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| <b>Docket Number:</b>   | 23-OIR-03   |
| <b>Project Title:</b>   | General Rulemaking Proceeding for Developing Regulations, Guidelines, and Policies for Implementing SB X1-2 and SB 1322 |
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**California Energy Commission  
May 8 Business Meeting  
Backup Materials for California Refinery Maintenance Reporting Guidelines**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Resolution, attached below.
2. Guidelines, attached below.
3. CEQA documents, attached below.

For the complete record, please visit:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OIR-03>.

To stay informed about this project and receive documents as they are filed, please subscribe to the proceeding Topic, which can be accessed here:

<https://public.govdelivery.com/accounts/CNRA/signup/31898>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

**California Refinery Maintenance  
Reporting Guidelines**

**Docket No. 23-OIR-03**

**[PROPOSED] RESOLUTION  
ADOPTING GUIDELINES**

**WHEREAS**, on March 28, 2023, the Legislature enacted, and the Governor signed Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, ch.1), which, among other things, added section 25354(m) to Chapter 4.5 of Division 15 of the Public Resources Code; and

**WHEREAS**, to improve reporting of data to the CEC about the petroleum market that is essential for the CEC's oversight functions and for the state to develop and administer energy policies in the best interests of the state and public welfare, Public Resources Code section 25354, subsection (n), paragraph (2) authorizes the CEC to adopt guidelines prescribing the manner in which the Executive Director shall implement section 25354, subdivision (m) of Chapter 4.5 of Division 15 of the Public Resources Code; and

**WHEREAS**, CEC staff prepared the California Refinery Maintenance Reporting Guidelines (Guidelines) to contain such guidelines, including the rules and procedures that clarify and revise the maintenance reporting requirements and procedures for refineries operating in California; and

**WHEREAS**, with gasoline prices continuing to spike and affecting Californians on a daily basis, it is imperative to quickly adopt these reporting requirements to immediately begin gathering the identified data to provide greater transparency to the petroleum market and provide the information needed to better address and understand the causes of these price spikes and prevent their continued occurrence;

**WHEREAS**, Public Resources Code section 25354, subsection (n), paragraph (2) states that the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to the adoption of this Guidelines; and

**WHEREAS**, on February 29, 2024, the CEC noticed and on March 18, 2024, held a workshop to discuss the proposed Guidelines; and

**WHEREAS**, on March 12, 2024, the CEC published the proposed Guidelines; and

**WHEREAS**, at the March 18, 2024 workshop the CEC presented an overview of the proposed Guidelines and established a written comment period up to and including April 1, 2024; and

**WHEREAS**, the CEC received two comment letters relevant to the proposed Guidelines during the written comment period; and

**WHEREAS**, CEC staff engaged with stakeholders throughout this process and modified the proposed Guidelines based on feedback received; and

**WHEREAS**, on April 26, 2024, the CEC provided notice to the listserves associated with CEC business meetings and SB X1-2 implementation, and on the business meeting webpage, that it designated May 8, 2024, as the date for the business meeting to consider adoption of the Guidelines; and

**WHEREAS**, on April 30, 2024, the CEC provided the updated proposed Guidelines for public review; and

**WHEREAS**, on May 8, 2024, the CEC considered the updated proposed Guidelines at its business meeting.

**THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:**

With regard to the California Environmental Quality Act (CEQA):

- The CEC has considered the application of CEQA to the proposed Guidelines and concluded that adoption of the proposed Guidelines is not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because adoption of the Guidelines will not result in a physical change to the environment or reasonably foreseeable indirect physical change to the environment. If adoption of the proposed Guidelines were determined to be a project, this action would nonetheless be categorically exempt from CEQA under the Class 6 Information Collection exemption (Pub. Resources Code, § 15061(b)(2); Cal. Code Regs., tit. 14, § 15306) and would also be exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

With regard to the Administrative Procedure Act:

- The proposed Guidelines is exempt from the Administrative Procedure Act pursuant to Public Resources Code section 25354, subsection (n), paragraph (2); and

**THEREFORE, BE IT RESOLVED** that, based on the entire record before it, the CEC finds that adoption of the proposed Guidelines is not a project under CEQA (Cal. Code Regs., tit. 14, § 15378(a)) because the Guidelines will not result in a direct physical change to the environment or reasonably foreseeable indirect physical change to the environment. The adoption of the proposed Guidelines is also exempt from CEQA as a categorical exemption under the Class 6 Information Collection exemption (Pub. Resources Code, § 15061(b)(2); Cal. Code Regs., tit. 14, §15306) and adoption of the Guidelines would also be exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).); and

**FURTHER BE IT RESOLVED** that, after considering all comments received and based on the entire record of this proceeding, the CEC hereby adopts the Guidelines, effective immediately, implementing the refinery maintenance reporting requirements, as published on April 30, 2024 and incorporating any changes presented and adopted today. The CEC takes this action under the authority of section 25213, 25218(e), and 25354(n)(2) of the Public Resources Code, which among other powers conferred authorize the CEC to adopt guidelines prescribing the manner in which the Executive Director of the CEC shall implement subdivision (m) of section 25354 of the Public Resources Code; and

**FURTHER BE IT RESOLVED** that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number 23-OIR-03, at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-oir-03> and posted on the CEC's website; and

**FURTHER BE IT RESOLVED** that, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to publish the adopted Guidelines, including but not limited to making any changes to the Guidelines adopted today, making appropriate non-substantive changes; preparing all appropriate documents; and filing a notice of exemption with the Office of Planning and Research.

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on May 8, 2024.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

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Kristine Banaag  
Secretariat



**CALIFORNIA  
ENERGY COMMISSION**



**CALIFORNIA  
NATURAL  
RESOURCES  
AGENCY**

California Energy Commission

## **COMMISSION GUIDELINES**

# **Senate Bill X1-2: California Refinery Maintenance Guidelines**

**First Edition**

**May 2024**



# California Energy Commission

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## **DISCLAIMER**

This Guidelines shall take affect when it is formally adopted by the Energy Commission on May 8, 2024, pursuant to Public Resources Code Section 25354 (n) (2). This Guidelines reflects the current reporting requirements implementing SB X1-2. Petroleum refineries in California must report all planned and unplanned maintenance, including turnarounds, to the Energy Commission in accordance with this Guidelines pursuant to Public Resources Code section 25354 (m). This Guidelines may be revised periodically to reflect market, regulatory, and legislative developments.



## **ACKNOWLEDGEMENTS**

The *Senate Bill X1-2: California Refinery Maintenance Guidelines, First Edition* was prepared with contributions from Andrea Bailey, Ryan Eggers, Kelsie Goff, Bryan Neff, Chad Oliver, Jesten Ruiz, and Alexander Wong.

## **ABSTRACT**

The *Senate Bill X1-2: California Refinery Maintenance Guidelines* (Guidelines) describes the reporting requirements for planned and unplanned refinery maintenance events. Informational requirements in this Guidelines include description and reason for the maintenance, service halt and return dates, process units involved, operational capacities, output decrease, inventory levels, supplemental purchases to replace lost production (in-state, out-of-state, and foreign imports), reductions of noncontracted sales, contractual supply obligations, and indication of initial estimates, revisions, or final values. Required reporting periods for planned and unplanned maintenance as well as guidelines for the Final Refinery Maintenance Reports (planned and unplanned) once maintenance has finished or units resume scheduled production rates are also outlined in this Guidelines.

**Keywords:** SBX1-2, Refinery Maintenance

Please use the following citation for this report:

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# CHAPTER 1:

## Introduction

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Under the Petroleum Industry Information Reporting Act of 1980 (PIIRA), the California Energy Commission (CEC) collects data about the petroleum market that is essential for the state to develop and administer energy policies in the best interests of the state and public welfare. Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, Ch. 1) expanded the information that refiners and other petroleum market participants are required to submit to the CEC under PIIRA, including information regarding planned and unplanned maintenance events and turnarounds. The CEC developed this *California Refinery Maintenance Reporting Guidelines* (Guidelines) pursuant to its statutory authority to implement and administer these maintenance reporting requirements.

Accurate information on refinery maintenance activity is crucial to the CEC's understanding of the petroleum market and any investigations of pricing behavior. This Guidelines is necessary to clarify the refinery planned and unplanned maintenance and turnaround requirements introduced by SB X1-2, and thereby enhance oversight and to protect Californians from future price spikes.

This Guidelines reflects the current reporting requirements implementing SB X1-2. The CEC recognizes that it may need to be revised periodically to reflect market, regulatory, and legislative developments.

This edition of the Guidelines, referred to as the *California Refinery Maintenance Guidelines, First Edition*, shall take effect when the CEC adopts the Guidelines in accordance with Public Resources Code Section 25354 (n) (2).

# **Chapter 2**

## **Authority, Interpretation, and Reporting Requirements**

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The Guidelines is adopted under Public Resources Code section 25354 (n) (2), which provides that the CEC may adopt guidelines governing the maintenance-related reporting requirements set forth in Public Resources Code section 25354 (m). This Guidelines is exempt from the Administrative Procedure Act, as specified in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, as are any regulations, guidelines, or other standards adopted by the CEC pursuant to Public Resources Code section 25354 (n) (2).

Nothing in this Guidelines shall be construed to abridge the powers or authority of the CEC or any CEC-designated committee as specified in Division 15 of the Public Resources Code, commencing with Section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with Section 1001.

Unless specified otherwise by the CEC, this Guidelines and any subsequent updates shall take effect upon adoption by the CEC at a publicly noticed business meeting following Public Resources Code section 25354 (n) (2). This Guidelines and any subsequent updates may be given retroactive effect as specified by the CEC and according to statutory authority.

Except to the extent that the terms of this Guidelines provide otherwise, the definitions in California Code of Regulations, title 20, section 1363.1 and 1363.2 apply for the reporting requirements in this Guidelines.

Petroleum refineries in California must report all planned and unplanned maintenance, including turnarounds, to the CEC pursuant to Public Resources Code section 25354 (m).

# Chapter 3

## Maintenance Reports

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### California Planned Refinery Maintenance Report

This report shall contain all of the information detailed below in subsections A through M. Refer to our [PIIRA Forms and Instructions](#) web page for the Planned Refinery Maintenance Report and Instructions.

#### Reporting Period

Refiners shall submit Initial Planned Refinery Maintenance Reports at least 120 days before any planned maintenance or turnaround. If the need for planned maintenance or turnaround is identified less than 120 days prior to the scheduled event, refiners shall submit the initial report within two business days of discovering the need for planned maintenance and include all information available at that time. If any changes occur after the submission of the initial report, refiners shall submit a revised report within two business days, outlining the nature of the change in the description of planned work and updating any information fields affected by the change. Changes requiring a revised report may include, but are not limited to, securing contracts that impact inventory and supply estimates, commencing maintenance or turnaround work, delays in the receipt of repair components, and rescheduling the planned event. Refiners shall submit a Final Planned Refinery Maintenance Report with finalized dates and values to the executive director of the commission within two business days either after repairs on the units have completed or when units resume scheduled production rates, whichever occurs first.

#### Informational Requirements

- A. A brief description of planned work.
- B. The name and operational capacity of individual processing units involved, expressed in barrels per calendar day (B/CD), of each processing unit. Include any processing units that will have decreased output. For events involving multiple process units with differing schedules, refiners shall specify the halt and return-to-service dates for each process unit involved.
- C. The estimated halt service date. The date that each affected processing unit stops operation or reduces to the rate necessary for maintenance to proceed. Final reports shall contain the actual halt service date.
- D. The estimated return-to-service date when the affected processing unit(s) resumes at scheduled production rates. Final reports shall contain the actual return-to-service date.
- E. The daily decrease in output of material or substance produced by each affected processing unit, such as gasoline, diesel, or jet fuel components, expressed in barrels per day (BPD).
- F. The estimated drawdown of inventory levels of gasoline and gasoline blending components and other material or substance produced by each affected process unit that are controlled by the refiner at the refinery and at other storage locations in California during the planned maintenance event or turnaround. Final reports shall contain actual drawdown values totaled

to the return-to-service date of affected processing unit. Volumes shall be expressed in barrels.

G. The estimated inventory levels of gasoline and gasoline blending components and other material or substance produced by each affected processing unit that are controlled by the refiner at the refinery and at other storage locations in California during the planned maintenance event or turnaround. Final reports shall contain actual inventory levels at return-to-service date of affected processing unit. Volumes shall be expressed in barrels.

H. In-state-purchases from other market participants in California of gasoline and gasoline blend components and other material or substance produced by each affected processing unit in preparation for or during the planned maintenance event to replace lost production. Volumes shall be expressed in BPD.

I. Out-of-state purchases from other domestic market participants of gasoline and gasoline blend components and other material or substance produced by each affected processing unit in preparation for or during the planned maintenance event to replace lost production. Volumes shall be expressed in BPD.

J. Foreign Imports of gasoline and gasoline blend components and other material or substance produced by each affected processing unit in preparation for or during the planned maintenance event to replace lost production. Volumes shall be expressed in BPD.

K. Reductions of noncontracted sales of gasoline or other material or substance produced by each affected processing unit related to the planned maintenance event. Volumes shall be expressed in barrels.

L. The quantity of contractual supply obligations, expressed in barrels, for finished California-specification gasoline due during the planned maintenance event or turnaround.

M. Indication if the reported item is an initial estimate, revision, or final value.

## **California Unplanned Refinery Maintenance Report**

This report shall contain the information detailed below in subsections A through M. Refer to our [PIIRA Forms and Instructions](#) web page for the Unplanned Refinery Maintenance Report and Instructions.

### **Reporting Period**

For unplanned maintenance resulting in a shutdown of a refinery process lasting more than 24 hours or for unplanned processing unit rate reduction events that will result in a production loss of two percent or more of any marketable product class per facility, lasting three days or more, each reporting company shall provide the Initial Unplanned Refinery Maintenance Report within two business days of the initial event occurrence and the Final Unplanned Refinery Maintenance Report within two business days of the completion of repairs or when units resume scheduled production rates, whichever occurs first. If any changes occur during the maintenance event affecting a processing unit's return-to-service date after the submission of the initial report, refiners must provide a revised report within two business days after the change has been discovered to the executive director of the commission, outlining the nature of the change.

## **Informational Requirements**

- A. A description of the reason for the unplanned maintenance or processing unit rate reduction.
- B. The name and operational capacity of each processing unit involved in the unplanned maintenance event, expressed in B/CD. For events involving multiple processing units at differing occurrences, refiners shall specify the halt event date and return-to-service date for each processing unit involved.
- C. The specific halt event date of the event. The date that each affected processing unit stopped operation or reduced to the rate necessary for maintenance to proceed.
- D. The estimated return-to-service date. when the affected processing unit(s) resumes at scheduled production rates. Final reports shall contain the actual return-to-service date.
- E. The daily decrease in output of gasoline, diesel, and jet fuel components from each processing unit affected by the unplanned maintenance or rate reduction event.
- F. The estimated drawdown of inventory levels of gasoline and gasoline blending components and other material or substance produced by each affected processing unit that are controlled by the refiner at the refinery and at other storage locations in California during the unplanned maintenance or rate reduction event. Final reports shall contain actual drawdown values totaled to the return-to-service date of affected processing unit. Volumes shall be expressed in barrels.
- G. The inventory levels of gasoline and gasoline blending components and other material or substance produced by each affected processing unit that are controlled by the refiner at the refinery and at other storage locations in California during the unplanned maintenance or rate reduction event. Volumes shall be expressed in barrels.
- H. The volume of in-state purchases from other market participants in California of gasoline and gasoline blend components and other material or substance produced by each affected processing unit during the unplanned maintenance or rate reduction event to replace lost production. Volumes shall be expressed in BPD.
- I. The volume of out-of-state purchases from other domestic market participants of gasoline and gasoline blend components and other material or substance produced by each affected processing unit during the unplanned maintenance or rate reduction event to replace lost production. Volumes shall be expressed in BPD.
- J. The volume of foreign imports of gasoline and gasoline blend components and other material or substance produced by each affected processing unit during the unplanned maintenance or rate reduction event to replace lost production. Volumes shall be expressed in BPD.
- K. The volume of reductions in noncontracted sales of gasoline or other material or substance produced by each affected processing unit during the unplanned maintenance or rate reduction event. Volumes shall be expressed in barrels.
- L. The quantity of contractual supply obligations, expressed in barrels, for finished California-specification gasoline due during the unplanned maintenance or rate reduction event.
- M. Indication if the reported item is an initial estimate, revision, or final value.



# **Chapter 4**

## **Additional Requirements**

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### **Maintenance Turnaround Schedules**

Before submitting its maintenance turnaround schedule notification to the Division of Occupational Safety and Health pursuant to Section 7872 of the Labor Code, each refiner shall, pursuant to Public Resources Code section 25354 (m) (3), submit its turnaround schedule to the Executive Director of the CEC. This report shall be electronically submitted to the CEC in PDF format and match the submission to Division of Occupational Safety and Health.

## Memorandum

To: Docket 23-OIR-03

From: **Jeremy Smith, Deputy Director**  
Energy Assessments Division  
California Energy Commission

Date: April 30, 2024

**Subject:** California Environmental Quality Act Compliance for APA Exempt California Refinery Maintenance Reporting Guidelines Requirements

At the May 8, 2024 California Energy Commission (CEC) Business Meeting, CEC staff will propose that the CEC adopt a proposed resolution adopting California Refinery Maintenance Reporting Guidelines requirements to clarify reporting requirements authorized by the Petroleum Industry Information Reporting Act of 1980 (PIIRA) (Public Resources Code § 25350 et seq.), as modified by Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, ch. 1). SB X1-2, among other things, added refinery maintenance reporting requirements, as reflected in paragraph (m) to section 25354 of Division 15 of the Public Resources Code.

### I. Adoption of the Guidelines is Not a Project.

For purposes of complying with the California Environmental Quality Act (“CEQA,” Pub. Resources Code, § 21000 et seq.), staff recommends the CEC find that the adoption of the proposed California Refinery Maintenance Reporting Guidelines is not a project under CEQA. The proposed Guidelines clarifies the requirements of existing reporting obligations established in Public Resources Code section 25354. Section 25354, subsection (m) requires refineries to submit reports to the CEC regarding planned and unplanned maintenance events. The proposed Guidelines specifies the information required to be reported, sets forth procedures for filing the reports, clarifies the reporting templates, and clarifies other reporting requirements that involve identifying units (such as barrels or gallons) to be worked on and how long they will be out of service, and explaining how the refinery will manage inventory and production processes as a result. Since the CEC is only requiring information on resulting actions that would have occurred regardless of the data request, no change to the environment would result from this data request. Section 25355 requires refiners to submit reports to the CEC 120 days prior to planned maintenance events and 48 hours after unplanned maintenance events occur and are completed.

Section 15060 of the CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) states, in part, that a lead agency must first determine whether an activity is subject to CEQA and that an activity is not subject to CEQA if the activity is not a project as defined in section 15378. Section 15378 of the CEQA Guidelines further states that an activity is a project if it has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

In the case of this rulemaking, the proposed Guidelines clarifies interprets, and makes specific reporting requirements imposed by statute on refiners. These reporting requirements do not result in any direct physical change in the environment or any reasonably foreseeable indirect physical change in the environment. Rather, this action implements an administrative process and makes incremental changes to existing reporting obligations. Therefore, the adoption of this Guidelines is not a project and is not subject to CEQA.

**II. Even if Adoption of the Guidelines Were a Project, the Class 6 Exemption and the Common Sense Exemption Would Apply.**

Even if the adoption of the Guidelines implementing the revised refinery maintenance reporting requirements were determined to be a project for the purposes of CEQA, would be categorically exempt from CEQA under the Class 6 Information Collection exemption. (Pub. Resources Code, § 15061(b)(2); Cal. Code Regs., tit. 14, §15306.) Pursuant to Section 15306 of the CEQA Guidelines, activities that involve data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource, have been determined not to have a significant effect on the environment and are therefore exempt from CEQA. In this case, the regulations pertain solely to data collection and therefore and would fall within the Class 6 exemption as data collection activities.

Furthermore, none of the exceptions to exemptions listed in CEQA Guidelines section 15300.2 apply to this action, and there is no reasonable possibility that approval of the proposed regulations will have a significant effect on the environment due to unusual circumstances. For these reasons, the adoption of the Guidelines implementing the revised refinery maintenance reporting requirements would be exempt from CEQA if it were determined to be a project.

Adoption of the regulations would also be exempt from CEQA under the common sense exemption. (Cal. Code Regs., tit. 14, § 15061(b)(3).) CEQA only applies to projects that have the potential for causing a significant effect on the environment. A significant effect on the environment is defined as a substantial, or a potentially substantial, adverse change in the environment, and does not include an economic change by itself or beneficial changes to the environment. (Pub. Resources Code, § 21068; Cal. Code Regs., tit. 14, § 15382.) Because the action in question here concerns the adoption of regulations clarifying data collection requirements and procedures and the action does not result in, either directly or indirectly, any physical changes to the environment, it can be seen with certainty that there is no possibility that the adoption of the Guidelines implementing the revised refinery maintenance reporting requirements may have a significant effect on the environment. Therefore, this action is not subject to CEQA.

**III. Conclusion.**

As shown, adoption of the Guidelines implementing the revised refinery maintenance reporting requirements is not a project under CEQA and thus CEQA does not apply. Even if the adoption of these regulations were determined to be a project and CEQA did apply to the agency action, it would be exempt from CEQA as data collection under the Class 6 exemption in section 15306 of the CEQA Guidelines. Additionally, adoption of the regulations is consistent with the common sense exemption under section 15061(b)(3) of the CEQA Guidelines. For these

reasons, the adoption of the Guidelines by the CEC is not a project and would otherwise be exempt from CEQA, and a Notice of Exemption may be filed with the Office of Planning and Research.