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"An Association of Certified Unified Program Agencies"

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2015-2016

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TO: ALL UNIFIED PROGRAM AGENCIES

FROM: BILL JONES, ENFORCEMENT ISSUE COORDINATOR ^{SENT VIA EMAIL}

PHILLIPS 66 COMPANY INJUNCTIVE PROVISIONS

This is to summarize the injunctive provisions of the Phillips 66, a Delaware Corporation, statewide judgment dated April 21, 2015. The purpose of this communique is to provide Unified Program Agencies a document that outlines injunctive provisions to compare with any future potential violations.

This is also to provide clear direction on what to do if future violations occur and where this information should be sent. For those jurisdictions that have active involvement by a local prosecutor, this is the point of contact to send subsequent non-compliance information. If your jurisdiction does not have active prosecutorial involvement, you are requested to provide the information to Attorney General of California, Kamala D. Harris, Supervising Deputy Attorney General, Margarita Padilla, Deputy Attorney General Jason P. Garelick or Deputy Attorney General Brett J. Morris at (510) 622-2176.

What follows is a summary of the injunction provisions. For more detailed information, you are directed to the final court document referenced below.

Phillips 66 Company, a Delaware Corporation, Injunction Provisions (ref. Case No. RG-13661894, Stipulation for Entry of Final Judgment and Permanent Injunction dated 04/21/2015).

Phillips 66 Company, a Delaware Corporation, shall comply with:

California Health and Safety Code:

Sections 25299.01, 25299.04, 25189(c)

Chapters 6.5 (Sections 25100-25258.2): Hazardous Waste Control Law

Chapter 6.95 (Sections 25500-25519): Hazardous Materials Release Response Plans and Inventory Law

Chapter 6.7 of Division 20

The Unfair Competition Law

Additional injunctive provisions summarized without the statutory or regulatory citations:

a. Defendant shall not dispose, or cause the disposal of, any hazardous waste at a point not authorized or permitted by the Department of Toxic Substances Control ("DTSC"), including without limitation, to any trash compactor, dumpster, drain, sink, or toilet at any of the California Facilities, or onto the surface or subsurface of the ground at any unauthorized location, or at a landfill or transfer station not authorized to receive hazardous waste.

- b. Defendant shall determine, at each California Facility, if a generated waste is "hazardous waste," including but not limited to items returned by customers and wastes generated at its facilities as a result of a spill, container breakage or other means rendering the product not usable for its intended purpose.
- c. Defendant shall manage every hazardous waste so identified pursuant to paragraphs a and b.
- d. Defendant shall not transport, transfer custody of, or cause to be transported, any hazardous waste unless the transporter is properly licensed and registered to do so.
- e. Defendant shall not transport, or cause to be transported, any hazardous waste to an unauthorized location.
- f. Defendant shall lawfully and timely dispose of all accumulated hazardous waste from each California Facility at least one time during every ninety (90) day period (unless a longer interval is allowed for by California law or other law).
- g. Defendant shall timely cause to be prepared and filed with the Department of Toxic Substance Control ("DTSC") a hazardous waste manifest for all hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof.
- h. Defendant or Defendant's designated contractor shall contact the transporter and/or the owner or operator of the designated facility which was to receive any hazardous waste to determine the status of the hazardous waste in the event of non-receipt of a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter. Defendant shall timely notify the DTSC by filing an exception report concerning the failure of treatment, storage, or disposal facility to return any executed manifest.
- i. Defendant shall not treat, store, dispose of, transport, or offer for transportation, any hazardous waste without having received and used a proper identification number from the US Environmental Protection Agency or DTSC, for the originating facility.
- j. Defendant shall maintain a program for the lawful storage, handling and accumulation of hazardous waste, and for the lawful segregation of hazardous-waste items that are in leaking containers.
- k. Defendant shall maintain properly designated and designed hazardous waste storage areas, which include the segregation of hazardous wastes, and shall conduct weekly inspections of hazardous waste storage areas, at each California Facility.
- l. Defendant shall comply with all employee training obligations required by California Code of Regulations, pertaining to the handling of hazardous waste, including, but not limited to, retention of training records for the requisite time period for current and former employees. In addition, Defendant shall establish and maintain an employee training program designed to enhance employee awareness of any regulatory or statutory changes in environmental compliance laws.
- m. Defendant shall have in place at all times a hazardous waste contingency plan and emergency procedures for each California Facility.

n. Defendant shall, at each California Facility, continuously implement, maintain, and submit to the respective Unified Program Agency, a complete hazardous materials business plan. Each hazardous materials business plan shall include procedures for emergency response to a release or threatened release of hazardous materials. Such plan shall also include an employee training program that meets the requirements.

o. Defendant shall immediately report any release or threatened release of a reportable quantity of any hazardous material from any California Facility into the environment.

p. Defendant shall keep a copy of each manifest signed for three (3) years, or until the generator received a signed copy from the designated facility which received the hazardous waste.

q. Defendant shall properly manage, mark, and store universal waste in compliance with the standards for universal waste management.

r. Defendant shall comply with the implementing regulations and local regulations under the jurisdiction of the applicable CUPA related to the installation, operation, modification, repair or closure of UST systems.

s. Defendant shall comply with all related regulations and county ordinances and all county and State of California permits and orders based on those statutes and regulations in addition to those set forth above.

If you have any questions, please feel free to call me at 323-890-4042 or email me at bill.jones@fire.lacounty.gov.

WJ:lc

c: UP Enforcement Steering Committee