

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 4, Article 5, Section 770  
of the Boiler and Fired Pressure Vessel Safety Orders

Boiler Inspections**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

Summary and Response to Oral and Written Comments:I. Written Comments

Dennis Bolt, Senior Coordinator, Western States Petroleum Association (WSPA), by letter dated May 17, 2005.

Mr. Bolt stated that the WSPA is a trade association that represents the companies and other entities that conduct most of the petroleum-related operations in the western United States. These operations include production, transportation, refining, and marketing of petroleum and petroleum-based products. Mr. Bolt stated that WSPA supports the proposed amendments, which will assist member companies in better scheduling inspections of fired boilers found fit for service based on Division review.

Mr. Bolt stated that refineries have demonstrated high levels of expertise in predicting the reliability of fired boilers and avoid risk from extended service between inspections. Techniques to assess reliability and integrity of fired boilers, subsequent engineering analysis, and Division oversight have advanced to a high level of expertise that has assured safe operations. Mr. Bolt stated that the number of (inspection) extensions granted by the Division over the past decade with a safe outcome has given WSPA confidence that the proposal is justified.

Mr. Bolt noted that the proposed amendments would avoid unnecessary disruption to production cycles, increasing the industries ability to manufacture transportation fuels for California consumers. Also, avoiding unnecessary shutdowns and startups of processing units reduces risks as well as emissions of criteria pollutants that impact neighboring communities and the air basin.

On behalf of WSPA, Mr. Bolt thanked the Division's collaborative and extensive stakeholder process over the years that led to the proposal's development. Mr. Bolt urged for the proposal's adoption at the earliest date.

Response:

The Board acknowledges WSPA's support of the proposal and thanks Mr. Bolt for his comments.

Jimmy Brown, Manager Pressure Equipment Integrity, Shell Martinez Refinery, by letter dated May 18, 2005.

Comment:

Mr. Brown stated that Shell Oil Products Company is a member of WSPA and operates two refineries in California, one in Martinez and one in Los Angeles. He states that along with WSPA, Shell Martinez Refinery (SMR) supports the proposed amendment, which will improve their inspections schedules for boilers that qualify upon review by the Division.

Mr. Brown noted that boilers operated at SMR have demonstrated extremely high levels of safety and reliability, and that SMR has successfully obtained inspection extensions in the past because of their superior safety, maintenance, and inspection programs and the Division's close oversight. He stated that with many years of service proving that the safety and reliability of these systems have been maintained, SMR is confident that the proposed regulatory amendments are justified.

Mr. Brown stated that the proposed changes will benefit worker safety by lowering the frequency of the higher risk activity of start up and shut down. He noted that an additional benefit is optimized production schedules, resulting in less disruption of product flow to customers.

On behalf of SMR's technical staff, Mr. Brown thanked the Division for extensively involving industry stakeholders, which led to the proposed Safety Order amendments.

Response:

The Board acknowledges SMR's support of the proposal and thanks Mr. Brown for his comments.

II. Oral Comments

Oral comments received at the May 19, 2005, Public Hearing in Sacramento, California.

Mr. Dennis Bolt, representing WSPA.

Comment:

Mr. Bolt highlighted points from his written comment, stating that he supports the proposal because it is good for citizens by avoiding unnecessary disruption of petroleum product production; good for safety because it reduces the risks associated with startups and shutdowns; and good for the environment because it reduces emissions related to these startups and shutdowns.

Response:

See Board's response to Mr. Bolt's written comment.

Mr. Sean Johnson, representing Shell Oil Company, Martinez Refinery.

Mr. Johnson read the written comment submitted by Mr. Jimmy Brown, Manager Pressure Equipment Integrity, Shell Martinez Refinery.

Response:

See Board's response to Mr. Brown's written comment.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.