State of California
Division of Occupational Safety and Health
Cal/OSHA Process Safety Management District Office
1450 Enea Circle, Suite 550 (Index Code 4037)
Concord, CA 94520-7996
Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty

To:
Chevron USA, Inc. dba Chevron Products Co.

and its successors
841 Chevron Way
Richmond, CA 94801

Inspection Site:
841 Chevron Way
Richmond, CA 94801

Inspection Number: 314325168
Inspection Date(s): 10/20/2010 - 12/28/2010

Issuance Date: 12/28/2010
CSHO ID: 17311
Optional Report #: 006-11
Reporting ID: 0950663

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

AMENDED CITATION

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

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Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751

Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

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PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make our payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: **Return** the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
1450 Enea Circle, Suite 550
Concord, CA 94520

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EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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State of California
Division of Occupational Safety and Health
Cal/OSHA No CA PSM District Office (0950663; 4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314325168
Inspection Dates: 10/20/2010 - 12/28/2010
Issuance Date: 12/28/2010
CSHO ID: I7311
Optional Inspection Nbr: 006-11

Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty

Company Name: Chevron USA, Inc. dba Chevron Products Co.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

AMENDED

"THIS CITATION AMENDS CITATION NO. 1 ISSUED ON 12/28/10 TO EXTEND THE ABATEMENT UNTIL 02/28/11 FOR ITEMS NO. 1. ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE. THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

Citation 1 Item 1 Type of Violation: General

T8CCR5162(c) Emergency eyewash facilities and deluge showers shall be in accessible locations that require no more than 10 seconds for the injured person to reach. If both an eyewash and shower are needed, they shall be located so that both can be used at the same time by one person. The area of the eyewash and shower equipment shall be maintained free of items which obstruct their use.

The emergency eyewash and shower facility located in the Fluidized Catalyst Cracker Unit were not located so that they both could be used at the same time by one person.

This violation was observed on October 20, 2010.

Date By Which Violation Must be Abated:	02/28/2011
Proposed Penalty:	$ 225.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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State of California
Division of Occupational Safety and Health
Cal/OSHA No CA PSM District Office (0950663; 4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Phone: (925) 602-2665 Fax: (925) 602-2668

Inspection Number: 314325168
Inspection Dates: 10/20/2010 - 12/28/2010
Issuance Date: 12/28/2010
CSHO ID: I7311
Optional Inspection Nbr: 006-11

Citation and Notification of Penalty

Company Name: Chevron USA, Inc. dba Chevron Products Co.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

AMENDED

"THIS CITATION AMENDS CITATION NO. 2 ISSUED ON 12/28/10 TO REDUCE THE ITEM TO A GENERAL; EXTEND THE ABATEMENT UNTIL 06/01/11; AND TO CHANGE THE AVD LANGUAGE FOR ITEMS NO. 1. ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE. THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER."

Citation 2 Item 1 Type of Violation: Serious

T8CCR 5189(f)(1)(A)
The employer shall develop and implement written procedures that provide clear instructions for safely conducting activities involved in each process consistent with the process safety information and shall address at least the following: (A) Steps for each operating phase:

The employers existing written operating procedures for normal shutdown do not contain clear instructions for cleaning the C-90 bottoms system strainers in the Fluidized Catalyst Cracker Unit.

This violation was observed on October 20, 2010.

Date By Which Violation Must be Abated:	06/01/2011
Proposed Penalty:	$ 4050.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

CUSA-CSB-0081989
EPA

State of California
Division of Occupational Safety and Health
Cal/OSHA No CA PSM District Office (0950663; 4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314325168
Inspection Dates: 10/20/2010 - 12/28/2010
Issuance Date: 12/28/2010
CSHO ID: I7311
Optional Inspection Nbr: 006-11

Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty

Company Name: Chevron USA, Inc. dba Chevron Products Co.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

AMENDED

"THIS CITATION AMENDS CITATION NO. 3 ISSUED ON 12/28/10 TO REDUCE THE ITEM TO A GENERAL AND EXTEND THE ABATEMENT UNTIL 01/31/11 FOR ITEMS NO. 1. ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE. THIS AMENDED CITATION SHALL BE POSTED WITH THE ORIGINAL CITATION FOR AT LEAST THREE WORKING DAYS OR UNTIL THE VIOLATIVE CONDITION IS ABATED, WHICHEVER IS LONGER.

"Citation 3 Item 1 Type of Violation: Serious

T8CCR 5189(e)(4) The employer shall establish a system to promptly address the team's findings and recommendations; document any actions taken to implement the team's recommendation; develop a written schedule of when these actions are to be completed; assure that the recommendations are resolved in a timely manner; make them available to operating, maintenance and any other persons who work assignments are in the facility, and who are affected by the recommendations or actions; and assure that the recommendations are evaluated in a timely manner or implement an alternative resolution which appropriately addresses the degree of hazard posed by the scenario.

A recommendation ranked as minor, in the employer's Process Hazard Analysis Report, dated 5/27/2008-9/16/2010 was failed to be addressed in a timely manner. Specifically, the concern during startup or steaming out of V-102's,V-105's, and V-106's Fractionator bottoms strainers, the potential to drain liquid to sewer along with solids may cause back splash resulting in possible fire or personnel injury. Employer's PHA report requires a resolution which appropriately addressed the degree of hazard posed by the scenario.

This violation was observed on October 20, 2010.

Date By Which Violation Must be Abated:	01/31/2011
Proposed Penalty:	$ 4050.00

Phone: (925) 602-2665 Fax: (925) 602-2668
Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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State of California
Division of Occupational Safety and Health
Cal/OSHA Process Safety Management District Office
1450 Enea Circle, Suite 550 (Index Code 4037)
Concord, CA 94520-7996
Phone: (925) 602-2665 Fax: (925) 602-2668
925 602-2665

AMENDED NOTICE OF PROPOSED PENALTIES

Company Name: Chevron USA, Inc. dba Chevron Products Co.
Inspection Site: 841 Chevron Way, Richmond, CA 94801
Mailing Address: 841 Chevron Way, Richmond, CA 94801

Issuance Date: 12/28/2010

Reporting ID: 0950663
Index Code: 4037

Summary of Penalties for Inspection Number 314325168

Citation 1, General	=	$	**225.00**
Citation 2, General	=	$	**4050.00**
Citation 3, General	=	$	**4050.00**
TOTAL PROPOSED PENALTIES	=	$	**8325.00**

NO CHANGE IN PENALTIES

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

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STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
NORTHERN CALIFORNIA PROCESS SAFETY MANAGEMENT DISTRICT OFFICE
1450 ENEA CIRCLE, SUITE 550
CONCORD, CA 94520-7998

CERTIFIED MAIL

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Received 1/19/2011

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T/C 3 Safety

Chevron USA, Inc. dba Chevron Products Co.

and its successors
841 Chevron Way
Richmond, CA 94801

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CERTIFIED-RRR

Attachment 2A – FCC NP2026 – Prep Fractionator Section for Service
Attachment 2B – FCC NP-2031 – Put C-90 Fractionator Section in Service
Attachment 2C – FCC NP-3106 – Shut Down C-90 Fractionator Section.

Note: On page 11, step 21.1.4, the "cokepot" listed is not related to the V-102B coke pot involved in the incident.

Attachment 2D – FCCJ066J – Switch V-105A/B/C/D

Regarding the job aid entitled "Cracking Area Business Unit FCC Plant FCCJ065J, Switch V-102A/B & V-106A/B," submitted on 10/20/10 during the inspection, Chevron considers this document to be Confidential Business Information (CBI) under both California and federal law.

3. Any and all "near misses" involving the vessels termed "coke pots" while removing coke.

The vessels termed "coke pots", in their current design, were not put in service until October 2005. Therefore, only "near miss" information on or after October 2005 has been provided.

Attachment 3 – Incident report #MITS-2006-551, dated February 10, 2006

4. Any and all training records from 10/31/2008 to present for REDACTED

Attachment 4A – Training records from 10/31/2008 to 10/26/2010 for
Attachment 4B – Training records from 10/31/2008 to 10/26/2010 for

5. State of California Form 5020 *Employer's Report of Occupational Illness and Injury* for

Attachment 5A – State of California Form 5020 Employer's Report of Occupational Illness and Injury for
Attachment 5B – State of California Form 5020 Employer's Report of Occupational Illness and Injury for REDACTED

6. Process Safety Information (PSI) and Process Safety Hazards (PHA) for FCC "fractionator bottom system" cleaning and "turnaround".

   PSI Information:
   Attachment 6A – Safety Information Sheet (SIS) for V-102-B
   Note: The information on page 3 of attachment 6A is no longer applicable; the vessel no longer exists. The information is retained for reference only.

   Attachment 6B – MSDS for Heavy Cat Cracked Distillate
   Attachment 6C – MSDS for Light Cat Cracked Distillate
   Attachment 6D – MSDS for Spent FCC Catalyst

   PHA Information:
   Attachment 6E – 2008 FCC PHA Revalidation Node 20, Fractionator Bottoms
   Attachment 6F – Chevron Integrated Risk Prioritization Matrix – This document explains the risk prioritization system used in Attachment 6E.

7. Process Safety Hazards (PHA) for processes involving use of "coke pots".

   Attachment 7A – 2008 FCC PHA Node 21
   Attachment 7B – 2008 FCC PHA Recommendation 16698
   Attachment 7C – FCC Consequence of Deviation Table

8. Injury & Illness Log 300A 2010 (not the summary).

   Attachment 8 – Injury & Illness Log 300 2010

9. P&ID for the Cracking Area Business Unit FCC Plant with the location of section V105 A/B/C/D and V103 A/B and V106 A/B identified.

   Attachment 9A – P&ID for V-102A/B Strainers & V-102C Knockout Pot (D-333138-5)
   Attachment 9B – P&ID for V-105A through D Strainers & V-105E/F Coke Knockout Pots (D-346233-2)
   Attachment 9C – P&ID for V-106A/B Strainers & V-106C Coke Knockout Pots (D-346235-2)

10. Work schedule for [illegible] and [illegible] for October 2010.

Attachment 10A – Work schedule for [illegible] and [illegible]e – October 1-11
Attachment 10B – Work schedule for [illegible]r and [illegible]le – October 12-31

11. Names and contact numbers for [illegible] and [illegible]e that were working in this area at the time of the accident on 10/17/10.

The only two persons working in the area at the time of the incident were [illegible] nd [illegible]e. They have been given Ms. Lisa Matta's Cal/OSHA office phone number. Please use Mr. Thomas DiPalma's phone number (510-242-2233) to contac[illegible] and

12. First responder names and a Chevron contact number for those responding to the incident of 10/17/10 involving [illegible].

Mike Poy (Fire Marshall – FSS1)
Daryl Johnson (Fire Marshall – FSS2)
Mike Roni (Fire Marshall – FSS3)
Greg Farina (Dispatcher)
Keith White (Battalion Chief)

All of the individuals listed above can be contacted via the Chevron Fire Department Battalion Chief's phone number, 510-242-2160.

13. Cal/OHSA document request dated October 26, 2010.

Attachment 13 - Cal/OHSA document request dated October 26, 2010

Although Chevron has reviewed the relevant files and discussed this issue with relevant staff, Chevron cannot categorically guarantee that it did not inadvertently overlook any relevant documents during its file review. As a consequence, Chevron reserves the right to modify, change or supplement its responses at the time it uncovers additional relevant information.

REDACTED

The Richmond Refinery considers all or part of the attached information to be Confidential Business Information (CBI) under both California and federal law. As a consequence, the Richmond Refinery requests that Cal/OSHA maintain the attached information indefinitely as CBI and requests immediate notification if Cal/OSHA disagrees with this request.

For questions, please contact Mr. Thomas DiPalma at (510) 242-2233.

Sincerely,

Jeff Hartwig

Jeff W. Hartwig

Cc: Thomas DiPalma

Enclosures

1. **Any and all incident investigation reports for the accident on 10/17/10 at "FCC Unit" in their entirety including but not limited to: witness statements, photographs, testing results, pressure and temperature readings, etc.**

   Per the amended document request the incident investigation report will be provided separately by November 19, 2010.

2. **Any and all operating procedures regarding use and inspection of vessels termed "coke pots" excepting, the job aid entitled "Cracking Area Business Unit FCC Plant FCCJ065J, Switch V-102A/B & V-106A/B," received on 10/20/10 during the inspection.**

Attachment 2A – FCC NP2026 – Prep Fractionator Section for Service