

<b>DOCKETED</b>	
<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
<b>TN #:</b>	256272
<b>Document Title:</b>	Resolution of the California Refinery Maintenance Reporting Guidelines
<b>Description:</b>	N/A
<b>Filer:</b>	Kristine Banaag
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	5/9/2024 6:18:49 PM
<b>Docketed Date:</b>	5/10/2024

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

***IN THE MATTER OF:***

**California Refinery Maintenance  
Reporting Guidelines**

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

**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: Hochschild, Gunda, McAllister, Monahan, Gallardo

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

Dated: May 9, 2024

***SIGNED BY:***

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Kristine Banaag  
Secretariat