



Citation and Notification of Penalty

To:
Tosco Refining Co.
and its successors
150 Solano Way
Martinez, CA 94553

Inspection Number: 125869420
Inspection Date(s): 02/23/1999 -
Issuance Date: 08/04/1999
CSHO ID: F9862
Optional Report #: 043-99
Reporting ID: 0950622

Inspection Site:
150 Solano Way
Martinez, CA 94553

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.

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.

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

1300 I Street, Suite 940

Sacramento, CA 95814

Telephone: (916) 322-5080

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) 322-5080.

PENALTY PAYMENT

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. Make your check or money order payable to "CAL/OSHA". Please indicate the Inspection Number on the remittance. Return one copy of the Citation with your remittance 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 gravity based penalty for serious violations is 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 returned to 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

1465 Enea Circle, Bldg. E., Suite 900

Concord, CA 94520

Telephone: (925) 602-6517 Fax: (925) 676-0227

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 30 days 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.

State of California

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Citation 1 Item 1 Type of Violation: **General**

5189(j)(4)(B) Quality Assurance

Appropriate checks and inspections shall be performed as necessary to assure that equipment is installed properly and is consistent with design specifications and manufacturer's instructions:

50 Unit: Employer failed to perform appropriate checks and inspections to assure that the manufacturer's identifying nameplate for the V-1 fractionator pressure vessel was installed correctly and was consistent with design specifications.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 250.00

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Company Name: Tosco Refining Co.
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Citation 1 Item 2 Type of Violation: **General**

5218(d)(1) Benzene Regulated Areas

The employer shall establish a regulated area wherever the concentration of airborne benzene exceeds or can reasonably be expected to exceed either the PEL or the STEL:

- (a) 02/13/99 50 Unit: The employer failed to establish a regulated area about the leaking naphtha draw line which contained greater than 0.1% benzene by volume during an employee's attempt to stop the leak by closing down on a block valve in the line at the fractionator tower;*
- (b) 02/17/99 50 Unit: The employer failed to establish a regulated area during an employee's attempts to rod out bleeder valves on the naphtha draw line at the naphtha stripper deck;*
- (c) 02/18/99 50 Unit: The employer failed to establish a regulated area when employees attempted to drill out bleeder valves associated with the naphtha stripper level control valve;*
- (d) 02/19/99 50 Unit: The employer failed to establish a regulated area when employees removed the pipe spool section downstream of the naphtha stripper level control valve on the naphtha draw line;*
- (e) 02/22/99 50 Unit: The employer failed to establish a regulated area when an employee installed a clamp on the leaking naphtha draw line at permanent platform B of the fractionator tower. Nor did employer establish a regulated area during subsequent clean-up of the leaked liquid;*
- (f) 02/23/99 50 Unit: The employer failed to establish a regulated area when an employee opened flanges on the naphtha draw line to drain liquid from the line.*

Date By Which Violation Must be Abated:	09/21/1999
Proposed Penalty:	\$ 1500.00

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Company Name: Tosco Refining Co.
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Citation 1 Item 3 Type of Violation: **General**

5218(e)(5)(A) Benzene Additional Monitoring

The employer shall institute the exposure monitoring require under subsections (e)(2) and (e)(3) when there has been a change in the production, process, control equipment, personnel or work practices which may result in new or additional exposure to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures:

- (a) 02/13/99 50 Unit: Employer failed to institute exposure monitoring required under subsections (e)(2) and (e)(3) when a change in the process (failure of the naphtha draw line) resulted in new or additional exposures to benzene. No monitoring was performed on an employee who attempted to stop a leak in the naphtha draw line by closing down on a block valve in the line at the fractionator tower;*
- (b) 02/17/99 50 Unit: Employer failed to institute exposure monitoring required under subsections (e)(2) and (e)(3) when a change in the process (failure of the naphtha draw line) resulted in new or additional exosures to benzene. No monitoring was performed during an employee's attempts to rod out plugged bleeder valves on the naphtha draw line at the naphtha stripper deck;*
- (c) 02/18/99 50 Unit: Employer failed to institute exposure monitoring required under subsections (e)(2) and (e)(3) when a change in the process (failure of the naphtha draw line) resulted in new or additional exposures to benzene. No monitoring was performed during employees' attempts to drill out plugged bleeder valves associated with the naphtha stripper level control valve;*
- (d) 02/19/99 50 Unit: Employer failed to institute exposure monitoring required under subsections (e)(2) and (e)(3) when a change in the process (failure of the naphtha draw line) resulted in new or additional exposures to benzene. No monitoring was performed pipe fitter employees removed the pipe spool downstream of the naphtha stripper level control valve on the naphtha draw line;*
- (e) 02/22/99 50 Unit: Employer failed to institute exposure monitoring required under subsections (e)(2) and (e)(3) when a change in the process (failure of the naphtha draw line) resulted in new or additional exposures to benzene. No monitoring was performed when an employee installed a clamp on the leaking naphtha draw*

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line at permanent platform "B" of the fractionator tower. Nor was monitoring performed during subsequent clean-up of the leaked liquid;

(f) 02/23/99 50 Unit: Employer failed to institute exposure monitoring required under subsections (e)(2) and (e)(3) when a change in the process (failure of the naphtha draw line) resulted in new or additional exposures to benzene. No monitoring was performed when an employee opened flanges on the naphtha draw line to drain liquid from the line.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 1500.00

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Citation 1 Item 4 Type of Violation: **General**

5218(e)(5)(B) Benzene, Exposure Monitoring, Additional Monitoring

Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident:

(a) 02/10/99 50 Unit: Employer failed to monitor after employees closed a block valve on the naphtha draw line at the fractionator tower to stop a leak in order to ensure that exposures had returned to the level that existed prior to the incident;

(b) 02/22/99 50 Unit: Employer failed to monitor after clean-up of the leaking naphtha draw line at permanent platform "B" of the fractionator tower in order to ensure that exposures had returned to the level that existed prior to the incident.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 1500.00

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Citation 2 Item 1 Type of Violation: **Serious**

1930(a)(1) Flammable and Combustible Liquids

Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49, of the Code of Federal Regulations (DOT Regulations), shall be deemed to be acceptable:

02/23/99 50 Unit: During performance of construction maintenance work in an operating unit having multiple ignition sources, an employee drained a flammable liquid from a pipeline into an unapproved plastic container.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 7000.00

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Company Name: Tosco Refining Co.
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Citation 3 Item 1 Type of Violation: **Serious**

3329(b) Pipelines

All pressure piping shall be designed, constructed, installed, and maintained in accordance with good engineering practice. Piping which meets the requirements of the applicable ANSI B31 standard shall be considered as providing reasonable safety:

50 Unit: Employer failed to maintain certain portions of pressure piping in its naphtha draw line and one or more valves within the draw line in accordance with good engineering practice.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 7000.00

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Company Name: Tosco Refining Co.
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Citation 4 Item 1 Type of Violation: **Serious**

3329(d) Pipelines

When dismantling or opening closed pressurized or gravity fed systems, internal pressure shall be relieved or other methods utilized to prevent sudden release of pressure or spraying of liquid:

(a) 02/17/99 50 Unit: Before attempting to unplug a bleeder valve on the naphtha draw line using a welding rod, employer failed to relieve internal pressure or to utilize other methods to prevent sudden release of pressure or spraying of liquid;

(b) 02/23/99 50 Unit: During dismantling of piping on the naphtha draw line, employer failed to relieve internal pressure or to utilize other methods to prevent sudden release of pressure or spraying of liquid.

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Citation 5 Item 1 Type of Violation: **Serious**

5189(D)(2)(d) Process Safety Information

Process Safety Information. The employer shall develop and maintain a compilation of written safety information to enable the employer and the employees operating the process to identify and understand the hazards posed by processes involving acutely hazardous, flammable and explosive material before conducting any process hazard analysis required by this regulation. The employer shall provide for employee participation in this process. Copies of this safety information shall be made accessible and communicated to employees involved in the processes, and include...Information pertaining to the technology of the process shall include at least the following: (D) Safe upper and lower limits for process variables such as temperature, pressures, flows, levels and/or compositions:

Employer failed to develop and maintain a compilation of written safety information that included a safe upper temperature limit for the V-1 Fractionator pressure vessel before conducting a process hazard analysis. Employer's process safety information documented the safe upper temperature limit for the vessel as 675 degrees F. The maximum allowable design temperature is 650 degrees F.

Date By Which Violation Must be Abated: 09/21/1999
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Citation and Notification of Penalty

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Citation 6 Item 1 Type of Violation: **Serious**

5189(d)(3)(C) Process Safety Information

Process Safety Information. The employer shall develop and maintain a compilation of written safety information to enable the employer and the employees operating the process to identify and understand the hazards posed by processes involving acutely hazardous, flammable and explosive material before conducting any process hazard analysis required by this regulation.

(C) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the employer shall determine and document that the equipment is designed, maintained, inspected, tested and operating in a safe manner:

(a) 50 Unit: Employer failed to develop and maintain a compilation of written safety information that included a safe upper temperature limit for the V-1 Fractionator pressure vessel before conducting a process hazard analysis. Employer's process safety information documented the safe upper temperature limit for the vessel as 675 degrees F. The maximum allowable design temperature is 650 degrees F.

(b) 50 Unit: Employer failed to determine and document that the V-1 Fractionator pressure vessel constructed in 1945 in accordance with the API-ASME Code now no longer in use was operating in a safe manner. Employer documents show that the vessel, designed and constructed for a maximum temperature of 650 degrees F., was being operated above its design parameters;

(c) 50 Unit: Employer failed to document and maintain documentation that the replacement of the upper shell section of the V-1 Fractionator pressure vessel constructed in 1945 to the API-ASME Code now no longer in use was performed in accordance with code requirements, in order to maintain the code status of the vessel;

(d) 50 Unit: Employer failed to document and maintain documentation that the welding of additional pipe nozzles to the V-1 Fractionator pressure vessel constructed in 1945 to the API-ASME Code now no longer in use was performed in accordance with code requirements, in order to maintain the code status of the vessel.

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Citation 7 Item 1 Type of Violation: **Serious**

5189(e)(2)(A) Process Hazard Analysis (PHA)

The hazard analysis shall address:

(A) The hazards of the process:

Employer's process hazard analysis performed for 50 Unit failed to address the hazards of operating the V-1 Fractionator pressure vessel above its design temperature of 650 degrees F.

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Citation 8 Item 1 Type of Violation: **Serious**

5189(j)(1)(A) Mechanical Integrity Written Procedures

The employer shall establish and implement written procedures to maintain the ongoing integrity of process equipment and appurtenances:

- (a) Employer's implementation of its procedure to waterwash the Main Fractionator pressure vessel failed to maintain the ongoing integrity of process equipment and appurtenances;*
- (b) Employer failed to establish and implement written procedures for 50 Unit desalter pressure vessels which adequately addressed increased crude feed rates, lower API gravity crudes and desalinization in order to manage corrosion.*

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5189(j)(2)(C) Mechanical Integrity

The frequency of inspections and tests shall be consistent with applicable manufacturer's recommendations and good engineering practices and more frequently if determined necessary as dictated by operating history:

50 Unit: Employer failed to perform inspections and tests of process equipment and pressure piping in the V-1 Fractionator Overhead System, and the Naptha Section at frequencies consistent with good engineering practices or operating history.

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Citation 10 Item 1 Type of Violation: **Serious**

5189(k)(1) Hot Work Permit.

The employer shall develop and implement a written procedure for the issuance of "hot work" permits:

02/23/99 50 Unit: Employer failed to implement its written procedure for issuance of "hot work" permits prior to the use of a portable power pneumatic hacksaw to cut into a line containing a flammable liquid in an operating unit having multiple ignition sources.

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Citation 11 Item 1 Type of Violation: **Serious**

5189(o) Injury and Illness Prevention Program

The employer's Injury and Illness Prevention Program required by Section 3203 shall include applicable part(s) of this section:

Employer did not implement its Injury and Illness Prevention Program as per Section 3203(a), which requires employers to implement procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard. Employer performed a maintenance activity which involved cutting into a pipeline containing a flammable and toxic liquid in an operating plant without first draining the contents of the line, thereby exposing employees to the hazard of fire.

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State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
1465 Enea Circle, Bldg. E, Suite 900
Concord, CA 94520-5211

Inspection Number: 125869420
Inspection Dates: 02/23/1999 -
Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 12 Item 1 Type of Violation: **Serious**

5218(g)(1)(B) Benzene Respiratory Protection

Work operations for which the employer establishes that compliance with either the PEL or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration:

(a) 02/18/99 50 Unit: Respirators were not used during employee attempts to drill out plugged bleeder valves associated with the naphtha stripper level control valve;

(b) 02/19/99 50 Unit: Respirators were not used during removal of a pipe spool section downstream of the naphtha stripper level control valve;

(c) 02/22/99 50 Unit: Respirators were not used during employee installation of a clamp on the leaking naphtha draw line at permanent platform "B" of the fractionator tower. Nor were respirators used during the subsequent clean-up of the leaked liquid;

(d) 02/23/99 50 Unit: Respirators were not used during the opening of flanges on the naphtha draw line to drain liquid from the line.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/1999
\$ 2000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Concord, CA 94520-5211

Inspection Number: 125869420
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CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 13 Item 1 Type of Violation: **Serious**

5218(g)(1)(D) Benzene Respiratory Protection

For employees who are required to use respirators by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during (D) Emergencies:

02/23/99 50 Unit: An employee who attempted to close leaking naphtha draw line flanges during an emergency response was not using a respirator during the emergency.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 2000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 14 Item 1 Type of Violation: **Serious**

5218(h) Protective Clothing and Equipment

Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure appropriate use. Eye and face protection shall meet the requirements of article 10, Personal Safety Devices and Safeguards:

02/23/99 50 Unit: During work to drain liquid from the naphtha draw line flanges, the employee performing the work did not wear appropriate eye and face protection. Nor did the employee wear appropriate gloves and clothing to limit dermal exposure.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 2000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 15 Item 1 Type of Violation: **Willful Regulatory**

3204(e)(3)(A) Division of Occupational Safety and Health Access (To Employee Exposure and Medical Records) and
5218(k)(3)(B) Benzene Recordkeeping, Access to Records

Each employer shall, upon request, and without derogation of any rights under the Constitution of the United States, the Constitution of the State of California or the California Occupational Safety and Health Act of 1973, Labor Code sections 6300 et seq., that the employer chooses to exercise, assure the prompt access of representatives of the Chief of the Division of Occupational Safety and Health (DOSH) to employee exposure and medical records and to analyses using exposure or medical records:

Employee exposure monitoring records required by subsection (k)(1) shall be provided upon request for examination and copying to employees, employee representatives, and the Chief in accordance with section 3204.

Employer failed to provide employee exposure records after multiple requests by the Division.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 5000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
1465 Enea Circle, Bldg. E, Suite 900
Concord, CA 94520-5211

Inspection Number: 125869420
Inspection Dates: 02/23/1999 -
Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 16 Item 1 Type of Violation: **Willful Regulatory**

5218(M)(2)(B) Benzene Reporting Requirements

A written report shall be filed with the Chief within 15 calendar days thereafter which shall include a description of the operation or process and the in-plant location involved, a statement of the known or estimated extent of employee exposure to benzene, an analysis of the circumstances resulting in the emergency, and a description of remedial measures taken or to be taken, with specific completion dates, to prevent further similar incidents:

Employer failed to file a written report with the Chief within 15 calendar days pursuant to emergency response activities after the release of material from the naphtha draw line and subsequent fire on 02/23/99 in the 50 unit.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 5000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
1465 Enea Circle, Bldg. E, Suite 900
Concord, CA 94520-5211

Inspection Number: 125869420
Inspection Dates: 02/23/1999 -
Issuance Date: 08/04/1999
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 17 Item 1 Type of Violation: Willful General

6857(h) Vessels, Boilers and Pressure Relief Devices

(h) Alterations to pressure vessels shall be performed in compliance with the National Board Inspection Code/American National Standard ANSI/NB-23, 1992 Edition unless the material design and construction are accepted by the Division as equivalent to the ASME Code:

Employer failed to notify and to secure the Division's approval of its 1996 alteration to the V-1 Fractionator pressure vessel, in accordance with the National Board Inspection Code.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/1999
\$ 5000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Inspection Number: 125869420
Inspection Dates: 02/23/1999 -
Issuance Date: 08/04/1999
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 18 Item 1 Type of Violation: *Willful General*

6857(h)(1) Vessels, Boilers and Pressure Relief Devices

No alteration to a pressure vessel shall be made until authorized by a Qualified Inspector as defined in the Unfired Pressure Vessel Safety Orders:

50 Unit: Employer's 1996 alteration to the V-1 Fractionator pressure vessel by increasing the design temperature was not authorized by a Qualified Inspector as defined in the Unfired Pressure Vessel Safety Orders.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 5000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
1465 Enea Circle, Bldg. E, Suite 900
Concord, CA 94520-5211

Inspection Number: 125869420
Inspection Dates: 02/23/1999 -
Issuance Date: 08/04/1999
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 19 Item 1 Type of Violation: *Willful General*

6857(h)(2) Vessels, Boilers and Pressure Relief Devices

Alterations shall be performed by one of the following:

- (A) An organization in possession of a valid ASME Certificate of Authorization, provided that that the alteration is within the scope of such authorization.
- (B) An organization in possession of a valid Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors to use the National Board "R" symbol stamp provided that the alteration is within the scope of such authorization, and provided that the organization's alteration program has been reviewed and accepted by the Division.
- (C) An organization having welding procedures and welding operators qualified in accordance with Section IX of the ASME Code, provided that the organization's alteration program has been reviewed and accepted by the Division:

Employer's 1996 alteration to the V-1 Fractionator pressure vessel by increasing the design temperature was not performed by one of the following:

- (A) *An organization in possession of a valid ASME Certificate of Authorization, provided that the alteration is within the scope of such authorization.*
- (B) *An organization in possession of a valid Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors to use the National Board "R" symbol stamp provided that the alteration is within the scope of such authorization, and provided that the organization's alteration program has been reviewed and accepted by the Division.*

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
1465 Enea Circle, Bldg. E, Suite 900
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Inspection Number: 125869420
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Issuance Date: 08/04/1999
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

(C) An organization having welding procedures and welding operators qualified in accordance with Section IX of the ASME Code, provided that the organization's alteration program has been reviewed and accepted by the Division.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 5000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Inspection Number: 125869420
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Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 20 Item 1 Type of Violation: Willful General

6857(h)(4) Vessels, Boilers and Pressure Relief Devices

The employer making the alteration shall provide for inspection, documentation, and certification of the work and shall ensure prior authorization of the alteration by a Qualified Inspector holding a valid Certificate of Competency issued by the Division:

The employer making the alteration to the V-1 Fractionator pressure vessel by increasing its design temperature failed to provide for inspection, documentation, and certification of the work.

Date By Which Violation Must be Abated:	09/21/1999
Proposed Penalty:	\$ 5000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Concord, CA 94520-5211

Inspection Number: 125869420
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Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 21 Item 1 Type of Violation: **Willful Serious**

5189(f)(1)(B)(1) Operating Procedures

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:

(B) Operating Limits:

50 Unit: Employer failed to follow its written procedures for operating the V-1 Fractionator at a maximum of 675 degrees F.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 70000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Inspection Number: 125869420
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Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 22 Item 1 Type of Violation: *Willful Serious*

5189(f)(4) Operating Procedures

The employer shall develop and implement safe work practices to provide for the control of hazards during operations such as opening process equipment or piping and control over entrance into a facility by maintenance, contractor, laboratory or other support personnel. These safe work practices shall apply to employees and contractor employees:

(a) 50 Unit: Employer failed to implement the safe work practice of utilizing a written safety procedure, such as a Job Safety Analysis, to provide for the control of hazards during opening of the naphtha draw process piping containing a flammable liquid in an operating unit with multiple ignition sources;

(b) 50 Unit: Employer failed to implement its safe work procedure for control of hazardous energy during opening of the naphtha draw process piping containing a flammable liquid in an operating unit with multiple ignition sources;

(c) 50 Unit: Employer failed to implement its safe work procedure for preparing "Safe Work Permits" for operations with unique hazards, such as opening process piping containing a flammable, toxic liquid in an operating unit with multiple ignition sources;

(d) 50 Unit: Employer failed to implement its safe work procedure for controlling entrance into its operating process unit by maintenance and contractor employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/1999
\$ 70000.00

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

State of California
Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 23 Item 1 Type of Violation: Willful *Serious*

5189(h)(1) Contractors

The employer shall inform contractors performing work on, or near, a process of the known potential fire, explosion or toxic release hazards related to the contractor's work and the process, and require that contractors have trained their employees to a level adequate to safely perform their job. The employer shall also inform contractors of any applicable safety rules of the facility, and assure that the contractors have so informed their employees:

- (a) 02/23/99 50 Unit: Employer failed to assure that a contractor rigger employee was informed that a pipeline on and near which he was performing work in an operating unit having multiple ignition sources contained a flammable, toxic liquid;
- (b) 02/23/99 50 Unit: Employer failed to assure that a contractor crane operator employee was informed that a pipeline on and near which he was performing work in an operating unit having multiple ignition sources contained a flammable, toxic liquid;
- (c) 02/23/99 50 Unit: Employer failed to assure that a contractor carpenter employee was informed that a pipeline on and near which he was performing work in an operating unit having multiple ignition sources contained a flammable, toxic liquid.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/1999
\$ 70000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Concord, CA 94520-5211

Inspection Number: 125869420
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Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 24 Item 1 Type of Violation: Willful *Serious*

5189(l)(1)Management of Change

The employer shall establish and implement written procedures to manage changes (except for "replacement in kind") to process chemicals, technology, and equipment, and changes to facilities:

(a) *Employer failed to implement written procedures to manage a change in process chemistry due to increased throughput of more corrosive crude feed stocks to its Unit 50 crude unit;*

(b) *50 Unit: Employer failed to implement written procedures to manage a change in the process equipment specific to using the bypass valve on the naphtha draw line as a control valve.*

Date By Which Violation Must be Abated:

09/21/1999

Proposed Penalty:

\$ 70000.00

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

State of California

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Cal/OSHA District Office (0950622; 4028)
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Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 25 Item 1 Type of Violation: Willful *Serious*

6775(a) Static Electricity

Where not effectively grounded and/or bonded by contact or connection, provision shall be made to prevent the accumulation of static electrical charges which may create a source of ignition in the presence of flammable vapors or gases:

50 Unit: During performance of construction maintenance work, employees opened a pipeline containing a flammable liquid in an operating unit having multiple ignition sources, and drained the contents into an ungrounded, unbonded plastic container.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 70000.00

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

State of California

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Cal/OSHA District Office (0950622; 4028)
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Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 26 Item 1 Type of Violation: *Willful Serious*

6815(a) Opening Pipelines and Equipment

Before opening lines or other equipment the pressure shall be reduced to atmospheric or as near atmospheric as is practical. Employees shall be informed of the hazards due to the contents of lines or equipment and instructed as to the necessary precautions to be taken:

02/23/99 50 Unit: Before opening the naphtha draw line, employer failed to reduce pressure in the line to atmospheric or as near atmospheric as is practical.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 70000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 27 Item 1 Type of Violation: *Willful Serious*

6815(b) Opening Pipelines and Equipment

Lines and equipment containing flammable liquids shall be emptied of their contents, washed out, or steamed before being opened, as is practical:

02/23/99 50 Unit: Employer failed to empty the contents, wash or steam out the naphtha draw line which contained a flammable liquid before opening the line.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 70000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Issuance Date:
CSHO ID: F9862
Optional Inspection Nbr: 043-99



Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 28 Item 1 Type of Violation: Willful *Serious*

6815(c) Opening Pipelines and Equipment

Precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition before opening lines or equipment where flammable liquids or vapors may be present:

02/23/99 50 Unit: Employer failed to take precautions to prevent ignition by eliminating or controlling the multiple sources of ignition in an operating unit before opening the naphtha draw line which contained a flammable liquid.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/1999
\$ 70000.00

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

State of California

Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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CSHO ID: F9862
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Phone: (925) 602-6517 Fax: (925) 676-0227

Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 29 Item 1 Type of Violation: *Willful Serious*

6851(a) Leakage and Spill Control

Leaks or spills from pipe lines, piping, tanks, or other equipment shall, where possible, be promptly stopped. Reasonable efforts shall be made by inspection and maintenance to prevent the occurrence of such leaks or spills:

02/22/99 50 Unit: A clamp which had been installed on a leak in the naphtha draw line at permanent platform "B" of the fractionator tower was removed, allowing the leakage of a flammable liquid to continue in an operating unit having multiple ignition sources.

Date By Which Violation Must be Abated: 09/21/1999
Proposed Penalty: \$ 70000.00

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

State of California
Division of Occupational Safety and Health
Cal/OSHA District Office (0950622; 4028)
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Citation and Notification of Penalty

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553

Citation 30 Item 1 Type of Violation: *Willful Serious*

6857(b) Vessels, Boilers and Pressure Relief Devices

No pressure vessel shall be operated above its maximum allowable working pressure at coincident design temperature(s):

50 Unit: Employer operated the V-1 Fractionator pressure vessel above its maximum allowable working pressure at coincident design temperature.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/21/1999
\$ 70000.00

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.

State of California
Division of Occupational Safety and Health
1465 Enea Circle, Building E, Suite 900
Concord, CA 94520-5211
Phone: (925) 602-6517



NOTICE OF PROPOSED PENALTIES

Company Name: Tosco Refining Co.
Inspection Site: 150 Solano Way, Martinez, CA 94553
Mailing Address: 150 Solano Way, Martinez, CA 94553
Issuance Date: 08/04/1999
Index Code: 4028

Summary of Penalties for Inspection Number 125869420

Citation 1, General	= \$	4750.00
Citation 2, Serious	= \$	7000.00
Citation 3, Serious	= \$	7000.00
Citation 4, Serious	= \$	7000.00
Citation 5, Serious	= \$	7000.00
Citation 6, Serious	= \$	7000.00
Citation 7, Serious	= \$	7000.00
Citation 8, Serious	= \$	7000.00
Citation 9, Serious	= \$	7000.00
Citation 10, Serious	= \$	7000.00
Citation 11, Serious	= \$	7000.00
Citation 12, Serious	= \$	2000.00
Citation 13, Serious	= \$	2000.00
Citation 14, Serious	= \$	2000.00
Citation 15, Willful Regulatory	= \$	5000.00
Citation 16, Willful Regulatory	= \$	5000.00
Citation 17, Willful General	= \$	5000.00
Citation 18, Willful General	= \$	5000.00
Citation 19, Willful General	= \$	5000.00
Citation 20, Willful General	= \$	5000.00
Citation 21, Willful Serious	= \$	70000.00
Citation 22, Willful Serious	= \$	70000.00
Citation 23, Willful Serious	= \$	70000.00
Citation 24, Willful Serious	= \$	70000.00
Citation 25, Willful Serious	= \$	70000.00
Citation 26, Willful Serious	= \$	70000.00
Citation 27, Willful Serious	= \$	70000.00
Citation 28, Willful Serious	= \$	70000.00
Citation 29, Willful Serious	= \$	70000.00
Citation 30, Willful Serious	= \$	70000.00
TOTAL PROPOSED PENALTIES	= \$	810750.00

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. Make your check or money order payable to "CAL/OSHA". Please indicate the Inspection Number on the remittance.

RETURN THIS FORM, ALONG WITH A COPY OF THE CITATION AND NOTIFICATION OF PENALTY WITH YOUR REMITTANCE 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.