

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Rico Duazo)
MEETING DATE: March 8, 2006

ITEM: 12

SUBJECT: TESORO REFINING and MARKETING COMPANY, PITTSBURG TERMINAL, PITTSBURG, CONTRA COSTA COUNTY - Status Report on Facility's Compliance with Industrial Storm Water General Permit.

CHRONOLOGY: September 1999 - Cleanup and Abatement Order 99-080 issued to Tesoro's predecessor, Diablo Services, for failure to comply with the State Board's General Permit to Discharge Stormwater from Industrial Activities (General Permit)

April 2002 - Tesoro submitted a Notice of Intent to obtain coverage under the General Permit

October 2003 - Staff approved Tesoro's BMPs as meeting Best Available Technology standard

DISCUSSION: At the February 2006 Board meeting, Baykeeper and the City of Pittsburg spoke during the public forum about coke dust in stormwater discharges from the area around Tesoro's terminal in Pittsburg. The purpose of this item is to report to the Board on Tesoro's compliance status with the General Permit. The attached staff report provides background information about the terminal, describes the issues involved, and provides recommendations for future actions.

The main issue is whether Tesoro is complying with the General Permit's requirements to implement best management practices (BMPs) that meet Best Available Technology Economically Achievable (BAT) to prevent fugitive coke dust from polluting stormwater runoff in the area adjacent to the terminal. Tesoro believes that its current practices are sufficient as BAT. Baykeeper believes that only fully enclosing Tesoro's coke pile will satisfy the BAT standard.

Since the February Board meeting, Board staff have investigated Baykeeper's claims and met with staff from the Bay Area Air Quality Management District, Tesoro, the City of Pittsburg, Baykeeper, and local citizens. The purpose of the meetings was to gather information about appropriate pollution controls for this type of facility, the effectiveness of Tesoro's

current practices in preventing coke discharges via stormwater, and to coordinate roles and responsibilities of the interested parties.

Based on the information gathered recently, staff concludes that the existing terminal does not allow for the wind-blown transport of coke off of the terminal's site. Note that the site is located adjacent to water, it is frequently windy in this area, and coke is a granular material. This wind transport of coke is of concern to residents in the area as a nuisance, and is of concern to this Board because coke released from the terminal makes its way to the adjacent waters, either directly or by being carried in stormwater runoff from the neighborhood adjacent to the site.

Given this fact, we conclude that contrary to our 2003 finding, the existing BMPs at the Tesoro terminal do not provide best available technology for the control of pollutants. We acknowledge that Tesoro does a good job of housekeeping, but this is not enough to compensate for inadequate BMPs.

Unless the Board directs otherwise, I plan to write a letter to Tesoro making the points given above, and requiring Tesoro to propose an effective solution and a schedule for that solution. At this point I believe that best available technology is a structural cover as is used by Tesoro's immediate neighbor, but I would like to leave that issue open for the moment. If staff and Tesoro cannot reach an agreement on this issue, I would bring the matter back before the Board for final resolution.

RECOMMEN-
DATION:

This item is for information only and no action is required.

File No. 2119.1048

APPENDICES: A - Staff Report
B - Location Map