99

Name	Representative/Comp	phone #
1- Ahmed E. Hegab	DTSC	818-551-2902
2. Denise Hoffman	DTSC	916-3276105
3. Mukul K Agarwal	DTSC	818-551-2902
4 Florence Gharuvian	DTSC	
5. June Christman	CENCO	562 944 6111
6. Meg Rosegay	Pillsbury Madison & Sutro	(415) 983-1305
7. GEOFFREY JOANES	CENCO	(562) 944-6111

1990

SOURCE REDUCTION EVALUATION

REVIEW and PLAN

POWERINE OIL COMPANY

POWERINE Oil Company

Santa Fe Springs, California

August 1991

Table 3 - 2

Determination of
Recyclable Materials and Wastes
Subject To
Source Reduction Evaluation

No.	Recyclable Material or Waste Name	CWC	1990 Reg. Status	Residual Amount (lbs/yr)	CWC Subtotal (lbs/yr)	Exceeds 5 percent Threshold
1	Spent Stretford Solution	132	C-HW	520,780	520,780	Yes
2	Desiccant	141	C-HW	219,420	219,420	Yes
3	Other Spent Catalyst	162	R-HW	375,100	375,100	Yes
4	Oil Filters	223	C-HW	11,980	11,980	No
5 a	Tank Bottoms (D007)	241	R-HW	103,120		
b	Decant Sludge	241	R-HW	621,960		
c	Subtotal			725,080	725,080	Yes
6	Empty containers	512	C-HW	101,500	101,500	No
7	Alky Regeneration Bottoms	791	R-HW	813,000	813,000	Yes
TOTAL RESIDUALS					2,766,860	
				5 percent Threshold:	138,343	

Notes:

- CWC California Waste Code
- R-HW RCRA Hazardous Wastes
- C-HW California (Only) Hazardous Waste
- N-HW Non-Hazardous Waste
- N-RM Non-Hazardous recyclable material (includes residuals exempt from classification as a hazardous waste because it is being recycled)

7.0 DECANT SLUDGE and TANK BOTTOMS (CWC 241)

In 1990 approximately 103,000 pounds (51.5 tons) tank bottoms and 622,000 pounds (311 tons) of decant sludge was generated and transported off-site to a Class I TSDF. The total cost to dispose of all (363 tons) of the tank bottom (CWC 241) waste was approximately $90,600 including transportation, taxes and disposal fees.

7.1 Waste Stream Characterization

Tank bottoms may have been conservatively characterized as a RCRA hazardous waste based on the generators knowledge. Historically, tank bottoms can be considered hazardous because of ignitability or because of the potentially toxic concentrations of soluble metals. Tank bottoms were manifested as RCRA hazardous waste (D007) and disposed to a Class I landfill. (The waste code D007 applies to waste which is hazardous because the concentration of soluble chrome exceeds the RCRA regulatory hazardous criteria of 5 mg/l.) However analytical data was limited and did not support this conservative characterization. Only one sample was taken and while analysis indicated the presence of chrome, its concentration was less than the RCRA regulatory criteria.

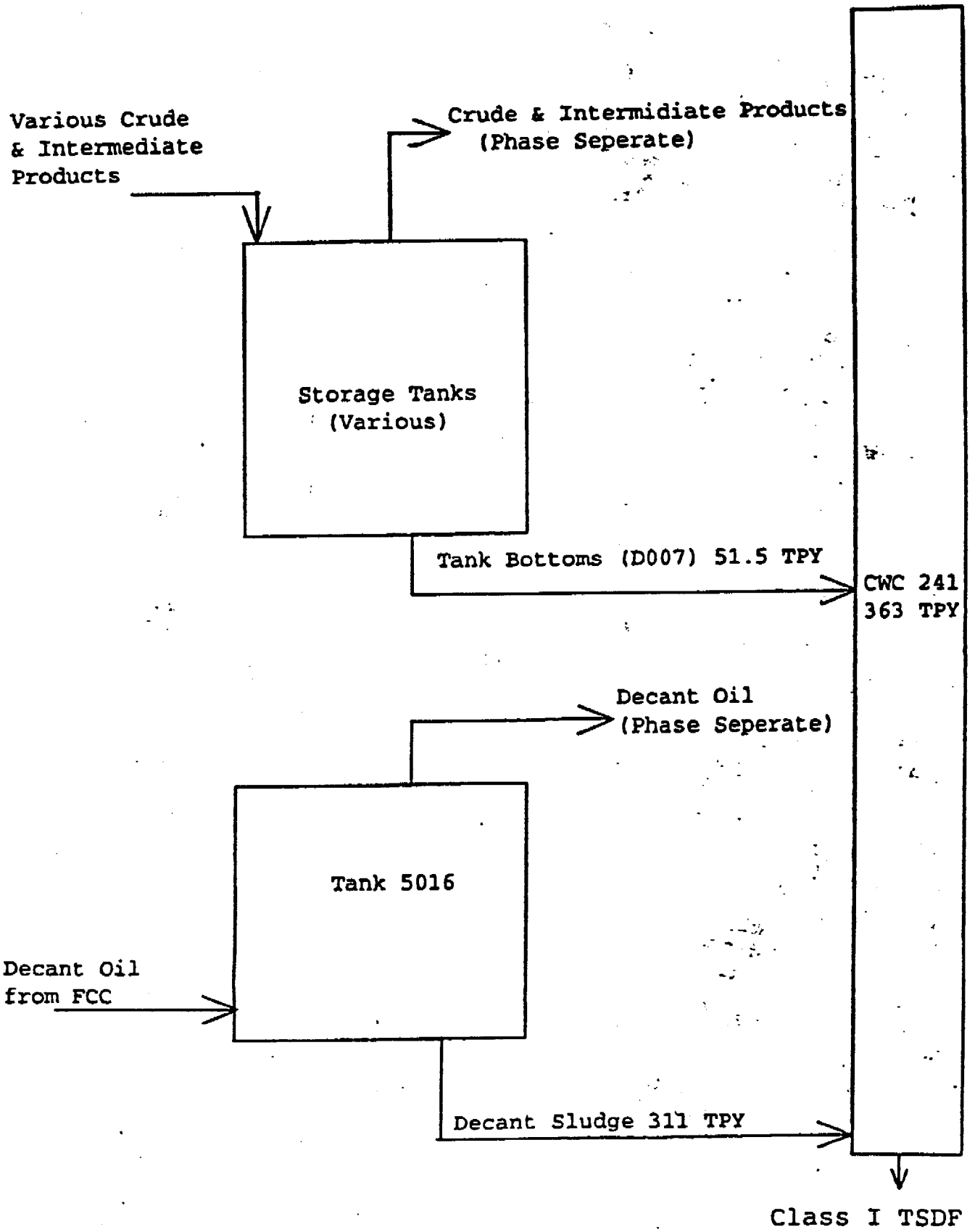
The decant sludge is essentially a tank bottoms from a specific process unit, the FCC fractionator. It was characterized as RCRA hazardous based largely on a high oil content (TPH 354,000 ppm) which suggested that the flash point was less than 140 degrees F. The decant sludge is typically rich in FCC fines which are non-hazardous according to POC analytical data.

7.2 Generating Process

The decant sludge is generated when liquid hydrocarbons (referred to as decant oil) from the bottom of FCC fractionator is temporarily stored in a tank. Given enough time, FCC fines in the decant oil settle out producing a tank bottom which is high in organic content and FCC fines.

Other tank bottoms are produced similarly, as solids associated with the crude or intermediate products settle to the bottom of the tank. The storage tanks must be periodically cleaned to maintain storage capacity and product or feedstock quality. The generating process is depicted schematically in figure 7 - 1.

Figure 7-1: Tank Bottoms



7.3 Current (1990) Waste Management Practise

Decant sludge was essentially excavated from the bottom of Tank 5016 put into roll off bins and transported to US Ecology in Beatty, Nevada, a Class I landfill. Other tank bottom waste was managed similarly.

7.4 Development and Preliminary Screening of Source Reduction Alternatives

A list of potential means by which hazardous tank bottom waste could be reduced at its source was developed. Consideration was given to input changes, operational improvement, production process changes, product reformulation and administrative steps. The list was developed by:

- soliciting input from employees at all levels,
- contacting other refineries and consultants and
- reviewing available literature.

The list was segmented into those concepts that merited further consideration and those that did not. The complete list is presented below. The first half of the list presents Potentially Viable Alternatives (options A through D). These are evaluated in greater detail in Section 7.5. The second half of the list presents Non-Viable Alternatives, those options for which detail evaluation was not merited, and the basis for that conclusion.

Potentially Viable Alternatives

Option A Recycle tank bottoms and decant oil into the Coker. Onsite recycling qualifies as source reduction.

Option B Install a recirculating pumps on the decant oil tank to keep the fines in suspension.

Option C Obtain additional analytical data on tank bottoms. Additional analysis may indicate that the tank bottoms are non-hazardous.

Option D Install side wall mixers in decant oil tank, to keep fines in suspension, thereby reduction sludge generation.

Option E Increase the percentage of equilibrium catalyst used as make up.

Non-Viable Alternatives

Option F Install another cyclone in the FCC reactor.

The cost of installing a cyclone in the reactor was deemed prohibitive because of the capital and the down time on the unit.

Option G Lower cat/oil ratio in the FCC reactor.

Less revenue would be derived from sales of FCC products.

Option H Use a smaller grade of FCC catalyst to limit settling in the decant oil.

A smaller grade of FCC catalyst could bypass the cyclone and the electrostatic precipitator which could contribute to greater particulate emissions from the stack. The fines are already the grade of powder.

Option I Recommission the slurry settler to recover FCC fines from the FCC fractionator bottoms before the decant oil is directed to storage, where the fines fall out.

Rerun decant oil from the slurry settler would reduce the amount of virgin feed that could be processed by the FCC would reduce its profitability.

Option J Install side wall mixers in crude tanks to keep solids in suspension.

Although crude tanks typically represent the largest source of tank bottoms generation, the crude units are not designed to handle water or solids that might be entrained in the crude feedstock if periodically mixed.

Option K Set a tighter specification on crude oil such that less solids are allowed to prevent formation of tank bottoms.

Unless all refiners set tighter specification, a higher quality of crude would be more costly and the refinery would not be competitive with others. POC does not have it own crude source, consequently feedstock acceptability is largely controlled by market forces.

Non-Viable Alternatives

Option F Install another cyclone in the FCC reactor.

The cost of installing a cyclone in the reactor was deemed prohibitive because of the capital and the down time on the unit.

Option G Lower cat/oil ratio in the FCC reactor.

Less revenue would be derived from sales of FCC products.

Option H Use a smaller grade of FCC catalyst to limit settling in the decant oil.

A smaller grade of FCC catalyst could bypass the cyclone and the electrostatic precipitator which could contribute to greater particulate emissions from the stack. The fines are already the grade of powder.

Option I Recommission the slurry settler to recover FCC fines from the FCC fractionator bottoms before the decant oil is directed to storage, where the fines fall out.

Rerun decant oil from the slurry settler would reduce the amount of virgin feed that could be processed by the FCC would reduce its profitability.

Option J Install side wall mixers in crude tanks to keep solids in suspension.

Although crude tanks typically represent the largest source of tank bottoms generation, the crude units are not designed to handle water or solids that might be entrained in the crude feedstock if periodically mixed.

Option K Set a tighter specification on crude oil such that less solids are allowed to prevent formation of tank bottoms.

Unless all refiners set tighter specification, a higher quality of crude would be more costly and the refinery would not be competitive with others. POC does not have it own crude source, consequently feedstock acceptability is largely controlled by market forces.

Option L Periodically remove solids from the tanks by using a bottom rake or employing sand pumps.

Either of these two methods will transfer solids from the tank bottoms to the waste water system. While some solids in the wastewater system will be injected into the Coker, intentional addition of inorganic solids could degrade the fuel value of the coke.

Option M Delay tank bottom cleaning.

While this option can limit the amount of tank bottom waste generated in any one particular year it is only a deferral process. Tanks cleaning is mandating by the need to maintain adequate storage capacity.

Option N Install a Gulftronics separator

The pay back on this capital intensive option does not meet the refinery's economic opportunity criteria. This option should be reconsidered when the POC's economic status improves.

7.5 Evaluation of Potentially Viable Alternatives

The merits of each potentially viable alternatives is presented in Section 7.4 were evaluated in accordance with provisions of Sections 66521(k). The specific factors considered included the following:

- expected waste volume reduction
- technical feasibility
- economic feasibility
- effect on product quality
- employee health and safety implications
- permits, variances and other documents required for regulatory compliance
- releases and discharges to air, land and water

To ensure that each of these factors was considered a form for each Potentially Viable Alternative was completed. The source reduction Elevation Forms for each Potentially Viable Alternative are presented at the end of this Section (7.).

7.6 Basis and Description of Source Reduction Alternative(s) Selected for Implementation

Of the five Potentially Viable Alternatives (A,B,C,D and E) evaluated in Section 7.5, the following options were selected for implementation.

Options Selected for Implementation

Option A Recycle tank bottoms into the Coker.

Option B Install a recirculating pumps on the decant oil tank.

Option C Obtain additional analytical data.

Each of these options is described more completely in the Sections 7.6.1 through 7.6.3. The basis for the selection and the environmental impacts caused by emissions and releases associated with each option are also provided.

The options that were not selected for implementation and the principal reason for their rejection are presented below.

Options Rejected for Implementation

Option D Install side wall mixers in decant oil tank, to keep the fines in suspension, thereby reducing sludge generation.

The recirculating pump is expected to have nearly the same positive impact as side wall mixers. The refinery is already committed to installing and using a recirculation pump on the decant oil tank. This option should be reconsidered in the future, taking into account operating costs such as power consumption.

Option E Increase the percentage of equilibrium catalyst used as make up.

The product yield using a greater percentage of equilibrium catalyst will decline.

To repeat, additional details on the options selected for implementation are presented in the following sections.

7.6.1 Option A - Coker Recycle

7.6.1.1 Detailed Description

Recycling tank bottoms into the refinery's Delayed Coking Unit to produce coke would be done in the same manner as other oily waste streams. The tank bottoms would be fluidized with a solvent, such as water or diesel. The fluidized tank bottoms would then be charged into a small feed tank where it could be mixed with other waste streams such as API separator sludge and float from the Wemco. The contents of feed tank would be pumped at approximately 3 gpm into the Coker, at the same time as primary feedstock, vacuum resid. The hazardous waste feed lines will be flushed with steam to prevent solids associated with the tank bottoms from plugging lines. The system is depicted in Figure 7 -2.

It is anticipated that Coker injection of tank bottoms can occur for 16 hours a day. On that schedule it should be possible to process approximately 70 barrels a day. This means that the entire 51.2 tons of tank bottoms waste disposed off-site in 1990 can be recycled into the Coker in approximately 1 month.

7.6.1.2 Basis for Implementation Selection

One reason that recycling of tank bottom waste into coke was selected for implementation is because capital cost for the injection system has already been committed for other waste streams. Even though the process may require use of diesel to fluidize the tank bottoms, light end hydrocarbons will be recovered in the Coker fractionator. Consequently, there will not be loss of salable product.

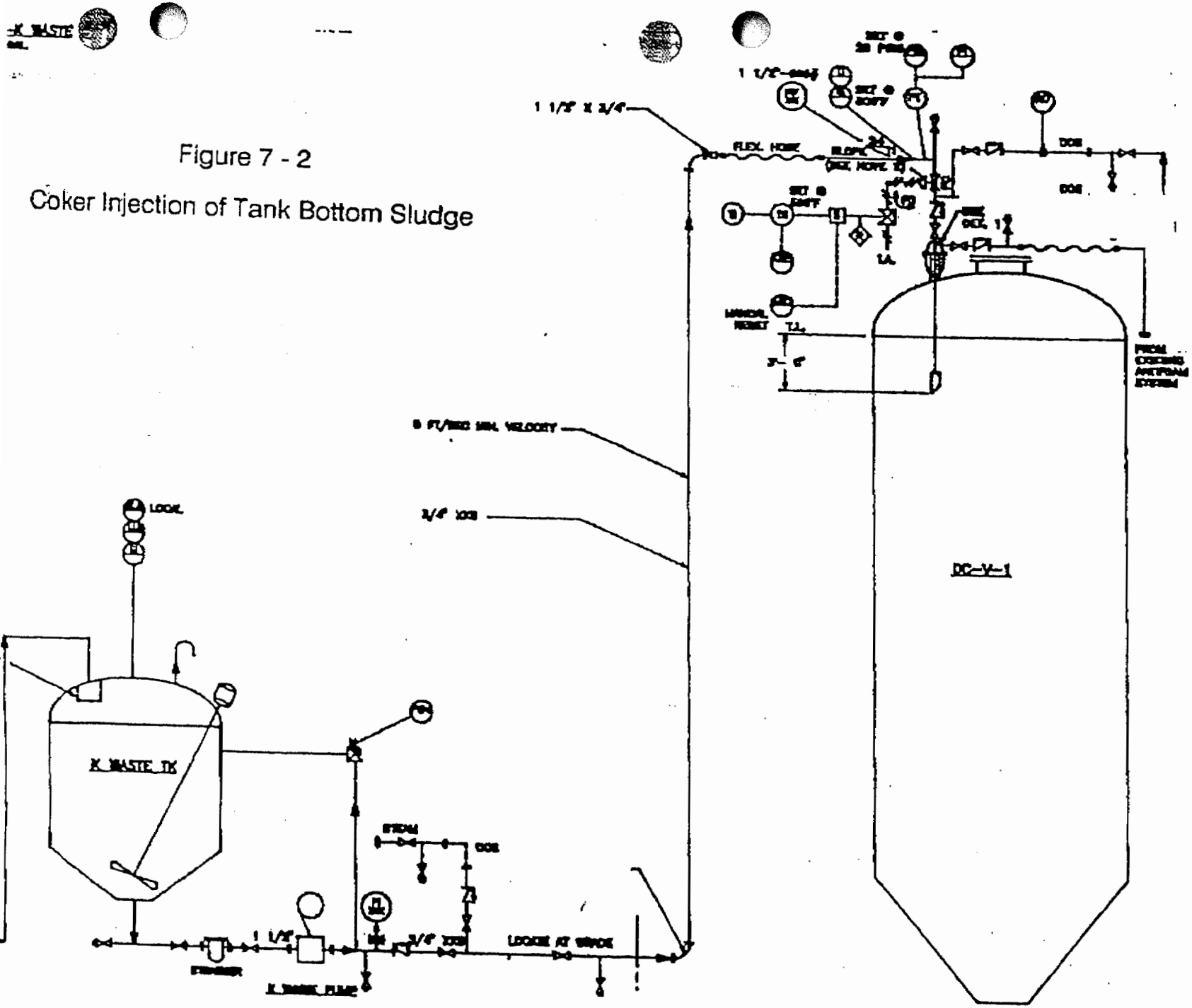
As described above there appears to more than sufficient capacity to eliminate off-site disposal of all tank bottom waste. The injection of sludge into the Coker is technically viable. Several companies have patented processes and many refiners have been injecting various sludges into the Coker for years.

Federal and state regulation have specifically exempted onsite Coker injection from many permit requirements typically associated with waste treatment or recycling. While the SCAQMD will require permitting of new tankage, this is not expected to be overly burdensome to obtain.

The impact on coke quality is the only potential drawback to this source reduction option. Coke specifications will have to be monitored closely as some degradation is likely. The coke produced by recycling tank bottoms may have a higher ash content then coke produced from other waste streams because the solids content of a crude oil tank bottoms may be higher. There are no foreseeable negative implications on employee health and safety.

Figure 7 - 2

Coker Injection of Tank Bottom Sludge



7.6.1.3 Impact on Environment

Although there was no formal quantification of the emissions and discharges to the environment, it is anticipated that the probability for such an occurrence is reduced. Fluidization, slurrying and coking of the tank bottoms will occur in tanks and vessels which are equipped with vapor control. Since all of the waste is recycled on site there is a much smaller risk of a spill occurring than if the waste is transported off-site for disposal.

7.6.2 Option B - Use a Recirculation Pump on Decant Oil Tank

7.6.2.1 Detailed Description

A 10 Hp centrifugal pump with a 3" discharge line equipped with a 3/4 " nozzle will operate nearly continuously to keep FCC fines in suspension. A diagram of the proposed installation is presented in Figure 7-3.

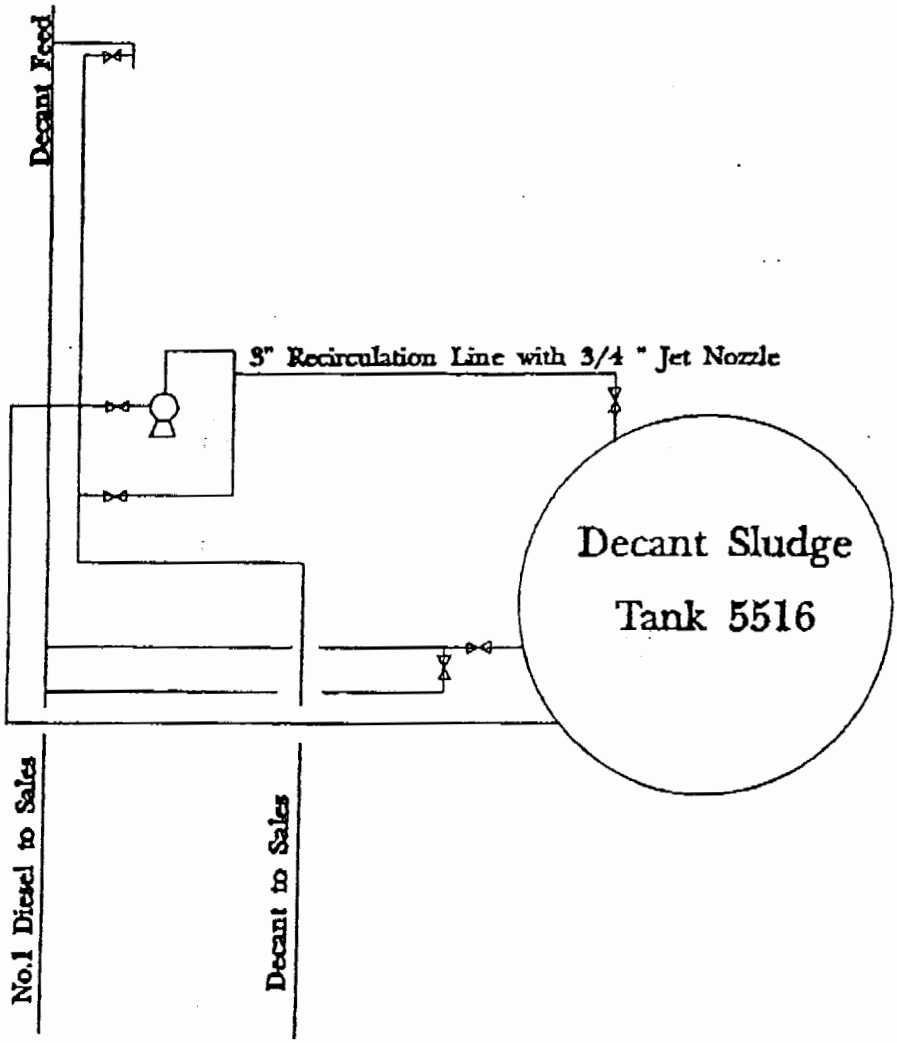
7.6.2.2 Basis for Implementation Selection

The amount of decant bottoms generated is expected to reduced by 60%. Given the small particle size of FCC fines, keeping the solids in suspension is not expected to be difficult. Multiple suction ports can be installed if necessary. The pumps and lines are already available. Only manpower need be expended to make the proper connections and ensure its operation. While the circulating pumps will ensure that quality of the decant is more homogeneous an increase solids content is likely to be perceived as a degradation in product quality by end-users. Recirculation of tanks may have to be discontinued if consumers reject the product. Since employees or contractors will not have to physically remove as much decant sludge from the bottoms of Tank 5516 the exposure threat to human health will be reduced.

7.6.2.3 Impact on Environment

Using a recirculating pump increases the risk of a hazardous release. If a suction or discharge line develops a leak, then decant oil could be discharged onto the ground. Such a release will be stopped when a drop in the decant tank level can be detected or the leak is observed directly. Leak will be contained by the secondary containment system and routed to the wastewater treatment system.

Figure 7-3: Tank 5516 Recirculation Pump



7.6.3 Option C - Additional Analytical Data

7.6.3.1 Detailed Description

Tank bottoms will be analyzed for hazardous characteristics. Specifically, TCLP testing will be performed on the tank bottoms sludge. Notably, this source reduction option will be implemented only if for some reason Coker injection is unsuccessful, due to degradation of product quality for example.

7.6.3.2 Basis for Implementation Selection

One of the principal reasons for conducting additional analysis is because tank bottoms appeared to have been inappropriately characterized as hazardous. Close scrutiny of somewhat limited analytical data suggests that the waste should have been characterized as non hazardous. In addition, refinery processes have been altered such that chrome content is no longer expected in the tank bottoms. If tank bottoms are non-hazardous then the waste would not be subject to the provisions of SB-14. This fact alone is not likely to alter the refinery's plan to incorporate the waste into coke.

Analytical expenses can amount to a significant expenditure. However these costs can normally be justified given the surcharges and taxes associated with hazardous waste in comparison to non-hazardous waste. The cost of disposing 20 tons of RCRA hazardous waste is approximately $6000 including disposal fees, transportation and taxes. Whereas the cost of characterizing tank bottoms as non-hazardous ($2000) and the cost of nonhazardous transportation and disposal ($2,000) totals approximately $4,000.

Conducting additional analysis is not expected to have negative impacts on product quality or employee health and safety.

7.6.3.3 Impact on Environment

No impact is anticipated by conducting additional analytical analysis. However if an incident was to occur, the analytical data should assist in determing proper clean up of the tank bottoms sludge.

7.7 Implementation Schedule for Selected Alternative(s)

The implementation schedule for Options A, B and C is presented below:

Option		Implementation Date
A	Coker Injection	Fall of 1991
B	Recirc. Pump on Decant Oil Tank	Spring of 1992
C	Additional Analytical Data	Winter of 1992

City of Santa Fe Springs
11710 Telegraph Road • CA • 90670-3658 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

APR 22 1999

April 21, 1999

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT TITLE: CENCO REFINING COMPANY 1999 REFINERY UPGRADE PROJECT

In accordance with the California Environmental Quality Act ("CEQA"), the City of Santa Fe Springs ("City"), acting as Lead Agency, will prepare an Environmental Impact Report ("EIR") for the project identified below. As required by Section 15082, the City hereby submits this Notice of Preparation to receive a response from your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities concerning the proposed project. Your agency will need to use the EIR prepared by our agency when considering project related permit(s) and/or other approval(s) for the project.

The purpose of the Notice of Preparation (NOP) is to inform appropriate government agencies and the public in general that a Draft EIR is being prepared, and to solicit comments on the environmental issues within each agency's jurisdiction. CEQA provides that your agency must submit responses within thirty days after receiving this Notice of Preparation. Supplemented by your agency's response, the City of Santa Fe Springs will prepare a Draft EIR that will assess the potential environmental impacts that may result from the proposed project. If potential significant adverse impacts are identified, the Draft EIR will identify feasible mitigation measures, if available, to reduce such impacts to the maximum extent feasible. The Draft EIR will also include a discussion of all other applicable topics required by and related to CEQA.

The project description, location, and the probable environmental effects are contained in the Initial Study (copy attached). The City of Santa Fe Springs invites any comments that you have regarding this project. Comments should be addressed to:

Mr. Robert G. Orpin
Director of Planning and Development
11710 Telegraph Road
Santa Fe Springs, California 90670

Please include with your comments the name and phone number of the contact person for your agency.

PROJECT TITLE:	CENCO REFINING COMPANY 1999 REFINERY UPGRADE PROJECT
PROJECT LOCATION:	12345 Lakeland Road Santa Fe Springs, California
PROJECT APPLICANT:	CENCO REFINERY COMPANY
PROJECT DESCRIPTION:	CENCO is proposing the following: (1) to comply with the reformulated fuels requirements; (2) to replace needed facilities that were removed from the Refinery; (3) to modify certain Refinery units to reduce the environmental effects of the Refinery's operation; and (4) to add new facilities that will improve the operational efficiency and safety of the Refinery.

Date: 4-21-99

Signature: _____
Robert G. Orpin

Title: Director of Planning and Development

Telephone: (562) 868-0511 x211

Reference: California Code of Regulations, Title 14, Section 15082(a), 15103, and 15375

CITY OF SANTA FE SPRINGS

INITIAL STUDY AND NOTICE OF PREPARATION FOR:

CENCO REFINING COMPANY

1999 REFINERY UPGRADE PROJECT

April 21, 1999

Prepared for the City of Santa Fe Springs by:
Environmental Audit, Inc.

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CHAPTER 1

PROJECT DESCRIPTION

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CHAPTER 1

PROJECT DESCRIPTION

1.1 PROJECT BACKGROUND

CENCO Refinery Company has recently acquired the refinery located at 12345 Lakeland Road, Santa Fe Springs, from its former owner Powerine Oil Company. A refinery has been operating at the project site since 1936. The Powerine Oil Company was capable of processing about 50,000 barrels per day of crude oil. This Refinery operated at the site until about July 1995 when most refining operations were temporarily suspended. In the refining industry this is not unusual due to repairs and or market conditions. Operating permits issued previously to Powerine (e.g., conditional use permits, air permits, wastewater discharge permits, and so forth) have been transferred or re-issued to CENCO. In litigation concerning the action on the conditional use permit, the court has confirmed that the Refinery is an existing facility, and that the resumption of prior environmental impacts need not be reviewed in an environmental document. CENCO is now proposing modifications to the existing Refinery to: (1) complete projects necessary for the Refinery to manufacture gasoline in compliance with state reformulated fuels requirements; (2) replace certain support facilities that were removed from the Refinery; (3) modify certain Refinery units to reduce the environmental effects of the Refinery's operation; and (4) add new facilities that will improve the operational efficiency and safety of the Refinery.

In 1994, an Environmental Impact Report (EIR) was prepared for the Powerine Reformulated Fuels Project. The Reformulated Fuels Project was required so that the Refinery could manufacture gasoline in compliance with federal and state reformulated fuel requirements. In order to comply with the state and federal reformulated fuel requirements, Powerine proposed a number of projects. The impacts of these projects were evaluated in the 1994 Reformulated Fuels Project EIR (SCAQMD, 1994). The South Coast Air Quality Management District (SCAQMD) was the lead agency for the Reformulated Fuels Project. In addition, an addendum to the Final EIR was prepared by the SCAQMD (1995) to evaluate minor changes to the Reformulated Fuels Project.

Powerine completed construction of some reformulated fuels projects, but not all, prior to the suspension of refining operations (see Table 1). The Refinery cannot currently manufacture reformulated fuels in compliance with state regulations. Therefore, CENCO is proposing to make necessary modifications to the Refinery to manufacture reformulated fuels in compliance with all state and federal regulations. The strategy for complying with the reformulated fuel requirements has changed, therefore, CENCO does not plan on constructing all of the projects identified in the previously certified Reformulated Fuels Project EIR (SCAQMD, 1994). CENCO has deleted certain facilities, added new facilities, and is proposing to modify some facilities identified in the Reformulated Fuels Project EIR.

In addition to the Reformulated Fuels modifications, CENCO also is proposing other modifications to the Refinery. CENCO is proposing to replace several support facilities that were removed during the time that refining activities were suspended. CENCO also is proposing

environmental improvement projects to reduce facility emissions, hazards, and/or improve the efficiency and safety of the Refinery. The non-reformulated fuels projects are new and have not been evaluated in a previous CEQA document.

1.2 PROJECT LOCATION

The CENCO Refinery (formerly the Powerine Oil Company) is located at 12345 Lakeland Road in the City of Santa Fe Springs, California (see Figure 1). The approximately 103 acre Refinery consists of three non-contiguous parcels of land located generally north of the City of Norwalk and east of the Santa Ana Freeway (Interstate 5) in the eastern portion of Los Angeles County.

1.3 PROJECT DESCRIPTION

CENCO is proposing modifications to the Refinery for several purposes: (1) to comply with the reformulated fuels requirements; (2) to replace support facilities that were removed from the Refinery; (3) to modify certain Refinery units to reduce the environmental effects of the Refinery's operation; and (4) to add new facilities that will improve the operational efficiency and increase the safety of Refinery operations. The modifications to the CENCO Refinery are discussed below. These modifications are collectively referred to as the 1999 CENCO Refinery Upgrade Project.

REFORMULATED FUELS PROJECTS

The Refinery suspended operations prior to completing all of the modifications necessary to manufacture gasoline in compliance with state regulations. Therefore, modifications are required to the Refinery in order to produce reformulated fuels. The environmental impacts associated with the reformulated fuels project, as originally proposed, were evaluated in the Powerine Reformulated Fuels Project EIR (SCAQMD, 1994 and 1995). CENCO has evaluated the reformulated fuels project and is revising portions of the compliance strategy. Therefore, some of the proposed reformulated fuels projects have been eliminated or changed. Table 1 outlines the Reformulated Fuels Project that was previously evaluated and shows which projects were completed, which ones were not completed, and which projects are newly proposed. The remaining modifications required for the Refinery to comply with the Reformulated Fuels Project are described below.

Powerine constructed and operated a number of the Reformulated Fuels Projects including the Reformate Splitter, the C4/C5 Vaporizer, the Benzene Saturation/Isomerization Unit, Crude Unit Modifications, Storage and Blending Modifications, the South Holman Boiler, the Heater CH-103, the In-line Gasoline Blender, the Hydrogen Plant Revamp, and the Keystone Boiler Revamp. CENCO is proposing to build a number of the projects that were previously described and evaluated in the Reformulated Fuels EIR but not physically built including the FCC Depentanizer, the FCC Hydrotreater Modifications, the Kerosene Hydrotreater, the LPG Bullets, and the Rail Car

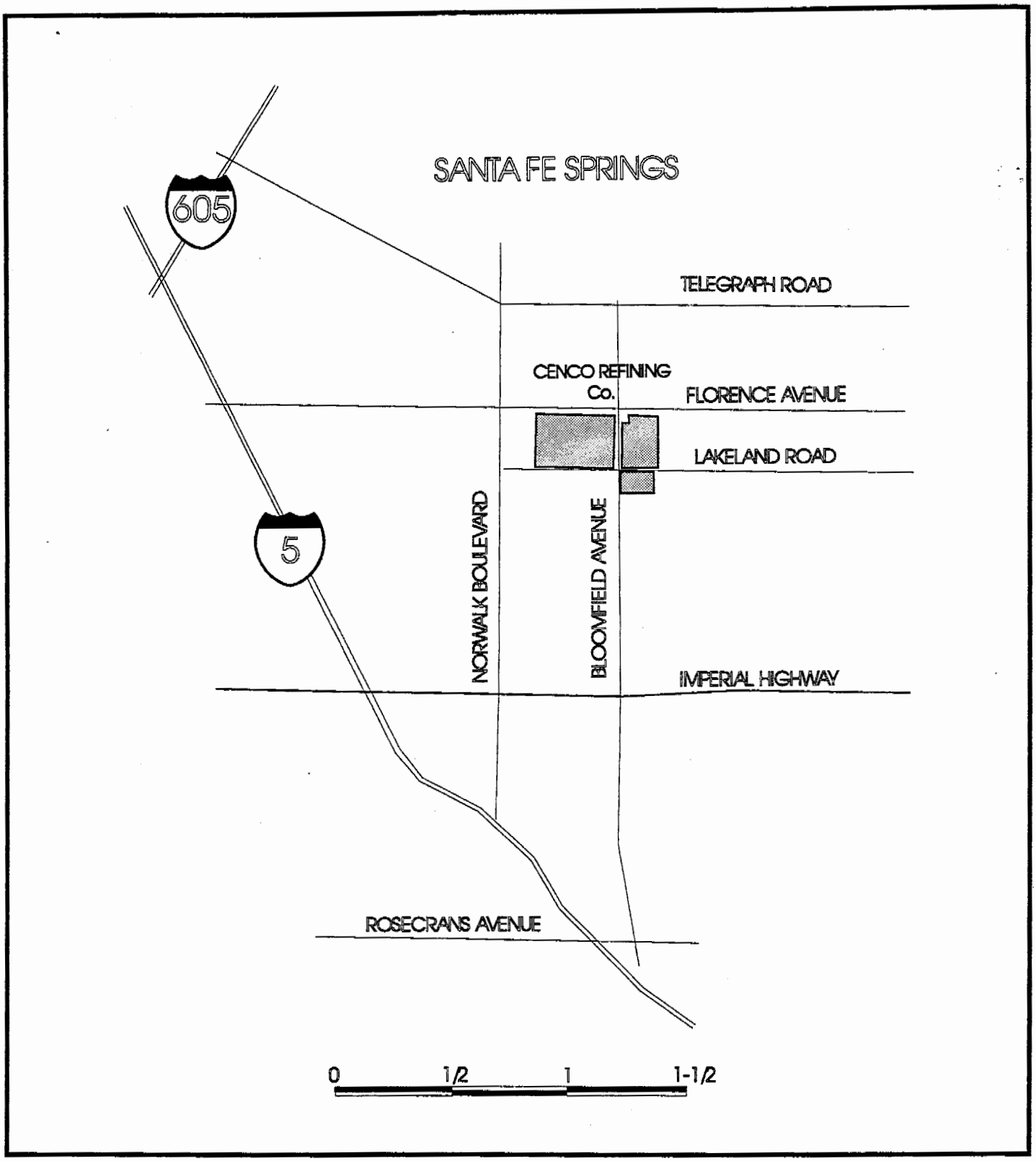

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Figure 1

Project No. 1878

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Loading/Unloading Rack. The impacts of these units have been evaluated in the Reformulated Fuels Project EIR and no changes are proposed to these units. Therefore a detailed project description of these units has not been provided herein. A copy the Reformulated Fuels EIR is available at the SCAQMD located at 21865 E. Copley Drive, in Diamond Bar, California.

CENCO is proposing changes to the Sulfur Plant/Tail Gas Treating Unit from that which was evaluated in the Reformulated Fuels Final EIR, so a more detailed project description is provided herein. CENCO also is proposing different components of the Reformulated Fuels Projects that were not considered in the Reformulated Fuels EIR including the modification of the FCC Feed Gas Concentration Unit by installation of a FCC Gasoline Splitter and modifications to the existing Hydrogen Plant. Finally, CENCO has deleted the Reformate Run Column, Depentanizer and the proposed new Hydrogen Plant from the Reformulated Fuels Project.

TABLE 1

REVISED REFORMULATED FUELS PROJECTS

RFG Projects Proposed, Evaluated in the EIR, and Built	RFG Projects, Proposed, Evaluated in EIR and Not Yet Built	RFG Projects Proposed in the EIR, Not Built and Deleted.	RFG Projects Not Evaluated in the EIR and Now Proposed.
Reformate Splitter	Sulfur Plant/Tail Gas Treating Unit	Reformate Run Column	FCCU Concentration Unit FCC Gasoline Splitter
C4/C5 Vaporizer	FCC Feed Hydrotreater Mods	New Hydrogen Plant	Hydrogen Plant Modifications (PSA plus H_2 Improvements)
Benzene Saturation/ Isomerization Unit	Kerosene Hydrotreater	FCC Depentanizer	
Crude Unit Modifications	LPG Bullets		
Storage and Blending Modifications	Rail Car Loading/ Unloading Rack		
Holman Boiler			
Heater CH-103			
In-Line Gasoline Blender			
Hydrogen Plant Revamp			
Keystone Boiler Revamp			

FCC Feed Gas Concentration Unit

The existing FCC Gas Concentration Unit will be modified by the installation of a new FCC Gasoline Splitter. FCC gasoline contains sulfur compounds. The new FCC Gasoline Splitter will split FCC gasoline into light and heavy components, with the sulfur remaining in the heavy stream. The light gasoline will go to gasoline blending, while the heavy stream will be hydrotreated for sulfur removal and further processed prior to blending into the final gasoline product.

Sulfur Recovery Unit

As part of the Refinery modifications, CENCO plans to modify the existing Sulfur Production Facility by installing an additional Sulfur Recovery Unit (SRU), which consists of a Claus Plant, a Tail Gas Treater and Vent Gas Incinerator. The Reformulated Fuels Project Final EIR evaluated a 50 long tons per day plant while the Final EIR Addendum (SCAQMD, 1995) evaluated a 45 long tons per day plant. CENCO currently is proposing to install a 60 long tons per day Sulfur Recovery Unit. The Sulfur Production Facility converts hydrogen sulfide removed from refinery process and product streams into elemental sulfur. The additional SRU will operate in parallel with the existing sulfur plants providing redundancy in sulfur recovery capabilities.

Hydrogen Plant Modifications

Two process changes will be made to the existing Hydrogen Production Facility. Hydrogen-rich gases will bypass the Hydrogen Plant through a feed gas compressor and a new Pressure Swing Absorption (PSA) unit. The recovered hydrogen will be blended with the hydrogen produced at the Hydrogen Plant and routed to the refinery hydrogen compression system. After removal of the hydrogen, the remaining gas (PSA tail gas) will be compressed and piped into the refinery fuel gas system. In the Reformulated Fuels Project Final EIR, a new hydrogen plant was proposed and evaluated. That hydrogen plant was not built and the proposed modifications to the existing Hydrogen Plant will produce the additional hydrogen required at the Refinery. A new hydrogen plant is not being proposed at this time.

REPLACEMENT PROJECTS

Replacement projects replace support equipment that were a part of the operating Refinery prior to the suspension of refining activities. However, changes occurred during the time that the refining activities were suspended so that additional modifications are required to efficiently and safely operate the Refinery.

Bulk Loading Rack

Powerine operated a bulk loading/unloading rack across Lakeland Road from the main Refinery entrance. Powerine sold the land that the loading/unloading rack was located on several years ago. A new commercial building has been constructed on the site. As part of

the Refinery modifications, CENCO is proposing to install a new Bulk Loading Rack. The new bulk loading rack is proposed to be located at a new site at the southeast corner of Lakeland/Bloomfield (see Figure 1). This new rack will allow the Refinery to receive feed (crude oil) and ship products (gasoline, jet fuel, and diesel) by tank truck. It will include four lanes for truck loading and one lane for truck unloading. The new loading rack will require a Conditional Use Permit to be granted by the City of Santa Fe Springs Planning Commission and the Community Development Commission.

Carbon Dioxide Liquefaction Unit

As part of the Refinery modifications, CENCO plans to install a new Carbon Dioxide Liquefaction Unit. Powerine Oil Company, the previous owner of the Refinery, had leased a Carbon Dioxide Liquefaction Unit from Liquid Carbonic Corporation. The Carbon Dioxide Liquefaction Unit recovered the carbon dioxide from carbon dioxide rich gas that is produced in the existing Hydrogen Plant. Following suspension of crude oil refining in 1995, the leased unit was returned to the Liquid Carbonic Corporation. CENCO is proposing to replace the former Carbon Dioxide Liquefaction Unit in order to recover the carbon dioxide from the existing Hydrogen Plant offgas.

ENVIRONMENTAL IMPROVEMENT PROJECTS

CENCO is proposing environmental improvement projects to reduce impacts and increase the efficiency and safety of the Refinery. For example, a number of Refinery heaters and boilers are being modified by the installation of low nitrogen oxide (NOx) burners to reduce overall NOx emissions from the Refinery. A description of the environmental improvement projects is provided below.

Amine System Modifications

As part of the Refinery modifications, CENCO is proposing to revamp the existing Amine Unit by the installation of a new amine flash drum, a new heat exchanger, and three new pumps. The addition of this equipment will minimize hydrocarbon carryover into the amine strippers and sulfur plant. Hydrocarbon carryover degrades performance of the strippers, resulting in a higher sulfur content in refinery fuel gas. The new equipment will operate in parallel with the existing equipment. In addition to the flash drum and heat exchanger, CENCO will install two flash bottom pumps (amine service) and an additional amine stripper feed pump (amine service).

Installation of Low-NOx Burners

As part of the Refinery modifications, low-NOx burners are being installed in a number of existing heaters and boilers including the following: (1) the "B" Crude Preflash Heater (CH-100); (2) the "A" Crude Preheater (CH-300); (3) the "B" Crude Charge Heater No. 1 (CBH-01); (4) the "B" Crude Charge Heater No. 2 (CBH-02); (5) the Hydrocracker Fractionator Reboiler Heater (HC-H-4); (6) the Vacuum Heater No. 1 (VH-1); (7) the Vacuum Heater No.

2 (VH-2); (8) the Kerosene Hydrotreater Reactor Feed Heater (KHT-H01); (9) the Kerosene Hydrotreater Stripper Reboiler Heater (KHT-H02); and (10) the Keystone Boiler. The new low NOx burners will replace the existing burners and allow CENCO Refining Company to reduce NOx emissions from the various heaters/boilers.

Installation of Flue Gas Recirculation in the Existing North Holman Boiler

As part of the Refinery modifications, the existing urea injection system in the existing North Holman Boiler will be replaced with a new flue gas recirculation (FGR) system. This installation will eliminate the maintenance problem caused from urea injection and also reduce NOx emissions.

Diesel Hydrotreater (DHT) Charge Drum and Pump

As part of the Refinery modifications, CENCO is proposing to install new equipment in the existing Distillate Hydrotreating (DHT) Unit. This new equipment includes a new DHT Charge Drum and DHT Unit. This alteration will improve control of the feed to the DHT Charge Pumps, reduce downtime due to pump failures, and provide a full-sized spare pump. The spare DHT Charge Pump will be connected to the process rather than being isolated by closed process valves to allow a rapid start-up in the event that the other DHT Charge Pump fails. This new system can prevent major spills that may be caused from pump failure.

Fuel Gas Mercaptan Removal

To reduce total sulfur in fuel gas, a scrubbing system will be installed. This scrubbing system is a Sulfa Treat scavenger system. A two vessel arrangement will be installed which will ensure the North and South Holman Boilers a clean fuel gas supply at all times.

Butane Defluorinator

A new Butane Defluorinator is also proposed, which will use alumina (aluminum oxide) to remove residual HF acid and fluorides from butane that is currently burned as fuel gas so that it can be used as feed for the Butane Isomerization Unit.

Gas Recovery Unit

CENCO is proposing to install a Gas Recovery Unit that consists of: (1) olefinics liquids recovery section, a cryogenic liquids recovery section for olefin containing gas streams: (2) non-olefinics liquids recovery section, a cryogenic liquids recovery section for saturated gas streams; and (3) propane refrigeration section, a closed loop propane refrigeration system to provide the refrigerant for the cryogenic recovery section. This system recovers saturated and olefinics components from existing refinery fuel gas for sale. By removing these gases the amount of fuel gas sent to the flare is minimized or eliminated (reduced NOx and SOx).

Propane Treater

As part of the Refinery modifications, the existing Butane Isomerization Unit Depropanizer System will be modified to allow a liquid propane product to be produced. The propane will be caustic sweetened and then dried and routed to existing propane storage. This process recovers sour gases, which previously would have been routed to the flare. This reduces flare gas, flow rate, and NOx and SOx emissions.

NEW REFINERY FACILITIES

New facilities will be required for the efficient and safe operation of the CENCO Refinery. These projects will help the Refinery operate more efficiently and safely.

Crude Unit Oil Recovery System

As part of the Refinery modifications, CENCO plans to install a new Crude Unit Oil Recovery System. The new Crude Unit Oil Recovery System will include new tanks, pumps, piping and a heat exchanger. The new Crude Unit Oil Recovery System will improve waste oil handling, enhance oil/water emulsion breaking, and minimize oil loss.

Delayed Coker Modifications

The CENCO Refinery includes a Delayed Coker as one of the existing Refinery process units. The Delayed Coker has two fired heaters (DC-H-1A and DC-H-1B) to provide the necessary heat for the coking process. The existing heaters are not adequate to allow optimization of the Delayed Coker, provide operational flexibility, and maintain on-stream reliability. As part of the Refinery modifications, CENCO Refining Company plans to install a third Coker Charge Heater (DC-H-1C) with a maximum fired duty of 50 Mt/hr equipped with low-NOx burners and Selective Catalytic Reduction (SCR), which will limit NOx emissions to 5ppm at 3% O2.

Refinery Flare System Modifications

Evaluations and modifications to the flare system will be needed due to new additions. This is to ensure that the flare system is adequate for emergency upsets.

Storage Tank Operations Modification

To improve efficiency of operation, CENCO is proposing to change certain tank usage. Tank services as well as throughput on some tanks will be adjusted to reflect the proposed tank usage. Only those tanks that result in increase emissions or different uses (e.g., store different materials) will require permit modifications. CENCO is proposing to adjust usage but does not plan to install or physically modify any storage tanks, except to comply with BACT / LAER requirements, as needed.

Internal Loading/Unloading Rack Consolidation

CENCO is proposing to consolidate a number of existing loading/unloading racks into two loading racks in the Refinery. The Refinery Loading/Unloading Rack Consolidation will include an organic liquid unloading rack for MTBE and Cetane (upgrade and relocation of existing rack) and a petroleum product loading rack, consisting of distillates. Again, this rack is being upgraded and relocated. To accomplish this, a number of existing individual racks will be demolished. This project will improve secondary containment, fire suppression and other safety issues.

Conversion of Anhydrous Ammonia System to Aqueous Ammonia System

CENCO is proposing to convert three existing anhydrous ammonia systems to aqueous ammonia. The new aqueous ammonia storage tanks with pumping and vaporization systems will be installed. Facilities that currently use anhydrous ammonia (a selective catalytic reduction unit and two other processes) will be converted to aqueous ammonia.

Hydrocraker Coalescer Addition

The Hydrocracker breaks (cracks) long chain hydrocarbons into short chain hydrocarbons using hydrogen in the presence of a catalyst. The Low Pressure Separator in the Hydrocracker separates a mixed liquid/gas stream into gas, sour water, and light hydrocarbon. The light hydrocarbon stream still contains about 1% water. The remaining water must be removed prior to further processing. CENCO will add two coalescers to the Hydrocracker to remove the water in the light hydrocarbon liquid stream from the Low Pressure Separator. (Note that the two coalescers are currently at the site. The equipment was inadvertently omitted from the facility's air permits, therefore, the coalescers are being included as "new" equipment in this CEQA document.)

Crude Oil and Petroleum Product Unloading Rack

An unloading rack will be installed to unload both crude oil and petroleum products. This rack will consist of one unloading bay and will have appropriate secondary containment and emergency shut-off controls.

DABWORD:1878NOP

CHAPTER 2

ENVIRONMENTAL CHECKLIST FORM

APR 22 1999

City of Santa Fe Springs

11710 Telegraph Road • CA • 90670-3658 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

April 21, 1999

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT TITLE: CENCO REFINING COMPANY 1999 REFINERY UPGRADE PROJECT

In accordance with the California Environmental Quality Act ("CEQA"), the City of Santa Fe Springs ("City"), acting as Lead Agency, will prepare an Environmental Impact Report ("EIR") for the project identified below. As required by Section 15082, the City hereby submits this Notice of Preparation to receive a response from your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities concerning the proposed project. Your agency will need to use the EIR prepared by our agency when considering project related permit(s) and/or other approval(s) for the project.

The purpose of the Notice of Preparation (NOP) is to inform appropriate government agencies and the public in general that a Draft EIR is being prepared, and to solicit comments on the environmental issues within each agency's jurisdiction. CEQA provides that your agency must submit responses within thirty days after receiving this Notice of Preparation. Supplemented by your agency's response, the City of Santa Fe Springs will prepare a Draft EIR that will assess the potential environmental impacts that may result from the proposed project. If potential significant adverse impacts are identified, the Draft EIR will identify feasible mitigation measures, if available, to reduce such impacts to the maximum extent feasible. The Draft EIR will also include a discussion of all other applicable topics required by and related to CEQA.

The project description, location, and the probable environmental effects are contained in the Initial Study (copy attached). The City of Santa Fe Springs invites any comments that you have regarding this project. Comments should be addressed to:

Mr. Robert G. Orpin
Director of Planning and Development
11710 Telegraph Road
Santa Fe Springs, California 90670

Please include with your comments the name and phone number of the contact person for your agency.

PROJECT TITLE:	CENCO REFINING COMPANY 1999 REFINERY UPGRADE PROJECT
PROJECT LOCATION:	12345 Lakeland Road Santa Fe Springs, California
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CITY OF SANTA FE SPRINGS

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1999 REFINERY UPGRADE PROJECT

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Prepared for the City of Santa Fe Springs by:
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CHAPTER 1

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PROJECT DESCRIPTION

1.1 PROJECT BACKGROUND

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1.2 PROJECT LOCATION

The CENCO Refinery (formerly the Powerine Oil Company) is located at 12345 Lakeland Road in the City of Santa Fe Springs, California (see Figure 1). The approximately 103 acre Refinery consists of three non-contiguous parcels of land located generally north of the City of Norwalk and east of the Santa Ana Freeway (Interstate 5) in the eastern portion of Los Angeles County.

1.3 PROJECT DESCRIPTION

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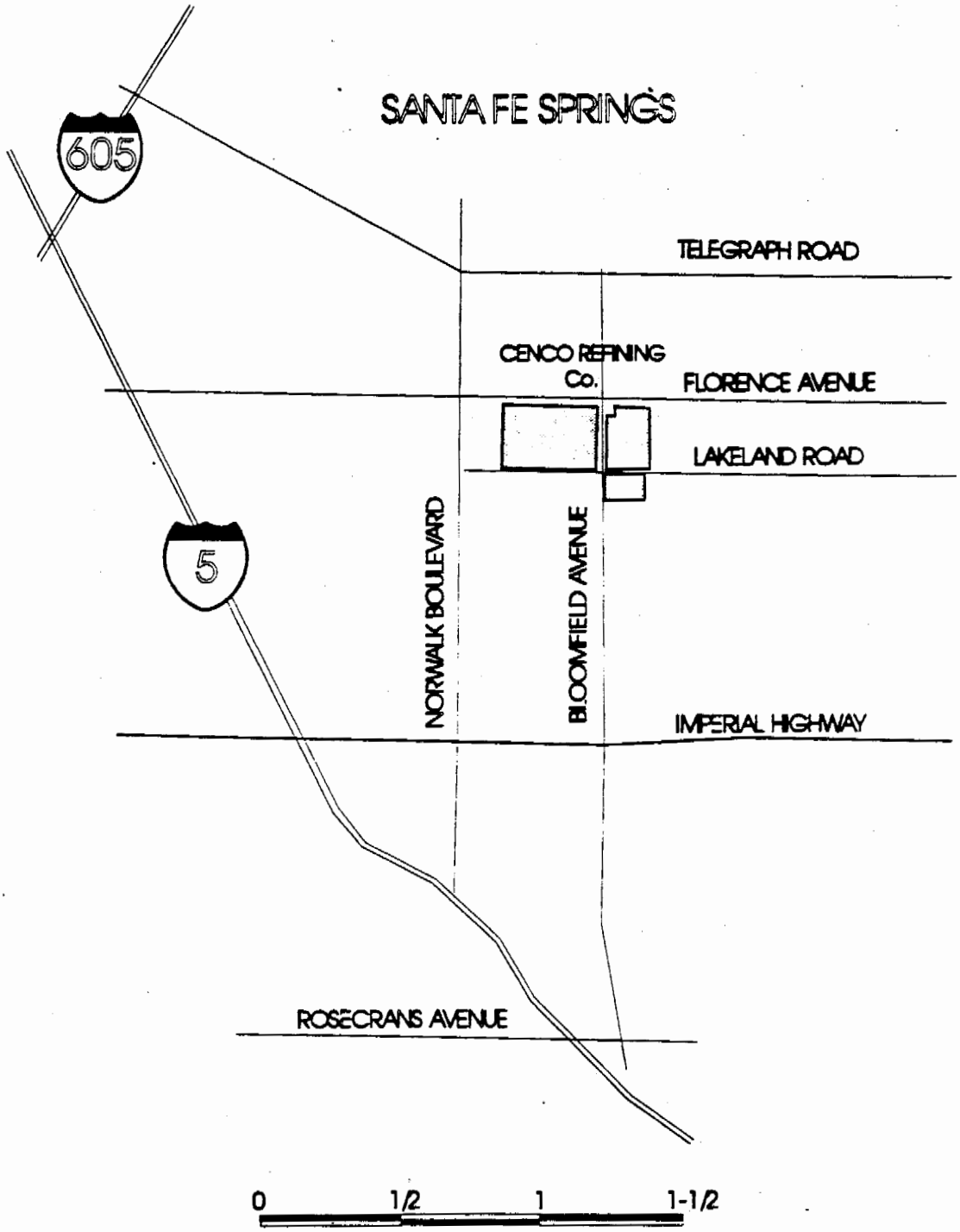

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CENCO REFINING Co.

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Project No. 1878

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RFG Projects Proposed, Evaluated in the EIR, and Built	RFG Projects, Proposed, Evaluated in EIR and Not Yet Built	RFG Projects Proposed in the EIR, Not Built and Deleted.	RFG Projects Not Evaluated in the EIR and Now Proposed.
Reformate Splitter	Sulfur Plant/Tail Gas Treating Unit	Reformate Run Column	FCCU Concentration Unit FCC Gasoline Splitter
C4/C5 Vaporizer	FCC Feed Hydrotreater Mods	New Hydrogen Plant	Hydrogen Plant Modifications (PSA plus H_2 Improvements)
Benzene Saturation/ Isomerization Unit	Kerosene Hydrotreater	FCC Depentanizer	
Crude Unit Modifications	LPG Bullets		
Storage and Blending Modifications	Rail Car Loading/ Unloading Rack		
Holman Boiler			
Heater CH-103			
In-Line Gasoline Blender			
Hydrogen Plant Revamp			
Keystone Boiler Revamp			

FCC Feed Gas Concentration Unit

The existing FCC Gas Concentration Unit will be modified by the installation of a new FCC Gasoline Splitter. FCC gasoline contains sulfur compounds. The new FCC Gasoline Splitter will split FCC gasoline into light and heavy components, with the sulfur remaining in the heavy stream. The light gasoline will go to gasoline blending, while the heavy stream will be hydrotreated for sulfur removal and further processed prior to blending into the final gasoline product.

Sulfur Recovery Unit

As part of the Refinery modifications, CENCO plans to modify the existing Sulfur Production Facility by installing an additional Sulfur Recovery Unit (SRU), which consists of a Claus Plant, a Tail Gas Treater and Vent Gas Incinerator. The Reformulated Fuels Project Final EIR evaluated a 50 long tons per day plant while the Final EIR Addendum (SCAQMD, 1995) evaluated a 45 long tons per day plant. CENCO currently is proposing to install a 60 long tons per day Sulfur Recovery Unit. The Sulfur Production Facility converts hydrogen sulfide removed from refinery process and product streams into elemental sulfur. The additional SRU will operate in parallel with the existing sulfur plants providing redundancy in sulfur recovery capabilities.

Hydrogen Plant Modifications

Two process changes will be made to the existing Hydrogen Production Facility. Hydrogen-rich gases will bypass the Hydrogen Plant through a feed gas compressor and a new Pressure Swing Absorption (PSA) unit. The recovered hydrogen will be blended with the hydrogen produced at the Hydrogen Plant and routed to the refinery hydrogen compression system. After removal of the hydrogen, the remaining gas (PSA tail gas) will be compressed and piped into the refinery fuel gas system. In the Reformulated Fuels Project Final EIR, a new hydrogen plant was proposed and evaluated. That hydrogen plant was not built and the proposed modifications to the existing Hydrogen Plant will produce the additional hydrogen required at the Refinery. A new hydrogen plant is not being proposed at this time.

REPLACEMENT PROJECTS

Replacement projects replace support equipment that were a part of the operating Refinery prior to the suspension of refining activities. However, changes occurred during the time that the refining activities were suspended so that additional modifications are required to efficiently and safely operate the Refinery.

Bulk Loading Rack

Powerine operated a bulk loading/unloading rack across Lakeland Road from the main Refinery entrance. Powerine sold the land that the loading/unloading rack was located on several years ago. A new commercial building has been constructed on the site. As part of

the Refinery modifications, CENCO is proposing to install a new Bulk Loading Rack. The new bulk loading rack is proposed to be located at a new site at the southeast corner of Lakeland/Bloomfield (see Figure 1). This new rack will allow the Refinery to receive feed (crude oil) and ship products (gasoline, jet fuel, and diesel) by tank truck. It will include four lanes for truck loading and one lane for truck unloading. The new loading rack will require a Conditional Use Permit to be granted by the City of Santa Fe Springs Planning Commission and the Community Development Commission.

Carbon Dioxide Liquefaction Unit

As part of the Refinery modifications, CENCO plans to install a new Carbon Dioxide Liquefaction Unit. Powerine Oil Company, the previous owner of the Refinery, had leased a Carbon Dioxide Liquefaction Unit from Liquid Carbonic Corporation. The Carbon Dioxide Liquefaction Unit recovered the carbon dioxide from carbon dioxide rich gas that is produced in the existing Hydrogen Plant. Following suspension of crude oil refining in 1995, the leased unit was returned to the Liquid Carbonic Corporation. CENCO is proposing to replace the former Carbon Dioxide Liquefaction Unit in order to recover the carbon dioxide from the existing Hydrogen Plant offgas.

ENVIRONMENTAL IMPROVEMENT PROJECTS

CENCO is proposing environmental improvement projects to reduce impacts and increase the efficiency and safety of the Refinery. For example, a number of Refinery heaters and boilers are being modified by the installation of low nitrogen oxide (NOx) burners to reduce overall NOx emissions from the Refinery. A description of the environmental improvement projects is provided below.

Amine System Modifications

As part of the Refinery modifications, CENCO is proposing to revamp the existing Amine Unit by the installation of a new amine flash drum, a new heat exchanger, and three new pumps. The addition of this equipment will minimize hydrocarbon carryover into the amine strippers and sulfur plant. Hydrocarbon carryover degrades performance of the strippers, resulting in a higher sulfur content in refinery fuel gas. The new equipment will operate in parallel with the existing equipment. In addition to the flash drum and heat exchanger, CENCO will install two flash bottom pumps (amine service) and an additional amine stripper feed pump (amine service).

Installation of Low-NOx Burners

As part of the Refinery modifications, low-NOx burners are being installed in a number of existing heaters and boilers including the following: (1) the "B" Crude Preflash Heater (CH-100); (2) the "A" Crude Preheater (CH-300); (3) the "B" Crude Charge Heater No. 1 (CBH-01); (4) the "B" Crude Charge Heater No. 2 (CBH-02); (5) the Hydrocracker Fractionator Reboiler Heater (HC-H-4); (6) the Vacuum Heater No. 1 (VH-1); (7) the Vacuum Heater No.

2 (VH-2); (8) the Kerosene Hydrotreater Reactor Feed Heater (KHT-H01); (9) the Kerosene Hydrotreater Stripper Reboiler Heater (KHT-H02); and (10) the Keystone Boiler. The new low NOx burners will replace the existing burners and allow CENCO Refining Company to reduce NOx emissions from the various heaters/boilers.

Installation of Flue Gas Recirculation in the Existing North Holman Boiler

As part of the Refinery modifications, the existing urea injection system in the existing North Holman Boiler will be replaced with a new flue gas recirculation (FGR) system. This installation will eliminate the maintenance problem caused from urea injection and also reduce NOx emissions.

Diesel Hydrotreater (DHT) Charge Drum and Pump

As part of the Refinery modifications, CENCO is proposing to install new equipment in the existing Distillate Hydrotreating (DHT) Unit. This new equipment includes a new DHT Charge Drum and DHT Unit. This alteration will improve control of the feed to the DHT Charge Pumps, reduce downtime due to pump failures, and provide a full-sized spare pump. The spare DHT Charge Pump will be connected to the process rather than being isolated by closed process valves to allow a rapid start-up in the event that the other DHT Charge Pump fails. This new system can prevent major spills that may be caused from pump failure.

Fuel Gas Mercaptan Removal

To reduce total sulfur in fuel gas, a scrubbing system will be installed. This scrubbing system is a Sulfa Treat scavenger system. A two vessel arrangement will be installed which will ensure the North and South Holman Boilers a clean fuel gas supply at all times.

Butane Defluorinator

A new Butane Defluorinator is also proposed, which will use alumina (aluminum oxide) to remove residual HF acid and fluorides from butane that is currently burned as fuel gas so that it can be used as feed for the Butane Isomerization Unit.

Gas Recovery Unit

CENCO is proposing to install a Gas Recovery Unit that consists of: (1) olefinics liquids recovery section, a cryogenic liquids recovery section for olefin containing gas streams: (2) non-olefinics liquids recovery section, a cryogenic liquids recovery section for saturated gas streams; and (3) propane refrigeration section, a closed loop propane refrigeration system to provide the refrigerant for the cryogenic recovery section. This system recovers saturated and olefinics components from existing refinery fuel gas for sale. By removing these gases the amount of fuel gas sent to the flare is minimized or eliminated (reduced NOx and SOx).

Propane Treater

As part of the Refinery modifications, the existing Butane Isomerization Unit Depropanizer System will be modified to allow a liquid propane product to be produced. The propane will be caustic sweetened and then dried and routed to existing propane storage. This process recovers sour gases, which previously would have been routed to the flare. This reduces flare gas, flow rate, and NOx and SOx emissions.

NEW REFINERY FACILITIES

New facilities will be required for the efficient and safe operation of the CENCO Refinery. These projects will help the Refinery operate more efficiently and safely.

Crude Unit Oil Recovery System

As part of the Refinery modifications, CENCO plans to install a new Crude Unit Oil Recovery System. The new Crude Unit Oil Recovery System will include new tanks, pumps, piping and a heat exchanger. The new Crude Unit Oil Recovery System will improve waste oil handling, enhance oil/water emulsion breaking, and minimize oil loss.

Delayed Coker Modifications

The CENCO Refinery includes a Delayed Coker as one of the existing Refinery process units. The Delayed Coker has two fired heaters (DC-H-1A and DC-H-1B) to provide the necessary heat for the coking process. The existing heaters are not adequate to allow optimization of the Delayed Coker, provide operational flexibility, and maintain on-stream reliability. As part of the Refinery modifications, CENCO Refining Company plans to install a third Coker Charge Heater (DC-H-1C) with a maximum fired duty of 50 Mt/hr equipped with low-NOx burners and Selective Catalytic Reduction (SCR), which will limit NOx emissions to 5ppm at 3% O2.

Refinery Flare System Modifications

Evaluations and modifications to the flare system will be needed due to new additions. This is to ensure that the flare system is adequate for emergency upsets.

Storage Tank Operations Modification

To improve efficiency of operation, CENCO is proposing to change certain tank usage. Tank services as well as throughput on some tanks will be adjusted to reflect the proposed tank usage. Only those tanks that result in increase emissions or different uses (e.g., store different materials) will require permit modifications. CENCO is proposing to adjust usage but does not plan to install or physically modify any storage tanks, except to comply with BACT / LAER requirements, as needed.

Internal Loading/Unloading Rack Consolidation

CENCO is proposing to consolidate a number of existing loading/unloading racks into two loading racks in the Refinery. The Refinery Loading/Unloading Rack Consolidation will include an organic liquid unloading rack for MTBE and Cetane (upgrade and relocation of existing rack) and a petroleum product loading rack, consisting of distillates. Again, this rack is being upgraded and relocated. To accomplish this, a number of existing individual racks will be demolished. This project will improve secondary containment, fire suppression and other safety issues.

Conversion of Anhydrous Ammonia System to Aqueous Ammonia System

CENCO is proposing to convert three existing anhydrous ammonia systems to aqueous ammonia. The new aqueous ammonia storage tanks with pumping and vaporization systems will be installed. Facilities that currently use anhydrous ammonia (a selective catalytic reduction unit and two other processes) will be converted to aqueous ammonia.

Hydrocraker Coalescer Addition

The Hydrocracker breaks (cracks) long chain hydrocarbons into short chain hydrocarbons using hydrogen in the presence of a catalyst. The Low Pressure Separator in the Hydrocracker separates a mixed liquid/gas stream into gas, sour water, and light hydrocarbon. The light hydrocarbon stream still contains about 1% water. The remaining water must be removed prior to further processing. CENCO will add two coalescers to the Hydrocracker to remove the water in the light hydrocarbon liquid stream from the Low Pressure Separator. (Note that the two coalescers are currently at the site. The equipment was inadvertently omitted from the facility's air permits, therefore, the coalescers are being included as "new" equipment in this CEQA document.)

Crude Oil and Petroleum Product Unloading Rack

An unloading rack will be installed to unload both crude oil and petroleum products. This rack will consist of one unloading bay and will have appropriate secondary containment and emergency shut-off controls.

DABWORD:1878NOP

CHAPTER 2

ENVIRONMENTAL CHECKLIST FORM

ENVIRONMENTAL CHECKLIST FORM

Background

1. Project Title: 1999 CENCO Refinery Upgrade Project

2. Lead Agency Name & Address: City of Santa Fe Springs
11710 Telegraph Road
Santa Fe Springs, CA 90670-3658

3. Contact Person & Phone Number: Robert G. Oprin
Director of Planning and Development
(562) 868-0511 x211

4. Project Location: **CENCO Refinery**
12345 Lakeland Road
Santa Fe Springs, California

5. Project Sponsor's Name & Address: **Same**

6. General Plan Designation: Heavy Manufacturing (Industrial) Zoning: **M-2**

7. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support or off-site features necessary for its implementation. Attach additional sheets if necessary).

   CENCO is proposing modifications to its Refinery to: (1) complete projects necessary for the Refinery to manufacture gasoline in compliance with state reformulated fuels requirements; (2) replace support facilities that were removed from the Refinery; (3) modify certain Refinery units to reduce the environmental effects of the refinery's operation; and (4) add new facilities that will improve the operational efficiency and safety of the refinery.

8. Surrounding Land Uses and Setting:

   Adjacent land uses east of the refinery include unimproved industrial lots, and light and heavy industry. Land uses north of the refinery comprise abandoned oil fields and an industrial park. Light industrial, commercial, and residential uses occupy land to the west. Open space, Metropolitan State Hospital, light industry, and commercial property in the City of Norwalk are located to the south of the refinery. The Santa Ana Freeway (I-5) and San Gabriel River Freeway (I-605) are located farther to the west of the refinery, and link Santa Fe Springs to the greater Southern California region.

9. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

   A Conditional Use Permit (CUP) will be required from the City of Santa Fe Springs, for one of the three parcels. Existing CUPs allow the continued use of the Refinery on the other two parcels. New permits and modifications to the existing permits may be required from the South Coast Air Quality Management District and the Industrial Wastewater Discharge Permit from the Los Angeles County Sanitation Districts.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following page.

[ ]	Land Use & Planning	[X]	Transportation/Circulation	[ ]	Public Services
[ ]	Population & Housing	[ ]	Biological Resources	[ ]	Utilities & Service Systems
[X]	Geological Problems	[ ]	Energy & Mineral Resources	[ ]	Aesthetics
[X]	Water	[X]	Hazards	[ ]	Cultural Resources
[X]	Air Quality	[X]	Noise	[ ]	Recreation
		[X]	Mandatory Findings of Significance		

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment. and a NEGATIVE DECLARATION will be prepared. ..... [ ]

I find that although the proposed project could have a significant effect on the environment. there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared..... [ ]

I find that the proposed project MAY have a significant effect on the environment. and an ENVIRONMENTAL IMPACT REPORT is required. ..... [ ]

I find that the proposed project MAY have a significant effect(s) on the environment. but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated". An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. .....[X]

I find that although the proposed project could have a significant effect on the environment. there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ..... [ ]

Signature

Date 4-21-99

Robert G. Orpin
Printed Name

For: City of Santa Fe Springs

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. ***Would the proposal:***				
a) Conflict with general plan designation or zoning?	[ ]	[ ]	[X]	[ ]
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	[ ]	[ ]	[X]	[ ]
c) Be incompatible with existing land use in the vicinity?	[ ]	[ ]	[X]	[ ]
d) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses?	[ ]	[ ]	[ ]	[X]
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	[ ]	[ ]	[ ]	[X]
II. POPULATION AND HOUSING. ***Would the proposal:***				
a) Cumulatively exceed official regional or local population projections?	[ ]	[ ]	[ ]	[X]
b) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?	[ ]	[ ]	[ ]	[X]
c) Displace existing housing, especially affordable housing?	[ ]	[ ]	[ ]	[X]
III. GEOLOGIC PROBLEMS. ***Would the proposal result in or expose people to potential impacts involving:***				
a) Fault rupture?	[ ]	[X]	[ ]	[ ]
b) Seismic ground shaking?	[X]	[ ]	[ ]	[ ]
c) Seismic ground failure, including liquefaction?	[ ]	[ ]	[X]	[ ]
d) Seiche, tsunami, or volcanic hazard?	[ ]	[ ]	[ ]	[X]
e) Landslides or mudflows?	[ ]	[ ]	[ ]	[X]
f) Erosion, changes in topography or unstable				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
soil conditions from excavation, grading or fill?	[ ]	[X]	[ ]	[ ]
g) Subsidence of the land?	[ ]	[ ]	[X]	[ ]
h) Expansive soils?	[ ]	[X]	[ ]	[ ]
i) Unique geologic or physical features?	[ ]	[ ]	[X]	[ ]
IV. WATER. ***Would the proposal result in:***				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	[ ]	[X]	[ ]	[ ]
b) Exposure of people or property to water related hazards such as flooding?	[ ]	[ ]	[X]	[ ]
c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?	[ ]	[ ]	[X]	[ ]
d) Change in the amount of surface water in any water body?	[ ]	[ ]	[X]	[ ]
e) Changes in currents, or the course or direction of water movements?	[ ]	[ ]	[ ]	[X]
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	[ ]	[ ]	[ ]	[X]
g) Altered direction or rate of flow of groundwater?	[ ]	[ ]	[ ]	[X]
h) Impacts to groundwater quality?	[ ]	[ ]	[X]	[ ]
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	[ ]	[ ]	[X]	[ ]
V. AIR QUALITY. ***Would the proposal:***				
a) Violate any air quality standard or contribute to an existing or projected air quality violation?	[ ]	[X]	[ ]	[ ]

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Expose sensitive receptors to pollutants?	[X]	[ ]	[ ]	[ ]
c) Alter air movement, moisture, or temperature, or cause any change in climate?	[ ]	[ ]	[ ]	[X]
d) Create objectionable odors?	[ ]	[X]	[ ]	[ ]
VI. TRANSPORTATION/CIRCULATION. ***Would the proposal result in:***				
a) Increased vehicle trips or traffic congestion?	[X]	[ ]	[ ]	[ ]
b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	[ ]	[X]	[ ]	[ ]
c) Inadequate emergency access or access to nearby uses?	[ ]	[ ]	[X]	[ ]
d) Insufficient parking capacity on-site or off-site?	[ ]	[ ]	[X]	[ ]
e) Hazards or barriers for pedestrians or bicyclists?	[ ]	[ ]	[X]	[ ]
f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	[ ]	[ ]	[X]	[ ]
g) Rail, waterborne or air traffic impacts?	[ ]	[ ]	[X]	[ ]
VII. BIOLOGICAL RESOURCES. ***Would the proposal result in impacts to:***				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	[ ]	[ ]	[ ]	[X]
b) Locally designated species (e.g. heritage trees)?	[ ]	[ ]	[ ]	[X]
c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?	[ ]	[ ]	[ ]	[X]
d) Wetland habitat (e.g. marsh, riparian and vernal pool)?	[ ]	[ ]	[ ]	[X]
e) Wildlife dispersal or migration corridors?	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. ENERGY AND MINERAL RESOURCES. ***Would the proposal:***				
a) Conflict with adopted energy conservation plans?	[ ]	[ ]	[ ]	[X]
b) Use non-renewable resources in a wasteful and inefficient manner?	[ ]	[ ]	[ ]	[X]
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	[ ]	[ ]	[ ]	[X]
IX. HAZARDS. ***Would the proposal involve:***				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	[X]	[ ]	[ ]	[ ]
b) Possible interference with an emergency response plan or emergency evacuation plan?	[ ]	[ ]	[X]	[ ]
c) The creation of any health hazard or potential health hazard?	[X]	[ ]	[ ]	[ ]
d) Exposure of people to existing sources of potential health hazards?	[X]	[ ]	[ ]	[ ]
e) Increased fire hazard in areas with flammable brush, grass, or trees?	[ ]	[ ]	[ ]	[X]
X. NOISE. ***Would the proposal result in:***				
a) Increases in existing noise levels?	[ ]	[X]	[ ]	[ ]
b) Exposure of people to severe noise levels?	[ ]	[X]	[ ]	[ ]
XI. PUBLIC SERVICES. ***Would the proposal have an effect upon, or result in a need for a new or altered government services in any of the following areas:***				
a) Fire protection?	[ ]	[ ]	[X]	[ ]
b) Police protection?	[ ]	[ ]	[X]	[ ]
c) Schools?	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Maintenance of public facilities, including roads?	[ ]	[ ]	[X]	[ ]
e) Other governmental services?	[ ]	[ ]	[X]	[ ]
XII. UTILITIES AND SERVICE SYSTEMS. ***Would the proposal or result in a need for a new systems or supplies, or substantial alterations to the following utilities:***				
a) Power or natural gas?	[ ]	[ ]	[X]	[ ]
b) Communications systems?	[ ]	[ ]	[X]	[ ]
c) Local or regional water treatment or distribution facilities?	[ ]	[ ]	[X]	[ ]
d) Sewer or septic tanks?	[ ]	[ ]	[X]	[ ]
e) Storm water drainage?	[ ]	[ ]	[X]	[ ]
f) Solid waste disposal?	[ ]	[ ]	[X]	[ ]
g) Local or regional water supplies?	[ ]	[ ]	[X]	[ ]
XIII. AESTHETICS. ***Would the proposal:***				
a) Affect a scenic vista or scenic highway?	[ ]	[ ]	[ ]	[X]
b) Have a demonstrable negative aesthetic effect?	[ ]	[ ]	[X]	[ ]
c) Create light or glare?	[ ]	[ ]	[X]	[ ]
XIV. CULTURAL RESOURCES. ***Would the proposal:***				
a) Disturb paleontological resources?	[ ]	[ ]	[ ]	[X]
b) Disturb archaeological resources?	[ ]	[ ]	[ ]	[X]
c) Affect historical resources?	[ ]	[ ]	[ ]	[X]
d) Have the potential to cause a physical change which would affect unique ethnic cultural values?	[ ]	[ ]	[ ]	[X]
e) Restrict existing religious or sacred uses within the potential impact area?	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION. ***Would the proposal:***				
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	[ ]	[ ]	[ ]	[X]
b) Affect existing recreational opportunities?	[ ]	[ ]	[ ]	[X]
XVI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	[ ]	[ ]	[ ]	[X]
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	[ ]	[ ]	[X]	[ ]
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	[ ]	[X]	[ ]	[ ]
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	[ ]	[X]	[ ]	[ ]

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process. one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

b) Impacts adequately addressed. Identify which effects from the above checklist were within scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation measures. For effects that are "less than significant with mitigation incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

CHAPTER 3

DISCUSSION OF ENVIRONMENTAL CHECKLIST

Potential Environmental Impacts
- Land Use and Planning
- Population and Housing
- Geologic Problems
- Water
- Air Quality
- Transportation/Circulation
- Biological Resources
- Energy and Mineral Resources
- Hazards
- Noise
- Public Services
- Utilities and Service Systems
- Aesthetics
- Cultural Resources
- Mandatory Findings of Significance

CHAPTER 3.0

POTENTIAL EVIRONMENTAL IMPACTS

3.1 LAND USE AND PLANNING

The Refinery is located on land that is designated in the Santa Fe Spring's General Plan as being zoned M-2 for Heavy Manufacturing, with a General Plan designation of "Industrial". Most portions of the project will be built within the confines of the existing Refinery. However, a new bulk loading rack will be located adjacent to the Refinery on the southeastern corner of the Bloomfield/Lakeland intersection (referred to as the old Walker property). Both the existing Refinery and the old Walker property are zoned M-2. The proposed bulk loading rack will require approval of a Conditional Use Permit (CUP) from the City. The land use of the property proposed for the loading rack would change from undeveloped land to industrial thus increasing the intensity of industrial development within an industrial area. The impacts of the project on land use and planning will be addressed in the EIR.

3.2 POPULATION AND HOUSING

The proposed project is for an existing refinery in an urbanized area and will not involve an increase, decrease or relocation of population. Labor for both construction and operation of the proposed project is expected to be drawn from the existing labor pool so that no significant impacts to population and housing are expected. Population and housing issues will not be evaluated in the EIR.

3.3 GEOLOGIC PROBLEMS

Construction of the proposed project facilities will require excavation, backfilling, and compaction of soil in order to provide stable foundations for the facilities in compliance with the Uniform Building Codes. Contaminated soil could be encountered during construction and may require treatment or transport to an approved off-site facility. Construction activities also have the potential to result in increases in wind and water erosion.

The proposed facilities will be located in the seismically active area of Southern California. There is the potential for damage to property due to seismic activity. Although a review of published and unpublished literature on the general and local geology as it relates to soil and geologic instability, liquefaction, subsidence, and earthquakes will be conducted (to determine the potential impacts) the property is not included within the liquefaction or earthquake induced landslides zones.

The potential geologic problems identified above will be analyzed in the EIR and, if impacts are determined to be significant, mitigation measures will be identified as appropriate.

3.4 WATER

Water is necessary for the proposed facilities for a variety of processes, including steam generation, cooling, and dust control. The use of additional water may be required for normal processing at the Refinery as the result of project modifications. Reclaimed water may also be used for some of these purposes. The increased use of water will be evaluated in the EIR.

Treated wastewater and treated storm water run-off are currently discharged from the Refinery under the authority of a National Pollutant Discharge Elimination system Permit. The EIR will address impacts and mitigation measures in the EIR for water resources potentially impacted by the proposed project.

Mitigation measures will be identified in the EIR for water resources significantly impacted by activities at the proposed facilities.

3.5 AIR QUALITY

There will be a temporary increase in emissions from gasoline and diesel fueled equipment during construction of the project facilities. Fugitive dust emissions will temporarily increase during construction. Excavation of contaminated soil might result in odors. However, expected mitigation actions would include tuning for internal combustion engines, and watering of unpaved construction areas to minimize dust.

Facilities which comprise the proposed project may cause an increase in criteria pollutants including sulfur oxides, nitrogen oxides, carbon monoxide, particulates, and reactive organic gases. The proposed project also may result in an increase in emissions of toxic air contaminants from combustion and fugitive sources.

Emissions of reactive organic gases would originate primarily from fugitive sources including valves, flanges, pumps, truck loading operations, etc. Best Available Control Technology (BACT) would be implemented for fugitive emission sources. Criteria pollutants would originate primarily from the combustion of fuel gas in the new heaters. New combustion sources also will be equipped with BACT. The impact of the emissions will be analyzed in the EIR. Air dispersion modeling will be performed to determine the potential project impacts on localized ambient air quality.

Activities at the proposed facilities also may result in certain toxic air contaminant emissions. A health risk assessment will be performed for the facilities to assess the net effect of the projected increases in toxic air emissions from the proposed facilities.

The potential air quality impacts of the proposed project will be analyzed in the EIR and appropriate mitigation measures will be developed, as necessary.

3.6 TRANSPORTATION/CIRCULATION

The proposed facilities may add additional vehicles and truck traffic during construction and operation of the proposed project and may impact the transportation and circulation system. Traffic congestion may increase due to the use of additional oversized vehicles. The potential impacts on transportation/circulation will be analyzed in the EIR. Appropriate mitigation measures will be included in the EIR if significant impacts are identified.

3.7 BIOLOGICAL RESOURCES

The proposed project will be located in a heavy industrial area surrounded by other industrial land uses. The refinery's maintenance practices control the growth of vegetation at the site for fire prevention purposes. All native habitat has long since been removed from the site. The project will not result in the addition or the elimination of water ponds that could be used by animals or migratory fowl. There are no significant plant or animal resources, locally designated species, natural communities, wetland habitats, or animal migration corridors in the area. There are no rare, endangered, or threatened species at the proposed site. Therefore, no significant impacts are expected and biological resources will not be addressed further in the EIR.

3.8 ENERGY AND MINERAL RESOURCES

The proposed project facilities will require energy in the form of natural gas, refinery fuel gas, electricity, steam, and fuels during construction and daily operations. CENCO will generate a portion of its energy requirements as refinery fuel gas. The amount of additional natural gas and electricity is a very small amount of the total energy used by the Refinery. The local utilities have sufficient capacity to supply CENCO with an incremental increase in natural gas and electricity. Therefore, the project impacts on energy and mineral resources are less than significant and will not be addressed further in the EIR.

3.9 HAZARDS

The proposed project will involve the continued or additional use of hazardous materials including volatile hydrocarbons, hydrogen, and ammonia. Installation of new facilities and modification of existing equipment will not change the types of materials currently processed, handled, or produced at the Refinery. The EIR will address the potential hazards associated with the proposed modifications and develop mitigation measures to minimize impacts, as appropriate. The EIR will include discussions of recent safety improvements imposed by the City on the Refinery as part of separate approvals.

3.10 NOISE

There is the potential for elevated noise levels at the proposed project sites due to short term construction activities and ongoing operation of the new units. The potential for noise due to construction and operating activities will be addressed in the EIR. If such impacts are determined to be significant, specific mitigation measures will be included in the EIR.

3.11 PUBLIC SERVICES

Fire protection, emergency response, and police services at the Refinery are provided by the City of Santa Fe Springs. The proposed project is not expected to require additional public services. Under a recent Conditional Use Permit, the City has required additional fire-fighting and safety features be added to the Refinery that should reduce the hazards at the site and the potential need for fire protection services. The Refinery is required to maintain a fully trained 24-hour emergency response team, fire-fighting equipment including fire engines and foam pumper trucks or trailers, and maintain manual and automatic fire suppression systems for flammable and combustible materials. CENCO staff will be trained by the City Fire Department and CENCO will conduct on-site fire training exercises with the City Fire Department Staff. The Refinery is fenced with a 24-hour security guard on-site. The proposed project is not expected to require additional police, fire, or other public services. Therefore, the project impacts on public services are expected to be less than significant and will not be addressed further in the EIR.

3.12 UTILITIES AND SERVICE SYSTEMS

As stated in Section 3.8 – Energy and Mineral Resources, the proposed project may result in increased demand for natural gas, refinery fuel gas, electricity, and steam. The project is not expected to require new or upgraded water service to the Refinery. Water use may increase slightly during construction for dust control. Water usage will be addressed in the Water Section of the EIR. No other potential significant utility impacts were identified.

3.13 AESTHETICS

The project sites are surrounded by heavy industrial land uses, and the proposed activities are in compliance with the land use and zoning designations. There are no scenic views or scenic highways in the vicinity of the proposed sites. The proposed project modifications would develop a new location at the corner of Bloomfield and Lakeland for a truck loading/unloading facility. The potential impact to the aesthetic environment, associated with this modification, will be addressed in the EIR under land use impacts.

3.14 CULTURAL RESOURCES

The proposed project sites do not contain any known cultural resources. Therefore, no impacts on cultural resources are expected and this issue will not be considered in the EIR. The new units are expected to be located in areas that have been previously developed and graded. A Cultural Resources Archival Search completed for a previous environmental document (SCAQMD, 1994) indicated no archaeological/historical/paleontological sites are located on or within one-quarter mile of the Refinery. The potential impacts on cultural resources are considered to be less than significant and will not be evaluated further in the EIR.

3.15 MANDATORY FINDINGS OF SIGNIFICANCE

CENCO will be constructing two additional projects at the same time as the 1999 Refinery Upgrade Project. The first additional project consists of completion of those portions of the Reformulated Fuels Project which have not yet been constructed and which will be constructed as described in the Reformulated Project Fuels EIR (see Table 1). The potential impacts and mitigation, where required, are described in detail in the Reformulated Fuels Project EIR (SCAQMD, 1994 and 1995), and will also be summarized in the cumulative impacts analysis of the 1999 Refinery Upgrade Project EIR. The second additional project consists of the safety and environmental improvements required by the City of Santa Fe Springs in the 1998 modification of the Refinery's conditional use permit. The improvements were determined to be exempt from CEQA, and a Notice of Exemption was prepared. As with the Reformulated Fuels Project, the safety and environmental improvements will be considered in the cumulative impacts analysis of the 1999 Refinery Upgrade Project EIR. It is not expected at this time that the combined impacts of CENCO's projects will result in cumulative impacts which are substantially different from the impacts of the 1999 Refinery Upgrade Project alone; but all three projects will be presented in the cumulative impacts section, in the interest of the fullest possible public disclosure.

In addition to CENCO's projects, there may be projects undertaken or proposed by other entities in the vicinity of the Refinery which may contribute to cumulative effects. At this time, there is not sufficient information regarding other projects to anticipate whether the combined impacts may be cumulatively considerable. Thus, cumulative impacts will be analyzed in the EIR.

Regarding potential adverse effects on human beings, please refer to the discussions in sections 3.5 and 3.9.

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Metro Desk

Huntington Officials Fight Plan for Nearby Refinery Environment: Santa Fe Springs facility would use closed storage tanks, offshore terminal that was site of 1990 spill.

SCOTT MARTELLE
TIMES STAFF WRITER

Huntington Beach is fighting a plan by televangelist Pat Robertson that includes reopening the offshore terminal involved in the disastrous 1990 oil spill that fouled 15 miles of local coastline.

With memories still fresh of 416,000 gallons of crude oil coating water, beach and marine life, Huntington Beach officials and residents are scrambling to keep the offshore terminal and onshore storage tanks closed.

"It was devastating. We just cannot afford to have that happen again," said Huntington Beach Mayor Shirley S. Dettloff, who is also a member of the California Coastal Commission. "We want to find a way that we can stop this facility from reopening."

Robertson, who last year sold his International Family Entertainment Inc. to Rupert Murdoch for $1.9 billion, formed CENCO Refining Co. in March to buy the defunct Powerine Oil Refinery in Santa Fe Springs.

CENCO also has agreed to buy some assets and leases held by Golden West Refining Co., which operated the Huntington Beach marine terminal and a 20-acre onshore storage facility off Newland Street.

The plan, said Craig Moyer, a Los Angeles attorney representing CENCO, is to reopen the 50,000 barrel-per-day refinery early next year, using the Huntington Beach terminal to pipe crude oil from ocean-going tankers to the Santa Fe Springs refinery. However, he said CENCO could still decide to procure crude oil from other sources, including an existing pipeline from a Long Beach terminal.

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Residents said CENCO representatives have told them in community meetings that ships could offload oil at the terminal weekly instead of the monthly pace underway at the time of the 1990 spill.

In that spill, Orange County's worst environmental disaster, the tanker American Trader ran over its own anchor as it moored at the offshore facility, puncturing its hull and spewing crude oil that closed Orange County beaches for weeks.

Firm, Groups Focus on Review Process

Early on, conflict over the refinery project is focusing on what sort of environmental review would be necessary to reopen facilities that have been inactive for three years.

Moyer said CENCO officials believe the project does not need to go through a full environmental impact review because the company is buying assets of existing firms that held permits to operate the terminal, pipeline and refinery.

"Powerine was an ongoing operation, so it's CENCO's position that there will have to be an environmental review but that they are not similar to those reviews required of new facilities," Moyer said. CENCO officials did not respond to repeated requests for interviews.

Huntington Beach city officials filed formal opposition in August with the South Coast Air Quality Management District, which must extend the lapsed Powerine permit before CENCO can begin operations.

City officials argued that Southern California's air quality would be harmed by the project, including resumed emissions from the refinery and exhaust from oil-delivery trucks, if they are used.

"A full environmental review of the entire project, including oil supply sources, should be undertaken," Michael P. Dolder, acting assistant city manager/fire chief for Huntington Beach, said in a letter to the AQMD.

Businesses and residents near the refinery site also filed letters of opposition with AQMD, citing a history of questionable emissions from the plant.

AQMD officials have no timetable for issuing a decision, said spokesman Bill Kelly.

"We're studying that now," Kelly said. "There's also a possibility that we may

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held a public meeting to give people further chance to raise any concerns they might have. But there's no action that we've taken or that is imminent."

The plans also have drawn strong opposition from the owner of the Waterfront Hilton Beach Resort, which intends to expand on land under which the pipeline runs. In a letter to the State Lands Commission, representatives for the Robert Mayer Corp. of Newport Beach, which owns the hotel, urged that no permits be issued allowing the terminal to reopen without public hearings under the California Environmental Quality Act.

But for some Huntington Beach residents, the rusting and partially dismantled oil storage tanks are a key concern in the project. Six tanks stand at the site, but Dolder said only the three largest were used for storage, each holding about 6.8 million barrels of crude oil. Golden West began dismantling the tanks, which haven't been used since 1995, earlier this year before city officials ordered work halted because contractors failed to provide the city with demolition plans or a program for dealing with contaminated soil.

"It's just an eyesore," said Dana Sirdenis, 60, who has lived across the street from the tanks for nearly three decades. "They haven't kept them up for years."

Memories, Fears for Residents

Up the street, David and Teresa Guido said they're afraid resumed use of the tanks could endanger their neighborhood. In the past, fumes from the tanks wafted through the streets, they said. And they fear a strong earthquake would crumple the aging tanks, potentially exposing the neighborhood to a flood of crude oil.

"I'd rather have the tanks sit there and rot," said Guido, president of the Huntington Beach Coastal Community Assn., formed in July to oppose CENCO's plans.

Huntington Beach officials said they would contemplate more actions--including a legal challenge--against the plans if they knew what they were.

So far, Dolder said, CENCO has offered the city no formal plans.

"We're in a quandary as to what to do," Dolder said. "We're concerned about what the whole project looks like. We think this is a single project with three sites, if they're proposing to use our terminal and our tanks. But that hasn't been described."

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It's unclear what other agencies would have to approve the project. Reviving the marine terminal could require permits from the State Lands Commission, but a spokesman said Robertson's company had filed no permit requests.

If the marine terminal requires new construction, the federal Army Corps of Engineers and Environmental Protection Agency might have to review the plans also, Dettloff said.

But Sante Fe Springs officials already have signed off on the project, which could mean more than 300 jobs for the industry-heavy city, after extracting promises from CENCO to make safety improvements.

"They feel they can meet those standards, so the city has agreed to extend their conditional-use permit," said Santa Fe Springs Fire Chief Norbert Schnabel.

Schnabel said that because the refinery has existed on the site since the mid-1950s, the city had fewer objections to reopening it than officials in other cities might have had.

"Not many communities want to start a new refinery in their area, or have a place capable of starting it," Schnabel said. "We've got a 90-acre site over there that will probably sit vacant for many years to come if they don't utilize it."

Schnabel also expressed few concerns about CENCO's plans to use a modified form of hydrofluoric acid to boost octane in gasoline. The compound has been targeted by environmental groups and federal regulators as among the most toxic chemicals used in industry, capable of drifting in low clouds over miles of terrain. Safety concerns led the city of Torrance in 1989 to file a lawsuit against Mobil Oil Corp. over the compound's use at the refinery in that city. Mobil eventually agreed to use a modified form at the site.

The modified version planned for the Powerine site reportedly poses less of a threat to public health, although it has not been widely used.

Schnabel said Santa Fe Springs hired a consultant to review the effects of an accidental release of the modified compound.

"You can measure the off-site consequences in feet rather than miles," Schnabel said. "We feel the operation up here is going to be about as safe as we can make it."

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Con May, president of California Earth Corps, said the Lakewood-based environmental watchdog group is considering several actions. Among them: seeking an injunction against opening the refinery under the Safe Drinking Water and Toxic Enforcement Act of 1986, because residents near the closed refinery, which has a history of toxic emissions, were not warned that it might be reopened.

Powerine paid a $104,000 fine to the Environmental Protection Agency in 1994 over violations of the Clean Air Act, an EPA spokesman said. It also paid at least two fines totaling $20,000 for citations by AQMD in the early '90s. The refinery closed in 1995.

May said the group also is concerned about the safety of the underground pipeline and the storage tanks, and how the marine terminal would be reestablished.

In addition, he said, CENCO's stance on the required environmental reviews and its piecemeal approach to getting approval for the project have left many people suspicious.

"It's raised a red flag," May said. "That they intend to rely on old permits [and contend] that they're grandfathered out of a lot of these actions--that's unsettling to a lot of people, myself included."

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

Reopening a Wound

A plan to reopen an oil refinery in Santa Fe Springs has some Huntington Beach officials and residents upset because it could mean reviving some onshore storage tanks scheduled for demolition and the offshore terminal involved in a massive 1990 spill.

Storage tanks would remain

400,000 gallons leaked from terminal in 1990

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

GRAPHIC-MAP: Reopening a Wound, Los Angeles Times; PHOTO: David Guido of Huntington Beach fears reopening these crude oil storage tanks off Newland Street would endanger the community.; PHOTOGRAPHER: ALEX GARCIA / Los Angeles Times

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Article 2. Definitions

§66260.10. Definitions.

When used in this division, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" in section 66260.10 and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury, property damage or environmental degradation neither expected nor intended from the standpoint of the insured.

"Accumulated speculatively" means that a material is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under section 66261.4(c) are not to be included in making the calculation. (Materials that are already defined as wastes also are not to be included in making the calculation. Materials are no longer in this category once they are removed from accumulation for recycling, however.

"Active life" or "Operating life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Department receives certification of final closure.

requirements of this chapter because the disposal of these geothermal wastes is regulated by the California regional water quality control boards.

(b) (1) Wastes from the extraction, beneficiation, and processing of ores and minerals that are not subject to regulation under Subchapter III (commencing with Section 6921) of Chapter 82 of Title 42 of the United States Code are exempt from the requirements of this chapter, except the requirements of Article 9.5 (commencing with Section 25208), as provided in paragraph (2).

(2) The wastes subject to this subdivision are subject to Article 9.5 (commencing with Section 25208) and Chapter 6.8 (commencing with Section 25300) if the wastes would otherwise be classified as hazardous wastes pursuant to Section 25117 and the regulations adopted pursuant to Section 25141.

(3) For purposes of this subdivision, the following definitions shall apply:

(A) "Wastes from the extraction, beneficiation, and processing of ores and minerals" means any of the following:

(I) Soil, waste rock, overburden, and any other solid, semisolid, or liquid natural materials that are removed, unearthed, or otherwise displaced as a result of excavating or recovering an ore or a mineral.

(ii) Residuals of ores or minerals after those ores or minerals have been removed, unearthed, or otherwise displaced from their natural sites and physically or chemically treated or otherwise managed in order to separate or concentrate the commercial product present in the ore or mineral, or processed to produce a final marketable product.

(B) "Minerals" has the same meaning as defined in Section 2005 of the Public Resources Code.

(Amended by Stats. 1991, Ch. 174, Sec. 1.)

25143.1.5. (a) For purposes of this section, "wood waste" includes poles, crossarms, pilings, fence posts, lumber, support timbers, flume lumber, and cooling tower lumber.

(b) Any wood waste, previously treated with a preservative, that has been removed from electric, gas, or telephone service, is exempt from the requirements of this chapter if all of the following conditions are met:

(1) The wood waste is not subject to regulation as a hazardous waste under the federal act.

(2) The wood waste is disposed of in a composite-lined portion of a municipal solid waste landfill that meets any requirements imposed by the state policy adopted pursuant to Section 13140 of the Water Code and regulations adopted pursuant to Sections 13172 and 13173 of the Water Code.

(3) The solid waste landfill used for disposal is authorized to accept the wood waste under waste discharge requirements issued by the California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

(Added by Stats. 1995, Ch. 670, Sec. 1. Effective January 1, 1996.)

25143.2. (a) Recyclable materials are subject to this chapter and the regulations adopted by the department to implement this chapter which apply to hazardous wastes, unless the department issues a variance pursuant to Section 25143, or except as provided otherwise in subdivision (b), (c), or (d) or in the regulations adopted by the department pursuant to Sections 25150 and 25151.

(b) Except as otherwise provided in subdivisions (e), (f), and (g), recyclable material that is managed in accordance with Section 25143.9 and is or will be recycled by any of the following methods shall be excluded from classification as a waste:

(1) Used or reused as an ingredient in an industrial process to make a product if the material is not being reclaimed.

(2) Used or reused as a safe and effective substitute for commercial products if the material is not being reclaimed.

(3) Returned to the original process from which the material was generated, without first being reclaimed, if the material is returned as a substitute for raw material feedstock, and the process uses raw materials as principal feedstocks.

(c) Except as otherwise provided in subdivision (e), any recyclable material may be recycled at a facility that is not authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) if either of the following requirements is met:

(1) The material is a petroleum refinery waste containing oil that is converted into petroleum coke at the same facility at which the waste was generated unless the resulting coke product would be identified as a hazardous waste under this chapter.

(2) The material meets all of the following conditions:

(A) The material is recycled and used at the same facility at which the material was generated.

(B) The material is recycled within the applicable generator accumulation time limit specified in Section 25123.3 and the regulations adopted by the department pursuant to paragraph (1) of subdivision (b) of Section 25123.3.

(C) The material is managed in accordance with all applicable requirements for generators of hazardous wastes under this chapter and regulations adopted by the department.

(d) Except as otherwise provided in subdivisions (e), (f), (g), and (h), recyclable material that meets the definition of a non-RCRA hazardous waste in Section 25117.9, is managed in accordance with Section 25143.9, and meets or will meet any of the following requirements is excluded from classification as a waste:

(1) The material can be shown to be recycled and used at the site where the material was generated.

(2) The material qualifies as one or more of the following:

(A) The material is a product, which has been processed from a hazardous waste, or which has been handled, at a facility authorized by the department pursuant to the facility permit requirements of Article 9 (commencing with Section 25200) to process or handle the material, if the product meets both of the following conditions:

(I) The product does not contain constituents, other than those for which the material is being recycled that render the material hazardous under regulations adopted pursuant to Sections 25140 and 25141.

(ii) The product is used, or distributed or sold for use, in a manner for which the product is commonly used.

(B) The material is a petroleum refinery waste containing oil which is converted into petroleum coke at the same facility at which the waste was generated, unless the resulting coke product would be identified as a hazardous waste under this chapter.

(C) The material is oily waste, used oil, or spent nonhalogenated solvent which is managed by the owner or operator of a refinery that is processing primarily crude oil and which is not subject to permit requirements for the recycling of used oil, or a public utility, or a corporate subsidiary, corporate parent, or subsidiary of the same corporate parent of the refinery or public utility, and which meets all of the following requirements:

(I) The material is either burned in an industrial boiler, an industrial furnace, an incinerator, or a utility boiler that is in compliance with all applicable federal and state laws, or is recombined with normal process streams to produce a fuel or other refined petroleum product.

(ii) The material is managed at the site where it was generated; managed at another site owned or operated by the generator, a corporate subsidiary of the generator, a subsidiary of the same entity of which the generator is a subsidiary, or the corporate parent of the generator; or, if the material is generated in the course of oil or gas exploration or production, managed by an unrelated refinery receiving the waste through a common pipeline.

(iii) The material does not contain constituents other than those for which the material is being recycled that render the material hazardous under regulations adopted pursuant to Sections 25140 and 25141, unless the material is an oil-bearing material or recovered oil that is managed in accordance with subdivisions (a) and (c) of Section 25144.

(D) The material is a fuel which is transferred to, and processed into a fuel or other refined petroleum product at, a petroleum refinery, as defined in paragraph (4) of subdivision (a) of Section 25144, and which meets one of the following requirements:

(I) The fuel has been removed from a fuel tank and is contaminated with water or nonhazardous debris, of not more than 2 percent by weight, including, but not limited to, rust or sand.

(ii) The fuel has been unintentionally mixed with an unused petroleum product.

(3) The material is transported between locations operated by the same person who generated the material if the material is recycled at the last location operated by that person and all of the conditions of clauses (I) to (vi), inclusive, of subparagraph (A) of paragraph (4) are met. If requested by the department or by any official authorized to enforce this section pursuant to subdivision (a) of Section 25180, a person handling material subject to this paragraph shall, within 15 days from the date of receipt of the request, supply documentation to show that the requirements of this paragraph have been satisfied.

(4) (A) The material is transferred between locations operated by the same person who generated the material if the material is to be recycled at an authorized offsite hazardous waste facility and if all of the following conditions are met:

(I) The material is transferred by employees of that person in vehicles under the control of that person or by a registered hazardous waste hauler under contract to that person.

(ii) The material is not handled at any interim location.

(iii) The material is not held at any publicly accessible interim location for more than four hours unless required by other provisions of law.

(iv) The material is managed in compliance with this chapter and the regulations adopted pursuant to this chapter prior to the initial transportation of the material and after the receipt of the material at the last location operated by that person. Upon receipt of the material at the last location operated by that person, the material shall be deemed to have been generated at that location.

(v) All of the following information is maintained in an operating log at the last location operated by that person and kept for at least three years after receipt of the material at that location:

(I) The name and address of each generator location contributing material to each shipment received.

(II) The quantity and type of material contributed by each generator to each shipment of material.

(III) The destination and intended disposition of all material shipped offsite or received.

(IV) The date of each shipment received or sent offsite.

(vi) If requested by the department, or by any law enforcement official, a person handling material subject to this paragraph shall, within 15 days from the date of receipt of the request, supply documentation to show that the requirements of this paragraph have been satisfied.

(B) For purposes of paragraph (3) and subparagraph (A) of this paragraph, "person" also includes corporate subsidiary, corporate parent, or subsidiary of the same corporate parent.

(C) Persons that are a corporate subsidiary, corporate parent, or subsidiary of the same corporate parent, and that manage recyclable materials under paragraph (3) or subparagraph (A) of this paragraph, are jointly and severally liable for any activities excluded from regulation pursuant to this section.

(5) The material is used or reused as an ingredient in an industrial process to make a product if the material is not being treated before introduction to that process except by one or more of the following procedures, and if any discharges to air from the following procedures do not contain constituents that are hazardous wastes pursuant to the department's regulations and are in compliance with applicable air pollution control laws:

(A) Filtering.

(B) Screening.

(C) Sorting.

(D) Sieving.

(E) Grinding.

(F) Physical or gravity separation without the addition of external heat or any chemicals.

(G) pH adjustment.

(H) Viscosity adjustment.

(6) The material is used or reused as a safe and effective substitute for commercial products, if the material is not being treated except by one or more of the following procedures, and if any discharges to air from the following procedures do not contain constituents that are hazardous wastes pursuant to the department's regulations and are in compliance with applicable air pollution control laws:

(A) Filtering.

(B) Screening.

(C) Sorting.

(D) Sieving.

(E) Grinding.

(F) Physical or gravity separation without the addition of external heat or any chemicals.

(G) pH adjustment.

(H) Viscosity adjustment.

(7) The material is a chlorofluorocarbon or hydrochlorofluorocarbon compound or a combination of chlorofluorocarbon or hydrochlorofluorocarbon compounds, is being reused or recycled, and is used in heat transfer equipment, including, but not limited to, mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, used in fire extinguishing products, or contained within foam products.

(e) Notwithstanding subdivisions (b), (c), and (d), all of the following recyclable materials are hazardous wastes and subject to full regulation under this chapter, even if the recycling involves use, reuse, or return to the original process as described in subdivision (b), or even if the recycling involves activities or materials described in subdivisions (c) and (d):

(1) Materials which are a RCRA hazardous waste, as defined in Section 25120.2, used in a manner constituting disposal, or used to produce products that are applied to the land including, but not limited to, materials used to produce a fertilizer, soil amendment, agricultural mineral, or an auxiliary soil and plant substance.

(2) Materials which are a non-RCRA hazardous waste, as defined in Section 25117.9, and used in a manner constituting disposal or used to produce products that are applied to the land as a fertilizer, soil amendment, agricultural mineral, or an auxiliary soil and plant substance. The department may adopt regulations to exclude materials from regulation pursuant to this paragraph.

(3) Materials burned for energy recovery, used to produce a fuel, or contained in fuels, except materials exempted under paragraph (1) of subdivision (c) or excluded under subparagraph (B), (C), or (D) of paragraph (2) of subdivision (d).

(4) Materials accumulated speculatively.

(5) Materials determined to be inherently wastelike pursuant to regulations adopted by the department.

(6) Used or spent etchants, stripping solutions, and plating solutions that are transported to an offsite facility operated by a person other than the generator and which are either of the following:

(A) The etchants or solutions are no longer fit for their originally purchased or manufactured purpose.

(B) If the etchants or solutions are reused, the generator and the user cannot document that they are used for their originally purchased or manufactured purpose without prior treatment.

(7) Used oil, as defined in subdivision (a) of Section 25250.1, unless one of the following applies:

(A) The used oil is excluded under subparagraph (B) or (C) of paragraph (2) of subdivision (d), paragraph (4) of subdivision (d), subdivision (e) of Section 25250.1, Section 25250.2, or Section 25250.3, and is managed in accordance with the applicable requirements of Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations.

(B) The used oil is used or reused on the site where it was generated or is excluded under paragraph (3) of subdivision (d), and is managed in accordance with the applicable requirements of Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations, and is not any of the following:

(I) Used in a manner constituting disposal or used to produce a product that is applied to land.

(ii) Burned for energy recovery or used to produce a fuel unless the used oil is excluded under subparagraph (B) or (C) of paragraph (2) of subdivision (d).

(iii) Accumulated speculatively.

(iv) Determined to be inherently wastelike pursuant to regulations adopted by the department.

(f) (1) Any person who manages a recyclable material under a claim that the material qualifies for exclusion or exemption pursuant to this section shall provide, upon request, to the department, the Environmental Protection Agency, or any local agency or official authorized to bring an action as provided in Section 25180, all of the following information:

(A) The name, street and mailing address, and telephone number of the owner or operator of any facility that manages the material.

(B) Any other information related to that person's management of the material requested by the department, the Environmental Protection Agency, or the authorized local agency or official.

(2) Any person claiming an exclusion or an exemption pursuant to this section shall maintain adequate records to demonstrate to the satisfaction of the requesting agency or official that there is a known market or disposition for the material, and that the requirements of any exemption or exclusion pursuant to this section are met.

(3) For purposes of determining that the conditions for exclusion from classification as a waste pursuant to this section are met, any person, facility, site, or vehicle engaged in the management of a material under a claim that the material is excluded from classification as a waste pursuant to this section shall be subject to Section 25185.

(g) For purposes of Chapter 6.8 (commencing with Section 25300), recyclable materials excluded from classification as a waste pursuant to this section are not excluded from the definition of hazardous substances in subdivision (g) of Section 25316.

(h) Used oil that fails to qualify for exclusion pursuant to subdivision (d) solely because the used oil is a RCRA hazardous waste may be managed pursuant to subdivision (d) if the used oil is also managed in accordance with the applicable requirements of Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations.

(Amended by Stats. 1996, Ch. 433, Sec. 1. Effective January 1, 1997.)

25143.3. The Environmental Protection Agency regulations regarding spent sulfuric acid as set forth in Section 261.4(a)(7) of Title 40 of the Code of Federal Regulations (50 Fed. Reg. 665) are the regulations of the department and shall remain in effect until the department adopts regulations regarding this subject. It is the intent of the Legislature that the regulations adopted by the department be at least equivalent to, and in substantial conformance with that Section 261.4(a)(7). Further, it is the intent of the Legislature that the department may define in the regulations the term "spent sulfuric acid" as it deems necessary to avoid sham recycling, as described on page 638 of Volume 50 of the Federal Register by the Environmental Protection Agency.

(Added by Stats. 1985, Ch. 1594, Sec. 7.)

25143.4. (a) The department shall adopt regulations pursuant to this section, which authorize the reuse of pulping liquors that are reclaimed in a pulping liquor recovery furnace, and which are equivalent to the regulations in Section 261.4 (a)(6) of Title 40 of the Code of Federal Regulations.

Until the department adopts these regulations, the regulations adopted by the Environmental Protection Agency regarding pulping liquors that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, as set forth in Section 261.4 (a)(6) of Title 40 of the Code of Federal Regulations, shall be deemed to be the regulations of the department.

(b) To the extent consistent with the federal act, and notwithstanding any other provision of law, organic materials, including, but not limited to, crude sulfate turpentine and methanol, that are derived from wood processed at kraft pulping mills to produce wood pulp, may be burned as a fuel by the mill which produced the materials, without obtaining a hazardous waste facilities permit or other grant of authorization from the department, if all of the following requirements are met:

(1) The materials exhibit only the characteristics listed in Section 66261.21 of, and paragraph (6) of subdivision (a) of Section 66261.24 of, Title 22 of the California Code of Regulations.

(2) The materials have heating values comparable to that of commercially available fuels.

(3) The materials are not contaminated or mixed with hazardous constituents from other processes.

(4) The combustion of the materials is regulated by an air pollution control district or air quality management district.

(Added by Stats. 1995, Ch. 401, Sec. 1. Effective January 1, 1996.)

25143.5. (a) Except as provided in subdivisions (d), (e) and (f), the department shall classify as nonhazardous waste any fly ash, bottom ash, and flue gas emission control residues, generated from a biomass combustion process, as defined in subdivision (g), if the combustion process will be adequately monitored and controlled so as to prevent the handling or the disposal of any waste in a manner prohibited by law, unless the department determines that the ash or residue is hazardous, by testing a representative sample of the ash or residue pursuant to criteria adopted by the department.

(b) The fly ash, bottom ash, and flue gas emission control residues that are classified as nonhazardous by the department are exempt from this chapter.

(c) An operator of a biomass facility which converts biomass into energy for which the department has classified the ash or residue as hazardous shall notify the department whenever there has been a significant change in the waste entering the combustion process, the combustion process itself, or in the management of the ash or residues generated by the facility. An operator of a biomass facility that converts biomass into energy, with regard to which the department has classified the ash or residue as nonhazardous, shall notify the department when there has been a significant change in the waste entering the combustion process or in the combustion process itself.

(d) For purposes of classifying fly ash, bottom ash, and flue gas emission control residues generated by the combustion of municipal solid waste in a facility, with regard to which the department classified the ash or residue as nonhazardous, on or before January 1, 1985, the sampling of the ash or residue, for purposes of classification by the department, shall occur at the point in the process following onsite treatment of the ash or residue.

(e) Notwithstanding any other provision of law, this section applies only to fly ash, bottom ash, and flue gas emission control residues which are not RCRA hazardous waste.

(f) Notwithstanding any other provision of law, the test specified in the regulations adopted by the department with regard to a waste exhibiting the characteristic of corrosivity if representative samples of the waste are not aqueous and produce a solution with a pH that is less than, or equal to, two or greater than, or equal to, 12.5, as specified in paragraph (3) of subdivision (a) of Section 66261.22 of Title 22 of the California Code of Regulations, as that section read on January 1, 1996, shall not apply to ash generated from a biomass combustion process that is managed in accordance with applicable regulations administered by the California regional water quality control board, is used beneficially in a manner that results in lowering the pH below 12.5 but above 2.0, is not accumulated speculatively, and is available for commercial use.

(g) For purposes of this section, the following definitions shall apply:

(1) "Biomass combustion process" means a combustion process that has a primary energy source of biomass or biomass waste, and of which 75 percent of the total energy input is from those sources during any calendar year, and of which 25 percent or less of the other energy sources do not include sewage sludge, industrial sludge, medical waste, hazardous waste, radioactive waste, or municipal solid waste.

(2) "Biomass" or "biomass waste" means any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. "Biomass" or "biomass waste" does not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or radioactive waste.

(Amended by Stats. 1996, Ch. 962, Sec. 2. Effective January 1, 1997.)

25143.6. On or before February 15, 1988, the following California regional water quality control boards shall prepare a list of class III landfills, as specified in Section 2533 of Title 23 of the California Administrative Code, including at least one landfill in each specified water quality control region which is authorized to accept and dispose of shredder waste in accordance with State Water Resources Control Board Resolution No. 87-22: San Francisco Bay Region, Central Valley Region, Los Angeles Region, Santa Ana Region, and San Diego Region.

(Amended by Stats. 1987, Ch. 1483, Sec. 1.)

25143.7. Waste containing asbestos may be disposed of at any landfill which has waste discharge requirements issued by the regional water quality control board which allow the disposal of such waste, provided that the wastes are handled and disposed of in accordance with the Toxic Substances Control Act (P.L. 94-469) and all applicable laws and regulations.

(Added by Stats. 1986, Ch. 1451, Sec. 8. Effective September 30, 1986.)

25143.8. (a) For purposes of this section, "cementitious material" means cement, cement kiln dust, clinker, and clinker dust.

(b) The test specified in the regulations adopted by the department with regard to a waste exhibiting the characteristic of corrosivity if representative samples of the waste are not aqueous and produce a solution with a pH less than or equal to 2 or greater than or equal to 12.5, as specified in paragraph (3) of subdivision (a) of Section 66261.22 of Title 22 of the California Code of Regulations, as that section read on January 1, 1996, shall not apply to waste cementitious material which is managed in accordance with applicable regulations administered by the California regional water quality control board at the cement manufacturing facility where it was generated.

(c) Cementitious material which is a nonaqueous waste, is managed in accordance with applicable regulations administered by the regional water quality control board at the cement manufacturing facility where it was generated, and would otherwise be classified as a hazardous waste based solely on the test specified in paragraph (3) of subdivision (a) of Section 66261.22 of Title 22 of the California Code of Regulations, as that section read on January 1, 1996, is excluded from classification as a hazardous waste pursuant to this chapter.

(Added by Stats. 1995, Ch. 847, Sec. 1. Effective January 1, 1996.)

25143.9. A recyclable material shall not be excluded from classification as a waste pursuant to subdivision (b) or (d) of Section 25143.2, unless all of the following requirements are met:

(a) If the material is held in a container or tank, the container or tank is labeled, marked, and placarded in accordance with the department's hazardous waste labeling, marking, and placarding requirements which are applicable to generators, except that the container or tank shall be labeled or marked clearly with the words "Excluded Recyclable Material" instead of the words "Hazardous Waste," and manifest document numbers are not applicable. If the material is used oil, the containers, aboveground tanks, and fill pipes used to transfer oil into underground storage tanks shall also be labeled or clearly marked with the words "Used Oil".

(b) The owner or operator of the business location where the material is located has a business plan that meets the requirements of Section 25504, including, but not limited to, emergency response plans and procedures, as described in subdivision (b) of Section 25504, which specifically address the material or that meet the department's emergency response and contingency requirements which are applicable to generators of hazardous waste.

(c) The material shall be stored and handled in accordance with all local ordinances and codes, including, but not limited to, fire codes, governing the storage and handling of the hazardous material. If a local jurisdiction does not have an ordinance or code regulating the storage of the material, including, but not limited to, an ordinance or code requiring secondary containment for hazardous material storage areas, the material shall be stored in tanks, waste piles, or containers meeting the department's interim status regulations establishing design standards applicable to tanks, waste piles, or containers storing hazardous waste.

(d) If the material is being exported to a foreign country, the person exporting the material shall meet the requirements of Section 25162.1.

(Amended by Stats. 1994, Ch. 1154, Sec. 2. Effective January 1, 1995.)

25143.10. (a) Except as provided in subdivisions (e) and (f), any person who recycles more than 100 kilograms per month of recyclable material under a claim that the material qualifies for exclusion or exemption pursuant to Section 25143.2 shall, on or before July 1, 1992, and every two years thereafter, provide to the local officer or agency authorized to enforce this section pursuant to subdivision (a) of Section 25180, all of the following information, using the format established pursuant to subdivision (d), in writing:

(1) The name, site address, mailing address, and telephone number of the owner or operator of any facility that recycles the material.

(2) The name and address of the generator of the recyclable material.

(3) Documentation that the requirements of any exemptions or exclusions pursuant to Section 25143.2 are met, including, but not limited to, all of the following:

(A) Where a person who recycles the material is not the same person who generated the recyclable material, documentation that there is a known market for disposition of the recyclable material and any products manufactured from the recyclable material.

(B) Where the basis for the exclusion is that the recyclable material is used or reused to make a product or as a safe and effective substitute for a commercial product, a general description of the material and products, identification of the constituents or group of constituents, and their approximate concentrations, that would render the material or product hazardous under the regulations adopted pursuant to Sections 25140 and 25141, if it were a waste, and the means by which the material is beneficially used.

(b) Except as provided in Section 25404.5, the governing body of a city or county may adopt an ordinance or resolution pursuant to Section 101325 to pay for the actual expenses of the activities carried out by local officers or agencies pursuant to subdivision (a).

(c) If a person who recycles material under a claim that the material qualifies for exclusion or exemption pursuant to Section 25143.2 is not the same person who generated the recyclable material, the person who recycles the material shall, on or before July 1, 1992, and every two years thereafter, provide a copy of the information required to be submitted pursuant to subdivision (a) to the generator of the recyclable material.

(d) The person providing the information required by subdivision (a) shall use a format developed by the California Conference of Directors of Environmental Health in consultation with the department. The department shall distribute the format to local officers and agencies authorized to enforce this section pursuant to subdivision (a) of Section 25180.

(e) A recyclable material generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste treatment manufacturing unit is not subject to the requirements of this section, until the recyclable material exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the material remains in the unit for more than 90 days after the unit ceases to be operated for manufacturing, storage, or transportation of the product or raw material.

(f) A local officer or agency authorized to enforce this section pursuant to subdivision (a) of Section 25180 may exempt from subdivision (a) any person who operates antifreeze recycling units or solvent distillation units, where the recycled material is returned to productive use at the site of generation, or may require less information than that required under subdivision (a) from the person.

(Amended (as amended by Stats. 1995, Ch. 639) by Stats. 1996, Ch. 1023, Sec. 230. Effective September 29, 1996.)

25143.11. (a) The department shall, on or before January 1, 1997, to the extent that it is consistent with the federal act and the protection of the public health, safety, and the environment, adopt regulations exempting secondary materials from this chapter. Those regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. In adopting the regulations, the department shall consider the restrictions listed in paragraph (8) of subsection (a) of Section 261.4 of Title 40 of the Code of Federal Regulations which apply to the exclusion of secondary materials from regulation under the federal act.

(b) For purposes of this section, "secondary materials" means materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process.

(Added by Stats. 1995, Ch. 625, Sec. 1. Effective January 1, 1996.)

25143.12. Notwithstanding any other provision of law, debris that is contaminated only with petroleum or any of its fractions is exempt from regulation under this chapter if all of the following conditions are met:

(a) The debris consists exclusively of wood, paper, textile materials, concrete rubble, metallic objects, or other solid manufactured objects.

(b) The debris is not subject to regulation as a hazardous waste under the federal act.

(c) The debris does not contain any free liquids, as determined by the paint filter test specified in the regulations adopted by the department.

(d) The debris is disposed of in a composite lined portion of a waste management unit which is classified as either a Class I or Class II landfill in accordance with Article 3 (commencing with Section 2530) of Chapter 15 of Division 3 of Title 23 of the California Code of Regulations, the disposal is made in accordance with the applicable requirements of the California regional water quality control board and the California Integrated Waste Management Board, and, if the waste management unit is a Class II landfill, it is sited, designed, constructed, and operated in accordance with the minimum standards applicable on or after October 9, 1993, to new or expanded municipal solid waste landfills, which are contained in Part 258 (commencing with Section 258.1) of Subchapter I of Chapter 1 of Title 40 of the Code of Federal Regulations, as those regulations read on January 1, 1996.

(Added by Stats. 1996, Ch. 214, Sec. 1. Effective January 1, 1997.)

25144. (a) For purposes of this section, the following terms have the following meaning:

(1) "Oil" means crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute pressure. "Oil" does not include any of the following, unless it is exempt from regulation under paragraph (1) of subdivision (g) of Section 279.10 or paragraph (5) of subdivision (g) of Section 279.10 of Part

279 of Title 40 of the Code of Federal Regulations:

(A) Spent lubricating fluids which have been removed from an engine crankcase, transmission, gearbox, or differential of an automobile, bus, truck, vessel, heavy equipment, or machinery powered by an internal combustion engine.

(B) Spent industrial oils, including compressor, turbine, and bearing oil, hydraulic oil, metal-working oil, refrigeration oil, and railroad drainings.

(2) "Oil-bearing materials" means any liquid or semisolid material containing oil, partially refined petroleum products, or petroleum products. "Oil-bearing materials" do not include either of the following:

(A) Soil from remediation projects.

(B) Contaminated groundwater that is generated at, or originating from the operation, maintenance, or cleanup of, service stations, as defined in Section 13650 of the Business and Professions Code.

(3) "Oil recovery operations" means the physical separation of oil from oil-bearing materials by means of gravity separation, centrifugation, filter pressing, or other dewatering processes, with or without the addition of heat, chemical flocculants, air, or natural gas to enhance separation.

(4) "Petroleum refinery" means an establishment that has the Standard Industrial Classification Code 2911 and which is not subject to the permit requirements for the recycling of used oil imposed pursuant to Article 9 (commencing with Section 25200).

(5) "Subsidiary" means a corporate entity engaged in the exploration, production, transportation, refining, marketing, or distribution or crude oil or petroleum products.

(b) (1) Except as provided in paragraph (2), a biological process on the property of the producer treating oil, its products, and water, which meets the definition of a non-RCRA waste, and which produces an effluent that is continuously discharged to navigable waters in compliance with a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1342), is exempt from this chapter.

(2) Residues produced in the treatment process and subsequently removed that conform to any criterion adopted pursuant to Section 25141 are not exempt.

(c) To the extent consistent with the applicable provisions of the federal act, units, including associated piping, that are part of a system used for the recovery of oil from oil-bearing materials, and the associated storage of oil-bearing materials and the recovered oil, are exempt from this chapter, if all of the following conditions are met:

(1) The oil recovery operations are conducted at a petroleum refinery, or at another facility owned or operated by the corporate entity that owns or operates the refinery, or a corporate parent or subsidiary of the corporate entity.

(2) The oil-bearing materials are generated at the refinery or at another facility owned or operated by the corporate entity that owns or operates the refinery, or a corporate parent or subsidiary, including a sister subsidiary, of the corporate entity, or are generated in the course of oil or gas exploration or production operations conducted by an unrelated entity and placed in a common pipeline.

(3) The recovered oil is inserted into petroleum refinery process units to produce fuel or other refined petroleum products. This paragraph does not allow the direct blending, into final petroleum products, of oil-bearing materials or recovered oil that contain constituents that render these materials hazardous under the regulations adopted pursuant to Sections 25140 and 25141, other than those for which the material is being recycled.

(4) The recovered oil is not stored in a surface impoundment or accumulated speculatively at the refinery or at an offsite facility.

(5) Any residual materials removed from a unit that is exempt under this subdivision are managed in accordance with all other applicable laws.

(6) The oil-bearing materials would be excluded from classification as a waste pursuant to, or would otherwise meet the requirements for an exemption under, Section 25143.2, except that the following provisions do not apply to those oil-bearing materials:

(A) The prohibitions against prior reclamation in paragraphs (1), (2), and (3) of subdivision (b) of Section 25143.2.

(B) Subparagraph (C) of paragraph (2) of subdivision (c) of Section 25143.2.

(C) Paragraph (3) of subdivision (e) of Section 25143.2.

(D) Sections 25143.9 and 25143.10.

(Amended by Stats. 1995, Ch. 632, Sec. 2. Effective January 1, 1996.)

25144.6. (a) As used in this section, "reusable soiled textile materials" means textile items, including, but not limited to, shop towels, uniforms, gloves, and linens and towels which may become soiled with hazardous waste during commercial or industrial use, and are made reusable by laundering or comparable methods of cleaning.

(b) Reusable soiled textile materials which meet all of the following requirements are exempt from Section 25205.5 and from Article 6 (commencing with Section 25160) and Article 6.5 (commencing with Section 25167.1):

(1) The materials or the management of the materials are not otherwise regulated by the Environmental Protection Agency pursuant to the federal act.

(2) The materials are not used to clean up or control a spill or release that is required to be reported to any state or federal agency.

(3) No hazardous waste has been added after the materials' original use.

(4) No free liquids, as defined by Section 22-66260.10 of Title 26 of the California Code of Regulations, are released during transportation or storage of the materials.

(5) The facility laundering or cleaning the materials maintains records of the date, type, and quantities by piecework or weight of the materials collected and laundered.

(6) The facility laundering or cleaning the materials prepares a contingency plan which specifies procedures for handling both onsite and offsite emergencies involving the

materials, and employees are trained in the execution of the plan.

(c) Notwithstanding Sections 25201 and 25245, a facility laundering or using comparable methods of cleaning reusable soiled textile materials and performing the pretreatment necessary to remove metals and organics from the wastewater that results from the wash process is not required to obtain a hazardous waste facilities permit or other grant of authorization, and is exempt from the requirements of Article 12 (commencing with Section 25245), if the facility meets all of the following requirements:

(1) Management procedures are in place to ensure that the reusable soiled textile materials are managed in accordance with all the requirements specified in subdivision (b).

(2) The waste washwater conveyances and containers are constructed of materials to ensure that they are impervious under the conditions of use, and are visually inspected at least twice a year to ensure that waste washwater is not leaking into the underlying soil. A facility which is in compliance with this paragraph is not subject to the requirements of Section 22-66264.193 of Title 26 of the California Code of Regulations.

(3) The sludge collected from the washing process is managed in accordance with this chapter.

(4) The facility has a training program in place that ensures that the facility personnel are able to safely and properly handle and clean the reusable soiled textile materials and to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems.

(5) The facility is in compliance with the requirements of paragraphs (2) to (6), inclusive, and paragraphs (8) and (10), of subdivision (d) of Section 25201.5.

(6) (A) The facility complies with the notification requirements of paragraph (7) of subdivision (d) of Section 25201.5.

(B) Except as provided in Section 25404.5, the generator submits a fee in the amount required by Section 25205.14. The generator shall submit that fee within 30 days of the date that the fee is assessed by the State Board of Equalization, in the manner specified by Section 43152.10 of the Revenue and Taxation Code.

(d) This section does not affect the application of Section 25143.2 to reusable soiled textile materials.

(Amended by Stats. 1995, Ch. 639, Sec. 11. Effective January 1, 1996.)

25145. (a) This chapter shall not be construed to limit or abridge the powers or duties granted to the State Water Resources Control Board and each regional water quality control board by Division 7 (commencing with Section 13000) of the Water Code.

(b) Subdivision (a) shall not be construed to limit the power or authority of the department, or any agency or official authorized to enforce this chapter pursuant to subdivision (a) of Section 25180, to take any action necessary to ensure compliance with this chapter or with any regulation adopted pursuant to this chapter, or to limit the duty of any person to comply with this chapter or with any regulation, order, or permit issued pursuant to this chapter. An action taken pursuant to the powers and duties specified in subdivision (a) is not a defense to any action taken to enforce this chapter or any regulation, order, or permit issued pursuant to this chapter.

(Amended by Stats. 1995, Ch. 639, Sec. 12. Effective January 1, 1996.)

25145.4. No provision of this chapter, or any ruling of the department or director, shall be construed to limit or abridge the power of the Attorney General, at the request of the department or director, or upon his or her own motion, to bring an action in the name of the people of the State of California to enjoin any violation of the provisions of this chapter, seek necessary remedial action by any person who violates any of the provisions of this chapter, or seek civil and criminal penalties against any person who violates any of the provisions of this chapter.

(Added by Stats. 1982, Ch. 496, Sec. 2. Effective July 12, 1982.)

Article 4.5. State Regulation of Existing Hazardous Waste Facilities

(Article 4.5 added by Stats. 1981, Ch. 244.)

25146. The Legislature finds and declares that the number of hazardous waste disposal facilities is decreasing in the face of increasing demand, and that under present circumstances and law, imbalance between supply and demand is likely to further increase in the foreseeable future. This problem is general in nature, and does and will continue to exist in urban, suburban, and rural areas.

(Added by Stats. 1981, Ch. 244.)

25146.5. The Legislature further finds and declares that:

(a) It is a matter of urgent public necessity and statewide concern that the number of existing hazardous waste facilities be retained to the extent feasible.

(b) The availability of land suitable and capable of being developed as hazardous waste disposal sites is decreasing.

(c) Any decrease in the number of existing hazardous waste facilities increases the distance that it is necessary to transport hazardous waste in order to properly dispose of it.

(d) An increase in the distance which it is necessary to travel in order to properly dispose of hazardous waste encourages illegal disposal.

(Added by Stats. 1981, Ch. 244.)

25147. Except as expressly provided in Section 25149, it is not the intent of this article to preempt local land use regulation of existing hazardous waste facilities.

(Added by Stats. 1981, Ch. 244.)

25147.5. The definitions contained in this article shall govern the construction of only this article.

(Added by Stats. 1981, Ch. 244.)

25148. (a) Except as otherwise provided in subdivision (b), "existing hazardous waste facility" means a Class I disposal site, as defined in Section 2510 of Title 23 of the California Administrative Code on the effective date of this article, and which, in addition, is either:

(1) A facility operating as of May 1, 1981, pursuant to a valid hazardous waste facility permit issued by the department pursuant to Section 25200.

(2) A facility operating as of May 1, 1981, pursuant to a grant of interim status by the department pursuant to Section 25200.5.

(b) An "existing hazardous waste facility" does not include a facility which treats, disposes, stores, or recycles on the production site only hazardous wastes produced by the owner or lessee of such a facility.

(Added by Stats. 1981, Ch. 244.)

25148.5. "Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, but shall not include hazardous waste as defined in Section 25117.

(Added by Stats. 1981, Ch. 244.)

25149. (a) Notwithstanding any other provision of law, except as provided in Section 25149.5 or 25181 of this code or Section 731 of the Code of Civil Procedure, no city or county, whether chartered or general law, or district may enact, issue, enforce, suspend, revoke, or modify any ordinance, regulation, law, license, or permit relating to an existing hazardous waste facility so as to prohibit or unreasonably regulate the disposal, treatment, or recovery of resources from hazardous waste or a mix of hazardous and solid wastes at that facility, unless, after public notice and hearing, the director determines that the operation of the facility may present an imminent and substantial endangerment to health and the environment. However, nothing in this section authorizes an operator of that facility to violate any term or condition of a local land use permit or any other provision of law not in conflict with this section.

(b) The director shall, pursuant to subdivision (c), conduct the hearing specified in subdivision (a) to determine whether the operation of an existing hazardous waste facility may present an imminent and substantial endangerment to health and the environment whenever any of the following occurs:

(1) A state or federal public agency requires any person to evacuate a residence or requires the evacuation of a school, place of employment, commercial establishment, or other facility to which the public has access, because of the release of a hazardous substance from the facility.

(2) For more than five days in any month, the air emissions from the facility result in the violation of an emission standard for a hazardous air pollutant established pursuant to Section 7412 of Title 42 of the United States Code or the threshold exposure level for a toxic air contaminant, as defined in Section 39655.

(3) A state or federal public agency requires that the use of a source of drinking water be discontinued because of the contamination of the source by a release of hazardous waste, hazardous substances, or leachate from the facility.

(4) A state agency, or the board of supervisors of the county in which the facility is located, upon recommendation of its local health officer, makes a finding that the public health has been affected by a release of hazardous wastes from the facility. The finding shall be based on statistically significant data developed in a health effects study conducted according to a study design, and using a methodology, which are developed after considering the suggestions on study design and methodology made by interested parties and which are approved by the Epidemiological Studies Section in the Epidemiology and Toxicology Branch of the department before beginning the study.

(5) The owner or operator of the facility is in violation of an order issued pursuant to Section 25187 which requires one or both of the following:

(A) The correction of a violation or condition that has resulted, or threatens to result, in an unauthorized release of hazardous waste or a constituent of hazardous waste from the facility into either the onsite or offsite environment.

(B) The cleanup of a release of hazardous waste or a constituent of hazardous waste, the abatement of the effects of the release, and any other necessary remedial action.

(6) The facility is in violation of an order issued pursuant to Article 1 (commencing with Section 13300) of, or Article 2 (commencing with Section 13320) of, Chapter 5 of Division 7 of the Water Code or in violation of a temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to Article 4 (commencing with Section 13340) of Chapter 5 of Division 7 of the Water Code.

(c) Whenever the director determines that a hearing is required, as specified in subdivision (b), the director shall immediately request the Office of Administrative Hearings to assign a hearing officer to conduct the hearing, pursuant to this subdivision.

(1) After a hearing officer is assigned by the Office of Administrative Hearings, the director shall transmit to the hearing officer and to the operator of the existing hazardous waste facility, all relevant documents, information, and data that were the basis for the director's determination. The director shall also prepare a notice specifying the time and place of the hearing. The notice shall also include a clear statement of the reasons for conducting the hearing, a description of the facts, data, circumstances, or occurrences that are the cause for conducting the hearing, and the issues to be addressed at the hearing. The hearing shall be held as close to the location of the existing hazardous waste facility as is practicable and shall commence no later than 30 days following the director's request to the Office of Administrative Hearings to assign a hearing officer to the case.

(2) The hearing specified in paragraph (1) shall be conducted in accordance with Sections 11510 to 11515, inclusive, and Section 11525, of the Government Code. The hearing officer's proposed decision shall be transmitted to the director within 30 days after the case is submitted.

(3) The director may adopt the proposed decision of the hearing officer in its entirety or may decide the case upon the record, as provided in Section 11517 of the Government

Code. The director's decision shall be in writing and shall contain findings of fact and a determination of the issues presented. The decision is subject to judicial review in accordance with Section 11523 of the Government Code.

(Amended by Stats. 1986, Ch. 1502, Sec. 2. Superseded on July 1, 1997, by amendment by Stats. 1995, Ch. 938.)

25149. (a) Notwithstanding any other provision of law, except as provided in Section 25149.5 or 25181 of this code or Section 731 of the Code of Civil Procedure, no city or county, whether chartered or general law, or district may enact, issue, enforce, suspend, revoke, or modify any ordinance, regulation, law, license, or permit relating to an existing hazardous waste facility so as to prohibit or unreasonably regulate the disposal, treatment, or recovery of resources from hazardous waste or a mix of hazardous and solid wastes at that facility, unless, after public notice and hearing, the director determines that the operation of the facility may present an imminent and substantial endangerment to health and the environment. However, nothing in this section authorizes an operator of that facility to violate any term or condition of a local land use permit or any other provision of law not in conflict with this section.

(b) The director shall, pursuant to subdivision (c), conduct the hearing specified in subdivision (a) to determine whether the operation of an existing hazardous waste facility may present an imminent and substantial endangerment to health and the environment whenever any of the following occurs:

(1) A state or federal public agency requires any person to evacuate a residence or requires the evacuation of a school, place of employment, commercial establishment, or other facility to which the public has access, because of the release of a hazardous substance from the facility.

(2) For more than five days in any month, the air emissions from the facility result in the violation of an emission standard for a hazardous air pollutant established pursuant to Section 7412 of Title 42 of the United States Code or the threshold exposure level for a toxic air contaminant, as defined in Section 39655.

(3) A state or federal public agency requires that the use of a source of drinking water be discontinued because of the contamination of the source by a release of hazardous waste, hazardous substances, or leachate from the facility.

(4) A state agency, or the board of supervisors of the county in which the facility is located, upon recommendation of its local health officer, makes a finding that the public health has been affected by a release of hazardous wastes from the facility. The finding shall be based on statistically significant data developed in a health effects study conducted according to a study design, and using a methodology, which are developed after considering the suggestions on study design and methodology made by interested parties and which are approved by the Epidemiological Studies Section in the Epidemiology and Toxicology Branch of the department before beginning the study.

(5) The owner or operator of the facility is in violation of an order issued pursuant to Section 25187 which requires one or both of the following:

(A) The correction of a violation or condition that has resulted, or threatens to result, in an unauthorized release of hazardous waste or a constituent of hazardous waste from the facility into either the onsite or offsite environment.

(B) The cleanup of a release of hazardous waste or a constituent of hazardous waste, the abatement of the effects of the release, and any other necessary remedial action.

(6) The facility is in violation of an order issued pursuant to Article 1 (commencing with Section 13300) of, or Article 2 (commencing with Section 13320) of, Chapter 5 of Division 7 of the Water Code or in violation of a temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to Article 4 (commencing with Section 13340) of Chapter 5 of Division 7 of the Water Code.

(c) Whenever the director determines that a hearing is required, as specified in subdivision (b), the director shall immediately request the Office of Administrative Hearings to assign an administrative law judge to conduct the hearing, pursuant to this subdivision.

(1) After an administrative law judge is assigned by the Office of Administrative Hearings, the director shall transmit to the administrative law judge and to the operator of the existing hazardous waste facility, all relevant documents, information, and data that were the basis for the director's determination. The director shall also prepare a notice specifying the time and place of the hearing. The notice shall also include a clear statement of the reasons for conducting the hearing, a description of the facts, data, circumstances, or occurrences that are the cause for conducting the hearing, and the issues to be addressed at the hearing. The hearing shall be held as close to the location of the existing hazardous waste facility as is practicable and shall commence no later than 30 days following the director's request to the Office of Administrative Hearings to assign an administrative law judge to the case.

(2) The hearing specified in paragraph (1) shall be conducted in accordance with Article 8 (commencing with Section 11435.05) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of, and Sections 11511 to 11515, inclusive, of, the Government Code. The administrative law judge's proposed decision shall be transmitted to the director within 30 days after the case is submitted.

(3) The director may adopt the proposed decision of the administrative law judge in its entirety or may decide the case upon the record, as provided in Section 11517 of the Government Code. The director's decision shall be in writing and shall contain findings of fact and a determination of the issues presented. The decision is subject to judicial review in accordance with Section 11523 of the Government Code.

(Amended by Stats. 1995, Ch. 938, Sec. 66. Effective January 1, 1996. Operative July 1, 1997, by Sec. 98 of Ch. 938.)

25149.1. (a) No city, county, or city and county, whether general law or chartered, which has issued a conditional use permit for a hazardous waste facility shall thereafter adopt an ordinance, rule, or regulation, or issue or amend any permit, which adoption, issuance, or amendment imposes additional restrictions on the types of hazardous

State of California
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

CLEANUP AND ABATEMENT ORDER NO. 97-118

REQUIRING POWERINE OIL COMPANY
TO CLEANUP AND ABATE THE EFFECTS OF UNCONTROLLED RELEASES OF
PETROLEUM HYDROCARBONS
TO SOIL AND GROUND WATER

(File No. 85-18)

The California Regional Water Quality Control Board, Los Angeles Region, finds:

1. The Powerine Oil Company, a California corporation, (hereafter referred to as the Discharger), operates a 88 acre Refinery, located at 12345 Lakeland Road. The refinery includes the Bloomfield Property, located at 10820 Bloomfield Avenue, and interconnecting pipelines from the refinery to its former Marine Terminal located at Berth 73 Port of Long Beach. The Powerine Oil Company is currently owned by Energy Merchant Corporation.

2. The refinery site has been used for refining purposes since 1936. The refinery processes raw materials, including crude oil, raw naphtha to produce petroleum products. The components 1,2-dichloroethane and tetrachloroethene were used at the site and stored near the refinery laboratory in above ground tanks. Tetrachlorethene may have been used at the site as a catalyst activator and 1,2-dichloroethane may have been used as a lead scavenger. The main products produced by the refinery are transportation fuels, including kerosene, jet A fuel, unleaded gasoline, high and low sulfur diesel, fuel oil, and petroleum coke. The refinery also produces refinery gas and hydrogen, which are consumed internally by the refinery. In addition, the refinery produces revenue generating non-fuel by-products such as sulfur and carbon dioxide.

3. From 1968 to March 1986, the Discharger leased a small portion of the Walker property, located at 11240 Bloomfield Avenue, Santa Fe Springs, as a terminalling facility for storage and transferring of asphalt, jet fuel, gas oil, fuel oil, butane, carbon dioxide, and liquified petroleum gas. The two large tanks existed at the site as early as 1945, prior to Powerine use of the tanks.

4. In March 1984, Powerine sought Chapter 11 bankruptcy protection and shut down the refinery. In September, 1986, Powerine Oil Company emerged from bankruptcy. The refinery operated from 1986 until 1995 undergoing a series of ownership changes that ultimately resulted in a July, 1995 shutdown of their 49,500 barrel per day refining process and layoff of most of their 400 employees. During this time, Order No. 85-17 was adopted by this Regional Board directing Powerine Oil Company to conduct a subsurface investigation of their Refinery and to detect and assess any conditions of soil and ground water pollution which may be present. This Order provides that additional Orders shall be issued to correct any condition of pollution found. In response to this Order, the Discharger: Investigated the extent of ground water contamination originating from the

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Co./Dept. DTSC	Co. RWQCB	
Phone #	Phone # 323/266-7614	
Fax # 818/551-2841	Fax #	

refinery and initiated some soil cleanup and operation of a free-phase petroleum hydrocarbon product removal system. In 1991, free-phase hydrocarbon removal was suspended due to the unrecoverability of the remaining free-phase petroleum hydrocarbon on the ground water. Little free-phase petroleum hydrocarbon contamination remains but extensive dissolved-phase contamination remain on-site and off-site, including under the State Hospital to the south. In early 1996 the Energy Merchant Corporation acquired Powerine with the intent of restarting the refinery and reestablishing Powerine in the petroleum refining business. Powerine stated that the sale of its former administrative building and terminalling facility property located at 12354 Lakeland Road, is key to the financing of the proposed refinery start-up. To facilitate this sale, on June 24, 1997, Powerine requested that this Regional Board enter into a Prospective Purchaser Agreement covering only the Lakeland Road portion of their refinery property.

5. Prior to their request for a Prospective Purchaser Agreement, Powerine initiated shallow soil remediation on the Lakeland Property and requested a no further action letter to facilitate the sale of the land. This remediation action consisted of demolition of the above ground tanks and associated pipelines at the Lakeland Property and removal of about 5,100 cubic yards of petroleum hydrocarbon saturated soils for staging prior to treatment or off-site disposal.

6. After Powerine's remediation efforts, on May 14, 1997, staff issued a "No Further Action" letter regarding soil contamination which provided that reasonable precautions are to be taken by those involved in any excavation, borings or related activities involving the subsurface of the subject site. This no further action letter was based upon:

   a. Shallow soils meet the Board's cleanup goals for low risk sites. Deeper soil contamination remaining contain up to 27,000 mg/kg total petroleum hydrocarbon (TPH) as gasoline, up to 3.3 mg/kg methyl tertiary butyl ether (MTBE), 200 mg/kg benzene and up to 110 mg/kg naphthalene and pose no risk to surface development.

   b. A "Fate and Transport/Human Health Risk Assessment", dated March 21, 1997, and update of May 12, 1997, indicate that remaining site soil contaminants will not impact the ground water, the incremental cancer risk was predicted to be less than 0.5 in one million for a site industrial worker, and the non-carcinogenic hazard index was predicted to be less than 0.013.

   c. Existing ground water contamination with up to 14,000 mg/ℓ benzene was deferred from the no further action letter for later cleanup under the refinery cleanup and abatement Order. Analyses for three on-site production wells, screened in the Silverado aquifer, were below detection limits for all constituents except for 0.88 µg/ℓ toluene in production well number 6, which appeared to be an anomaly.

7. The refinery is underlain by several water-bearing zones. The uppermost water-bearing zone is the unconfined Artesia aquifer. The depth to ground water underlying the refinery is generally 80 feet to 100 feet below ground surface (bgs). Ground water flow direction is generally south in the vicinity of the refinery with an apparent ground water divide about one mile south of the refinery. A deeper probable water-bearing zone at about 200 feet to 400 feet bgs located in the Lynwood formation and a water bearing zone at about 600 to 800 feet bgs called the Silverado aquifer, is a drinking water source for the area.

8. Ground water production wells, screened in the Silverado aquifer, within four miles of the refinery supply drinking water for approximately 114,000 people, supplied by five water purveyors.

9. Free-floating hydrocarbon product was identified in the Artesia aquifer underlying the refinery and is known to have migrated off-site in this aquifer. The discharger initiated recovery of free floating hydrocarbon from the Artesia aquifer in the summer of 1990. As of March 1995, about 520 gallons of hydrocarbon have been recovered from the Artesia aquifer and the maximum hydrocarbon thickness has been reduced to from 2.96 feet to 0.3 feet.

10. The U.S. EPA conducted a Site Inspection Prioritization (SIP) of the refinery and prepared a report, dated September 11, 1995. This report indicated that further assessment is needed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), the Regional Board is the lead agency for this site and that EPA will continue to monitor the sites progress.

11. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles Region on June 13, 1994. This Water Quality Control Plan designates beneficial uses and establishes water quality objectives for all ground water within the Region. Existing or potential beneficial uses for ground water in the Coastal Plain, where the site is located, are municipal and domestic supply, agricultural supply, and industrial service and process supply. Ground water in the Silverado aquifer is usually of best quality and quantity.

12. The California Water Code, Section 13304, "Cleanup and Abatement Orders", requires in part, that any discharge of waste into the waters of the state, that creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Board cleanup such waste or abate the effects thereof. If such waste is cleaned up, the effects thereof abated, the person or persons who discharged the waste, shall be liable to that governmental agency [for its supervision] to the extent of the reasonable costs actually incurred in cleaning up such waste and abating the effects thereof.

13. Additionally, under the Aboveground Tank Act (SB 1050), the discharger is required to reimburse the State of California for staff oversight costs associated with cleanup and abatement activities. To that end, the discharger, via a letter dated March 11, 1993, agreed to reimburse the State of California for staff oversight costs associated with cleanup activities at this facility.

14. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

The Regional Board has notified the discharger of its intent to issue an Order requiring it to cleanup and abate conditions of soil and ground water pollution caused by the release of petroleum hydrocarbon products from their properties and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the tentative Order.

IT IS HEREBY ORDERED, pursuant to California Water Code 13304, that Powerine Oil Company shall:

1. Cleanup and abate the effects of on-site and off-site soil and ground water contamination originating from its refinery, including its Bloomfield Property, activities associated with two above ground storage tanks on the "Walker Property" located at 11240 Bloomfield Avenue, and its interconnecting pipelines to its former Marine Terminal, located at Berth 73 in the Port of Long Beach, Long Beach, California. In addition, cleanup and abate the effects of on-site and off-site ground water contamination which may have originated from its Lakeland Property, as required by this Regional Board.

2. Submit to this Regional Board by March 15, 1998, a Master Work Plan and time schedule for approval by the Executive Officer, that details all known on-site and off-site ground water and soil contaminated areas for cleanup. The Master Work Plan shall provide a time schedule for cleanup of all detailed ground water and soil contamination. These activities shall be conducted according to approved work plans, the requirements of the State Water Resources Control Board Resolution No. 92-49 "Policies and Procedure", and the time schedule specified in the Master Work Plan. The Master Work Plan shall include at a minimum the following items:

   a. An updated refinery source identification and elimination plan including a plan and time schedule for implementation of the site source identification and elimination program within 90 days of approval of the plan by the Executive Officer. The plan is to detect leakage from above ground tanks and associated piping, identify free phase petroleum hydrocarbon in the vadose zone, and remediate any petroleum hydrocarbon contamination in a timely manner.

   b. A plan and schedule for final site assessment of all soil and ground water contamination to:

      1) Fully delineate the extent of free-phase and dissolved phase ground water contamination in the upper saturated zone and underlying saturated zones. Off-site investigations coordinated to include neighboring facilities are

of the test results. Ground water sample collection procedures and analyses shall be according to an approved work plan.

c. The above data shall be submitted by hard-copy in a report and if requested, electronically in a format acceptable to the Executive Officer.

d. Investigative and remedial activities completed during the reporting period and activities proposed for the next reporting period.

5. Any request for time extensions of the completion dates, shown in the approved Master Work Plan, must include justification for such time extension and be submitted in writing to the Executive Officer for approval.

6. Abandonment of any ground water well(s) at the site must be reported to the Executive Officer in advance when possible, but no later than 14 days after removal. Any ground water well removed must be replaced within a reasonable time, at a location approved by the Executive Officer. With justification, the Executive Officer may approve of the abandonment of ground water wells without replacement. When a well is removed, all work shall be completed in accordance with all applicable well abandonment requirements.

7. All work, except the source elimination program, performed pursuant to this Order shall be under the direction and supervision of a registered Civil Engineer or Geologist or a Certified Engineering Geologist. The Discharger's contractor or consultant shall have the technical expertise sufficient to adequately perform all aspects of the work for which they are responsible.

8. When required, it is the intent of this Regional Board to issue Waste Discharge Requirements or other Orders pursuant to Section 13260, Section 13304, and/or Section 13350 of the Water Code to facilitate this cleanup and abatement activity.

9. The Regional Board and other Regional Board authorized representative shall be allowed:

a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;

b. Access to copy any records that are kept under the conditions of this order;

c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this order; and

d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the California Water Code.

10. Any investigation and cleanup and mitigation activities required by this Order, currently in progress or conducted in the past, shall be included and made a part of the cleanup program.

11. This Order is not intended to permit or allow the discharger to cease any work required by any other Order issued by this Regional Board, nor shall it be used as a reason to stop or redirect any investigation or mitigation activities not required by this Order or any other agency.

12. This Order in no way limits the authority of the Regional Board as contained in the California Water Code, to require additional investigation and cleanup pertinent to this project. It is the intent of this Regional Board to issue Waste Discharge Requirements or other Orders pursuant to Section 13260, Section 13304, and/or Section 13350 of the Water Code when appropriate to facilitate this cleanup and abatement activity. Additionally, continued monitoring of the ground water quality beneath this facility after the completion of this cleanup and abatement activity may be required.

13. Provide to the Regional Board advance notice of any planned physical alterations to the facility or planned changes in the facility's activities that may affect compliance with this Order.

14. This Order does not exempt the discharger from compliance with any other laws, regulations, or ordinances which may be applicable, nor does it legalize these waste treatment and disposal facilities and it leaves unaffected any further restraints on those facilities which may be contained in other statues or required by other agencies.

15. Provide to the Regional Board advance notice of any planned change in name, ownership, or control of the facility; provide notice to any succeeding owner or operator of the existence of this Order by letter; forward a copy of such notification to the Regional Board.

16. Pursuant to Section 13304 of the Water Code, the discharger shall reimburse the State Water Resources Control Board (SWRCB) for all reasonable costs incurred by the State Board and this Regional Board in overseeing the cleanup and abatement activities required by this order.

17. This order may be revised by the Regional Board through its Executive Officer as additional information on this site becomes available. Upon request by the discharger, and for good cause shown the Executive Officer may defer, delete or extend the date of compliance for any action required of the discharger under this Order. The authority of the Regional Board, as contained in the California Water code, to order investigation and cleanup additional to that described herein, is in no way limited by this Order.

Powerine Oil Company
Cleanup and Abatement Order No. 97-118

File No. 85-18

Failure to comply with the terms or conditions of this Order may result in the imposition of civil liabilities, either administratively by the Regional Board or judicially by the Superior Court, in accordance with Section 13350, et seq., of the California Water Code, and/or referral to the Attorney General of the State of California for such action as he may deem appropriate.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on August 25, 1997.

Dennis A. Dickerson

DENNIS A. DICKERSON
Executive Officer