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Proposed Refinery Maintenance Scheduling Rule:

California Code of Regulations, Title 20.

Chapter 15. Refinery Maintenance Timing.

Article 1. Refinery Maintenance Scheduling.

§ 3400. Definitions.

In addition to the definitions provided below, the definitions provided in sections 1363.1 and 1363.2 of these regulations shall apply and all terms are to be construed in a manner consistent with their common commercial usage, absent an express indication to the contrary.

- (a) "Event" means a planned maintenance or turnaround event.
- (b) "Lost gasoline production" means the total volume of California specification gasoline production a refiner anticipates losing at a refinery as a direct result of an event.
- (c) "Refinery Maintenance and Turnaround Supply Plan" and "Plan" mean the refinery maintenance resupply planning report required by Public Resources Code section 25354(m) and defined in guidelines adopted by the Commission pursuant to Public Resources Code section 25354(n)(2).
- (d) "Resupply" means the volume of gasoline and blending components obtained, including through purchases, physical possession, or contractual arrangements, to supplement lost gasoline production that results from the event.
- (e) "Seasonal specification" means the seasonal Reid Vapor Pressure limits established in California Code of Regulations, title 13, sections 2260 et seq.

§ 3401. Refinery Maintenance Scheduling

- (a) Refiners shall plan ahead for each planned maintenance or turnaround event to ensure that any lost gasoline production does not adversely affect the California transportation fuels market.
- (b) At least 120 days prior to a planned maintenance or turnaround event that meets the following criteria, a refiner shall file a Refinery Maintenance and Turnaround Supply Plan that meets the requirements of subsection (c):

- (1) The event occurs in whole or in part on or between September 1, 2025 through October 31, 2025; and
 - (2) The event is anticipated to result in lost California specification gasoline production during that time period equal to or greater than either (1) 20,000 barrels per day for at least 21 days or (2) more than 450,000 barrels total.
- (c) A Refinery Maintenance and Turnaround Supply Plan subject to this subsection shall demonstrate resupply planning sufficient to ensure that lost gasoline production anticipated during the event does not adversely affect the California transportation fuels market. A plan in conformance with the following criteria satisfies this requirement:
 - (1) The plan demonstrates resupply of a volume of gasoline equal to or greater than 85% of lost gasoline production that occurs during the period specified in subsection (b)(1). The resupply shall match the seasonal specification of lost gasoline production.
 - i. Each barrel of resupply obtained via imports shall count as 1.3 barrels of resupply for the purposes of this section.
 - ii. A plan that includes resupply through the purchase or storage of gasoline blendstocks or gasoline blending components shall explain in detail how such materials will result in an equivalent amount of California specification gasoline.
 - (2) The plan demonstrates that resupply will be made available to the market at approximately the same rate as it would have been made available had the event not occurred.
 - (3) The plan demonstrates that the refiner will obtain resupply for the event through actions that minimize impacts to gasoline supply in the California market. This includes, but is not limited to, a demonstration that the refiner will not obtain resupply for the event via spot market purchases, unless the refiner demonstrates that such purchases will not adversely impact the California market.
- (d) The Executive Director shall review all Refinery Maintenance and Turnaround Supply Plans submitted pursuant to this section for consistency with the specified requirements and may, within 14 days after receiving a plan submitted at least 120 days prior to an event or seven days after receiving any revisions thereto, notify the refiner in writing that the plan was not complete and specify what information is missing or inadequately described. A plan shall be deemed complete when the Executive Director has received all required information.
- (e) The Executive Director shall, within 30 days of receiving a complete Refinery Maintenance and Turnaround Supply Plan or any revisions thereto, grant or deny the plan, in whole or in part, and notify the refiner of the decision. A denial under this subsection may trigger civil penalties pursuant to section 3403, but

shall not be construed to prohibit a refiner from undertaking planned or unplanned maintenance.

- (f) This article does not apply to events that commence earlier than 120 days after the effective date of these regulations.
- (g) This article does not apply to refineries with a nameplate crude oil refining capacity of less than 30,000 barrels per day.

§3402 Request for Exemption

- (a) A refiner may request an exemption from section 3401 if meeting the requirements in section 3401 would result in impacts that would outweigh the benefits of resupply, as specified in subdivision (c). An exemption request shall identify which provision(s) in subsection (c) provide a basis for granting the request and provide information and documentation to support each basis identified. An exemption request shall be submitted no later than 60 days prior to the planned event.
- (b) The Executive Director shall review an exemption request submitted pursuant to this section and may, within seven days after receiving the request, require additional information from the refiner as necessary to make a finding pursuant to subsection (c). The request shall be deemed complete when the Executive Director has received all the information needed to make the required findings.
- (c) The Executive Director shall, within 30 days of receiving a complete exemption request, grant or deny the request, in whole or in part, and notify the refiner of the determination. In granting an exemption, the Executive Director may establish alternative resupply requirements for the refiner as appropriate. The Executive Director shall grant an exemption request upon finding one or more of the following:
 - (1) California gasoline consumers would not be harmed by the refiner's otherwise insufficient resupply because of unique characteristics of the event, alternate arrangements made by the refiner, or some other reason that prevents such harm.
 - (2) Demand for California gasoline will be lower during the event period, such that a loss in gasoline production will be accounted for, independent of resupply.
 - (3) Extraordinary market conditions prevent a refiner from securing the specified gasoline or gasoline blendstocks.
 - (4) Compliance with the resupply requirements is impossible due to infrastructure limitations or another bona fide reason.

- (5) The benefits of compliance with the resupply requirements are outweighed by the impacts on the California transportation fuels market.
- (6) Compliance with the resupply requirements would endanger the health and safety of employees, local communities, or the public.

§ 3403 Civil Penalties

- (a) If a refiner fails to provide the information specified in this Article, the CEC may take such action to secure the information as authorized by law including, but not limited to, Public Resources Code section 25362.
- (b) A refiner that fails to perform resupply as specified in an approved plan without first obtaining an exemption pursuant to section 3402 shall be subject to a civil penalty pursuant to Public Resources Code section 25354.6.