

CALIFORNIA ENVIRONMENTAL QUALITY ACT**NOTICE OF EXEMPTION**

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Permitting Division
8800 Cal Center Drive
Sacramento, CA 95826

Project Title: Denial of Permit Renewal Application for Delay of Closure of Pond 7 (aka ETP-1 Biotreater) at Martinez Refining Company LLC

Project Location: 3485 Pacheco Boulevard., Martinez, CA 94553

County: Contra Costa County

Project Applicant: Martinez Refining Co. LLC

Approval Action Under Consideration by DTSC: Permit Renewal Denial

Statutory Authority: California Health and Safety Code, Division 20, Chapter 6.5

Project Description: The Department of Toxic Substances Control (DTSC), as provided for by its permitting authority, has denied (i.e., disapproved) the renewal of the Hazardous Waste Facility Permit (Permit Renewal) for the Martinez Refining Company LLC (Permittee) located at 3485 Pacheco Blvd., Martinez, CA (Facility). The action of denial of a project by a public agency is statutorily exempt via Pub. Resources Code, §21080(b)(5).

As a result of denying the Permit Renewal Application, the Permittee will be required to start closing Pond 7 in accordance with an updated Closure Plan. This denial only affects one surface impoundment known as Pond 7 at Martinez Refining Company. Furthermore, the updated Closure Plan and changes to the long-term management and care of any post-closure activities may require future discretionary actions and/or approvals by DTSC.

Background: The Facility is located on an 881-acre site which lies on the south shore of the Carquinez Strait in the City of Martinez, Contra Costa County, California. Pond 7 functioned as an activated sludge wastewater treatment pond, through which all refinery process wastewater and some storm water run-off was processed. The pond is a 1.4-acre unlined surface impoundment with a capacity of 3.8 million gallons. The wastewater previously processed in Pond 7 contained levels of benzene above the RCRA hazardous waste limits. Regulatory changes in the 1990s precluded the continued use of the pond in handling hazardous waste. Two new effluent treatment plants (ETP-2 and ETP-3) were constructed, and benzene-laden wastewaters were diverted from Pond 7 into the new treatment units. Pond 7 has continued to receive non-hazardous wastewater under a Delay of Closure, issued by DTSC in August 2003, due to insufficient capacity of the ETP-2 and ETP-3 Biotreater systems. There are indications that seepage has been occurring from the pond, which poses a threat to groundwater.

The Permit Renewal application requested authorization to delay closure of Pond 7 for another ten-year term. However, there were several concerns that led DTSC to conclude the pond poses an unacceptable risk to human health and the environment. DTSC's concerns relate to the location and setting, design and construction, and current condition of the pond and are discussed in detail in the Final Fact Sheet. The permitted activities that endanger human health and the environment can only be regulated to acceptable levels by permit denial. Pursuant to Health and Safety Code Section

25200.8, the proceedings of the permit denial will be conducted in accordance with California Code of Regulations, title 22, division 4.5, chapters 20 and 21.

Project Activities: N/A (Permit Disapproval)

Name of Public Agency Disapproving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: N/A (Permit Disapproval)

Exempt Status: Statutory Exemption: [Pub. Resources Code § 21080(b)(5); Cal. Code Regs., tit., 14, § 15270(a)]

Reasons Why Project is Exempt: The project involves the renewal of the existing Permit for the Facility; however, DTSC determined, after initial screening of the project on the merits, to not approve the permit renewal, as summarized above, prior to the initiation of the CEQA process. CEQA does not apply to projects which a public agency rejects or disapproves.

Evidence to support the above reasons is documented in the project file record, available for inspection at:

Department of Toxic Substances Control
Permitting Division
8800 Cal Center Drive
Sacramento, CA 95826

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| Contact Person | Contact Title | Phone Number |
| Adan Amador | Hazardous Substances Engineer | (916) 659-1054 |

Approver's Signature:

Date:

1/31/2023
Click or tap to enter a date.

| | | |
|-----------------|-------------------------------------|-------------------------|
| Approver's Name | Approver's Title | Approver's Phone Number |
| Ryan Batty | Supervising Haz Substances Engineer | (916) 823-7617 |

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