

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

Hand delivered

RECEIVED

FEB 20 2013 *Kia*

APPEAL FORM OSH Appeals Board

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

(Leave blank- Appeals Board will fill in.)

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 1 Item No(s): 1 and 2

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): _____ Item No(s): _____

SPECIAL ORDER/SPECIAL ACTION NO: _____
Item No(s): _____

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
See Attached.

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(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

77010

(City)

(State)

(Zip Code)

713-276-7615

mark.farley@pillsburylaw.com

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(Telephone)

(E-Mail Address)

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ATTACHMENT 1: AFFIRMATIVE DEFENSES

OSH Appeals Board

1. The Citation lacks sufficient particularity in violation of California Labor Code Section 6317.
2. The cited standard in the Citation is vague as written and applied to the conditions or circumstances alleged in the Citation.
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5. The terms of the cited standard in the Citation were not violated.
6. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
7. Respondent acted in good faith.
8. Even if the allegations in the Citation are correct, the violations for which Respondent was cited constitute, at most, *de minimis* violations.
9. Even if the allegations in the Citation are correct, the logical time for compliance has not yet arrived.

State of California

Division of Occupational Safety and Health
Cal/OSHA Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877
Inspection Dates: 08/06/2012 - 01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 1 Item 1 Type of Violation: General

8 CCR 5155(e)(1) Workplace Monitoring.

(1) Whenever it is reasonable to suspect that employees may be exposed to concentrations of airborne contaminants in excess of levels permitted in section 5155(c), the employer shall monitor (or cause to have monitored) the work environment so that exposures to employees can be measured or calculated.

On August 6, 2012, the Employer failed to monitor the work environment for an uncontrolled leak of petroleum hydrocarbons located within the 4 Crude Unit so that exposures of employees to concentrations of airborne contaminants identified in 5155(c) (i.e. toluene, benzene, xylenes, particulates, etc.) could be measured or calculated.

Date By Which Violation Must be Abated:	03/18/2013
Proposed Penalty:	\$ 1350.00

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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Citation 1 Item 2 Type of Violation: General

8 CCR 5189(d)(3)(A)(2)- Information pertaining to the equipment in the process.

(A) Information pertaining to the equipment in the process shall include at least the following:

- 2. Piping and instrument diagrams (P&ID's);

The Employer's piping and instrument diagrams (P&ID's) Failed to include information pertaining to the guided wave monitoring devices on the 8-inch #4 side-cut line located on the C-1100 Column in Crude Unit #4.

P&ID number D-308308-22

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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 2 Item 1 Type of Violation: Serious

8 CCR 1511. General Safety Precautions.

8 CCR 1511(b) Prior to the presence of its employees, the employer shall make a thorough survey of the conditions of the site to determine, so far as practicable, the predictable hazards to employees and the kind and extent of safeguards necessary to prosecute the work in a safe manner in accordance with the relevant parts of Plate A-2-a and b of the Appendix.

On August 6, 2012, Chevron, the Employer responsible for safety and health conditions at the work site, failed to make a thorough survey of the conditions of the site to determine, so far as practicable, the predictable hazards and the kind and extent of safeguards necessary to prosecute the work in a safe manner which would protect Brand Energy Services, Inc. employees during the erection of scaffolding at the source of an uncontrolled leak of petroleum hydrocarbons located underneath piping insulation located within the 4 Crude Unit.

Date By Which Violation Must be Abated: 03/18/2013
Proposed Penalty: \$ 25000.00

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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9. The means of compliance with the cited standard in the Citation are technologically infeasible.

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Division of Occupational Safety and Health
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Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 3 Item 1 Type of Violation: **Serious**

8CCR 5141(a)-(c)

8CCR 5141(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible. (b) Administrative Controls. Whenever engineering controls are not feasible or do not achieve full compliance, administrative controls shall be implemented if practicable. (c) Control by Respiratory Protective Equipment. Respiratory protective equipment, in accordance with Section 5144, shall be used to prevent harmful exposures as follows:

- (1) During the time period necessary to install or implement feasible engineering controls;
- (2) Where feasible engineering controls and administrative controls fail to achieve full compliance; and
- (3) In emergencies.

On August 6, 2012, the Employer failed to prevent harmful exposures to employees by failing to implement effective engineering controls, administrative controls, or by requiring the use of respiratory protective equipment for Chevron and contract employees located in direct vicinity of an uncontrolled leak of petroleum hydrocarbons located within the 4 Crude Unit.

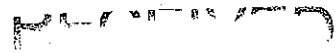
Date By Which Violation Must be Abated:
Proposed Penalty:

03/18/2013
\$ 25000.00

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CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

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Inspection Site: 841 Chevron Way, Richmond, CA 94801

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

8CCR 5189. Process Safety Management of Acutely Hazardous Materials.

8CCR 5189(e) Process Hazard Analysis.

(1) The employer shall perform a hazard analysis appropriate to the complexity of the process for identifying, evaluating, and controlling hazards involved in the process and shall determine and document the priority order for conducting process hazard analyses based on the extent of process hazards, number of potentially affected employees, age of the process and process operating history, using at least one of the following methodologies.

- (A) What-If;
- (B) Checklist;
- (C) What-If/Checklist;
- (D) Hazard and Operability Study (HAZOP);
- (E) Failure Mode and Effects Analysis (FMEA); or
- (F) Fault-Tree Analysis.

The Employer failed to perform an effective Process Hazard Analysis of the 4 Crude Unit. Specifically, it failed to identify, evaluate and control potential hazards caused by upstream and downstream units that provide and receive feed from the #4 Crude Unit.

Date By Which Violation Must be Abated:

03/18/2013

Proposed Penalty:

\$ 25000.00

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FEB 20 2013

ATTACHMENT 1: AFFIRMATIVE DEFENSES OSH Appeals Board

1. The Citation lacks sufficient particularity in violation of California Labor Code Section 6317.
2. The cited standard in the Citation is vague as written and applied to the conditions or circumstances alleged in the Citation.
3. Neither respondent's employees nor contract employees were exposed to the hazards alleged in the Citation.
4. The cited standard in the Citation does not apply to the conditions or circumstances alleged in the Citation.
5. The terms of the cited standard in the Citation were not violated.
6. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
7. Respondent acted in good faith.
8. Even if the allegations in the Citation are correct, the violations for which Respondent was cited constitute, at most, *de minimis* violations.
9. Even if the allegations in the Citation are correct, the logical time for compliance has not yet arrived.

State of California
Division of Occupational Safety and Health
Cal/OSHA Concord District Office (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877
Inspection Dates: 08/06/2012-01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 5 Item 1 Type of Violation: Serious

8 CCR 5189(1)(2)(A) - Management of Change

(2) The procedures shall assure that the following are addressed prior to any change:

(A) The technical basis for the proposed change;

(B) Impact of change on safety and health

The Employer failed to address in writing in the Management of Change (MOC number 25789) completed on November 21, 2012, the technical basis for the change and the impact of the change on safety and health with regard to changing the 8-inch section of pipe from carbon steel to 9 Chrome piping on the 4 Sidecut line located within the 4 Crude Unit.

Date By Which Violation Must be Abated:

03/18/2013

Proposed Penalty:

\$ 25000.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

FEB 20 2013

OSH Appeals Board

APPEAL FORM

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

(Leave blank-Appeals Board will fill in.)

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1. This is an Appeal from:

CITATION NO(s): 6 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html> See Attached.

4.



(Signature of Employer or Employer's Representative)

{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

77010

(City)

(State)

(Zip Code)

713-276-7615

mark.farley@pillsburylaw.com

2/19/13

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

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FEB 20 2013

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5. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
6. Respondent acted in good faith.
7. Even if the allegations in the Citation are correct, the logical time for compliance has not yet arrived.

State of California

Division of Occupational Safety and Health

Cal/OSHA Process Safety Management (0950663;4037)

1450 Enea Circle, Suite 550

Concord, CA 94520

Inspection Number: 314331877

Inspection Dates: 08/06/2012-01/30/2013

Issuance Date: 01/30/2013

CSHO ID: A0572

Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.

Inspection Site: 841 Chevron Way, Richmond, CA 94801

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

8CCR 5192 (q)(3)(D)

Employees engaged in emergency response and exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard shall wear positive pressure self-contained breathing apparatus (SCBA) while engaged in emergency response, until such time that the individual in charge of the ICS determines through the use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to employees.

On August 6, 2012, an emergency responder, the engineer in charge on Engine Foam Truck 60, was operating a fire monitor in the direct vicinity of an uncontrolled release of petroleum hydrocarbons located in the 4 Crude Unit. This responder was not wearing a positive pressure self-contained breathing apparatus (SCBA).

Date By Which Violation Must be Abated:

03/18/2013

Proposed Penalty:

\$ 25000.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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FEB 20 2013

APPEAL FORM

OSH Appeals Board

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

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NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

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The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

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Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

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(City)

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713-276-7615

mark.farley@pillsburylaw.com

2/19/13

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FEB 20 2013

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7. Respondent acted in good faith.
8. Even if the allegations in the Citation are correct, the violations for which Respondent was cited constitute, at most, *de minimis* violations.
9. Even if the allegations in the Citation are correct, the logical time for compliance has not yet arrived.

State of California

Division of Occupational Safety and Health
Cal/OSHA Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
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Inspection Number: 314331877
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Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

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

8CCR 5192(q)(3)(E)

(E) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site in those areas of potential or actual exposure to incident or site hazards, to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

On August 6, 2012, the Employer's incident commander failed to limit the number of personnel in the direct vicinity of an uncontrolled leak of petroleum hydrocarbons that expanded into a catastrophic event within the 4 Crude Unit, in that multiple employees not actively performing emergency operations were present in areas of potential or actual exposure to incident or site hazards.

Date By Which Violation Must be Abated: 03/18/2013
Proposed Penalty: \$ 25000.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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Sacramento, CA 95833
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FEB 20 2013

APPEAL FORM OSH Appeals Board

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

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Address

Richmond, CA 94801

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NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

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(Type or print name)

Partner

(Title)

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(Address) {Address where all communications from the Appeals Board will be sent}

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(City)

(State)

(Zip Code)

713-276-7615

mark.farley@pillsburylaw.com

2/19/13

(Telephone)

(E-Mail Address)

(Date)

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State of California

Division of Occupational Safety and Health

Cal/OSHA Process Safety Management (0950663;4037)

1450 Enea Circle, Suite 550

Concord, CA 94520

Inspection Number: 314331877

Inspection Dates: 08/06/2012-01/30/2013

Issuance Date: 01/30/2013

CSHO ID: A0572

Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.

Inspection Site: 841 Chevron Way, Richmond, CA 94801

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

3203(a)(2). Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

The Employer's Injury and Illness Prevention Program was not effectively implemented, because on August 25, 2012, the employer failed to ensure that employees were following Chevron's safe work procedures for access to the fire-damaged restricted area, which was also designated by Cal/OSHA as an Order to Preserve zone. Employees did not follow the safe work procedures jointly established by Chevron and Cal/OSHA and entered the restricted area carrying a rolling ladder to take a lower explosive limit (LEL) gas sample at the hole in the C-1100 4 Sidecut piping located within the 4 Crude Unit.

Date By Which Violation Must be Abated:

03/18/2013

Proposed Penalty:

\$ 70000.00

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FEB 20 2013

OSH Appeals Board

APPEAL FORM

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

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CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

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Mark L. Farley

(Type or print name)

Partner

(Title)

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Houston

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2/19/13

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FEB 20 2013

ATTACHMENT 1: AFFIRMATIVE DEFENSES

OSH Appeals Board

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9. The conditions and circumstances alleged in the Citation are the result of employees' unforeseeable or independent action.

State of California
Division of Occupational Safety and Health
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1450 Enea Circle, Suite 550
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Inspection Number: 314331877
Inspection Dates: 08/06/2012 - 01/30/2013
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CSHO ID: A0572
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Phone: (925) 602-2665 Fax: (925) 602-2668

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 9 Item 1 Type of Violation: **Serious Willful**

3203(a)(6)(B). Injury and Illness Prevention Program

- (a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:
- (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
- (B) When an imminent hazard exists, which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

The employer's Injury and Illness Prevention Program was not effectively implemented, because on August 25, 2012, the Employer failed to prohibit employees from entering a fire-damaged restricted area where imminent hazards existed as a result of the August 6, 2012 fire within the 4 Crude Unit. The restricted area was also designated by Cal/OSHA as an Order to Preserve zone. Employees were instructed to breach the red "danger" tape barricades that designated the restrictive area. Employees entered the restricted area carrying a rolling ladder to take a lower explosive limit (LEL) gas sample at the hole in the C-1100 4 Sidecut piping located within the 4 Crude Unit.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/18/2013
\$ 70000.00

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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OSH Appeals Board

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314331877

Inspection Number on Citation

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1. This is an Appeal from:

CITATION NO(s): 10 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

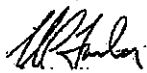
The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html> See Attached.

4.



(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

77010

(City)

(State)

(Zip Code)

713-276-7615

mark.farley@pillsburylaw.com

2/19/13

(Telephone)

(E-Mail Address)

(Date)

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- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

FEB 20 2013

ATTACHMENT 1: AFFIRMATIVE DEFENSES OSH Appeals Board

1. The Citation lacks sufficient particularity in violation of California Labor Code Section 6317.
2. The cited standard in the Citation is vague as written and applied to the conditions or circumstances alleged in the Citation.
3. Neither respondent's employees nor contract employees were exposed to the hazards alleged in the Citation.
4. The cited standard in the Citation does not apply to the conditions or circumstances alleged in the Citation.
5. The terms of the cited standard in the Citation were not violated.
6. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
7. Respondent acted in good faith.
8. Even if the allegations in the Citation are correct, the violations for which Respondent was cited constitute, at most, *de minimis* violations.
9. Even if the allegations in the Citation are correct, the logical time for compliance has not yet arrived.

State of California

Division of Occupational Safety and Health
Cal/OSHA Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877
Inspection Dates: 08/06/2012 - 01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-15



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

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

8CCR 3383(b). Body Protection.

8CCR 3383(b) Clothing appropriate for the work being done shall be worn. Loose sleeves, tails, ties, lapels, cuffs, or other loose clothing which can be entangled in moving machinery shall not be worn.

On August 6, 2012, Chevron, the Employer responsible for safety and health conditions at the work-site, failed to ensure that contract employees from Brand Energy Services, who were erecting scaffolding to provide access to the leaking 4 Sidecut piping located within the 4 Crude Unit, were wearing clothing appropriate for the work that would protect Brand Energy Services employees from the hazards of uncontrolled leaking petroleum hydrocarbons exceeding 600 degrees Fahrenheit, including potential thermal burns.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/18/2013
\$ 70000.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

FEB 20 2013

OSH Appeals Board

APPEAL FORM

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

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1. This is an Appeal from:

CITATION NO(s): 11 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

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The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

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(Type or print name)

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OSH Appeals Board

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Inspection Number: 314331877
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Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 11 Item 1 Type of Violation: Serious Willful

8CCR 5144(c)(1)(D)
Respiratory Protection Program.

5144(c)(1)(D)
In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable: (D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations.

On August 6, 2012, the Employer failed to implement the requirements of its respiratory protection program for proper use of respirators in routine and reasonably foreseeable emergency situations while responding to an uncontrolled petroleum hydrocarbon leak located within the 4 Crude Unit as follows:

- 1) Chevron, as the Employer responsible for safety and health conditions at the work-site, failed to ensure that contract employees from Brand Energy Services were using respiratory protection where reasonably foreseeable exposures to leaking petroleum hydrocarbons existed during the erection of scaffolding to provide access to the source of the leak.
- 2) Chevron failed to ensure that employees who were not part of the emergency response to an uncontrolled petroleum hydrocarbon leak located within the 4 Crude Unit, but were working in the direct vicinity of the leak were using respiratory protection where reasonably foreseeable exposures to leaking petroleum hydrocarbons existed. Several non-incident response employees working in the vicinity of the 4 Crude Unit were engulfed in a dense vapor cloud without respiratory protection.

Date By Which Violation Must be Abated:	03/18/2013
Proposed Penalty:	\$ 70000.00

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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Sacramento, CA 95833
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FAX (916) 274-5785

FEB 20 2013

APPEAL FORM

OSH Appeals Board

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

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1. This is an Appeal from:

CITATION NO(s): 12 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

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The classification (i.e. serious, willful, repeat) is incorrect.

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Required changes Time allowed to complete changes

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Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

77010

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2/19/13

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OSH Appeals Board

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State of California
Division of Occupational Safety and Health
Cal/OSHA Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877
Inspection Dates: 08/06/2012 - 01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

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

8CCR 5189(f)(1)(A)(4)

(f) Operating Procedures.

(1) 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:

4. Emergency operations, including emergency shutdowns, and who may initiate these procedures;

On August 6, 2012, the Employer failed to implement its Emergency Procedure, 4CU-XE-103 (" C-1100 Overhead Small Leak, No Fire or Small Leak, Small Fire") to shutdown the 4 Crude Unit where an uncontrolled hydrocarbon leak was located underneath the #4 side-cut piping insulation. Instead of using this Emergency Procedure, which was developed precisely for this type of event, the Employer took an offensive action using a pike pole and fire hoses to pry and blast the insulation from the pipe.

Date By Which Violation Must be Abated: 03/18/2013
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.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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OSH Appeals Board

APPEAL FORM

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

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CITATION NO(s): 13 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

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2/19/13

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FEB 20 2013

OSH Appeals Board

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Inspection Number: 314331877
Inspection Dates: 08/06/2012-01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 13 Item 1 Type of Violation: Serious Willful

8CCR 5189(f)(1)(C) 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: (C) Safety and Health Considerations:

1. Properties of, and hazards presented by, the chemicals used in the process;
2. Precautions necessary to prevent exposure, including administrative controls, engineering controls, and personal protective equipment;
3. Control measures to be taken if physical contact or airborne exposure occurs;
4. Safety procedures for opening process equipment (such as pipeline breaking).
5. Verification of raw materials and control of hazardous chemical inventory levels; and,
6. Any special or unique hazards.

On August 6, 2012, the Employer failed to implement its own written procedures to prevent exposure consistent with the Employer's process safety information to respond to an uncontrolled petroleum hydrocarbon leak located within the 4 Crude Unit, as follows:

1. The Employer failed to shutdown the 4 Crude Unit consistent with engineering controls outlined in the Emergency Procedure "C-1100 Overhead Small Leak, No Fire or Small Leak, Small Fire - 4CU-XE-103";
2. The Employer, after deciding to not shut down the 4 Crude Unit, failed to perform a Joint Job Site Visit (JJSV), Job Hazard Analysis (JHA), and Health and Safety Evaluation (HSE) consistent with the Employer's administrative controls, which are required by the Employer's written safety programs, prior to responding to the leak;
3. The Employer (Chevron), the employer responsible for safety and health conditions at the work site, supervising Brand Energy Services employees, failed to abide by its own Stop Work Authority program when Brand employees raised concerns about the hazardous conditions present at the work site and ordered Brand employees to continue.

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State of California

Division of Occupational Safety and Health

Cal/OSHA Process Safety Management (0950663;4037)

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Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.

Inspection Site: 841 Chevron Way, Richmond, CA 94801

-
4. The Employer failed to ensure that personal protective equipment was adequate and used by all exposed Chevron and Brand Energy Services' employees prior to engaging in response efforts; and
 5. The Employer failed to utilize available information pertaining to the unique hazards identified from past piping inspections related to the piping condition prior to engaging in response efforts for the uncontrolled leak.

Date By Which Violation Must be Abated:

03/18/2013

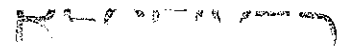
Proposed Penalty:

\$ 70000.00

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FEB 20 2013

APPEAL FORM OSH Appeals Board

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

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Address

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CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

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- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
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- D. Be sure to sign your appeal form and provide all the information requested in No. 4 above.
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- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

FEB 20 2013

ATTACHMENT 1: AFFIRMATIVE DEFENSES OSH Appeals Board

1. The Citation lacks sufficient particularity in violation of California Labor Code Section 6317.
2. The cited standard in the Citation is vague as written and applied to the conditions or circumstances alleged in the Citation.
3. Neither respondent's employees nor contract employees were exposed to the hazards alleged in the Citation.
4. The cited standard in the Citation does not apply to the conditions or circumstances alleged in the Citation.
5. The terms of the cited standard in the Citation were not violated.
6. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
7. Respondent acted in good faith.

State of California

Division of Occupational Safety and Health
Cal/OSHA Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877
Inspection Dates: 08/06/2012 - 01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 14 Item 1 Type of Violation: Serious Willful

8 CCR 5189(j) (3) Mechanical Integrity. Equipment Deficiencies.

(j)(3) Equipment deficiencies. The employer shall correct deficiencies in equipment which are outside acceptable limits defined by the process safety information in subsection (d) before further use, or in a safe and timely manner provided means are taken to assure safe operation.

The Employer failed to correct deficiencies in its high-temperature 4 Sidecut piping located within the 4 Crude Unit that were identified by its Reliability Department after conducting inspection and testing in accordance with recognized and generally accepted good engineering practices, with the American Petroleum Institute document, RP 939C "Guidelines for Avoiding Sulfidation (Sulfidic) Corrosion Failures in Oil Refineries," and with the Employer's own guidelines, entitled, "Corrosion Mitigation Plan 2006 and Updated Inspection Strategies for Preventing Sulfidation Corrosion Failures in Chevron Refineries." The Employer failed to replace the 4 Sidecut line located within the 4 Crude Unit, in accordance with recommendations received from its Reliability Department as early as 2002.

Date By Which Violation Must be Abated: 03/18/2013
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.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

FEB 20 2013

OSH Appeals Board

APPEAL FORM

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

(Leave blank- Appeals Board will fill in.)

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 15 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

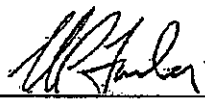
The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
See Attached.

4.



(Signature of Employer or Employer's Representative)

{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

77010

(City)

(State)

(Zip Code)

713-276-7615

mark.farley@pillsburylaw.com

2/19/13

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

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- D. Be sure to sign your appeal form and provide all the information requested in No. 4 above.
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FEB 20 2013

ATTACHMENT 1: AFFIRMATIVE DEFENSES

OSH Appeals Board

1. The Citation lacks sufficient particularity in violation of California Labor Code Section 6317.
2. The cited standard in the Citation is vague as written and applied to the conditions or circumstances alleged in the Citation.
3. Neither respondent's employees nor contract employees were exposed to the hazards alleged in the Citation.
4. The cited standard in the Citation does not apply to the conditions or circumstances alleged in the Citation.
5. The terms of the cited standard in the Citation were not violated.
6. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
7. Respondent acted in good faith.
8. Even if the allegations in the Citation are correct, the logical time for compliance has not yet arrived.

State of California

Division of Occupational Safety and Health
Cal/OSHA Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877

Inspection Dates: 08/06/2012 - 01/30/2013

Issuance Date: 01/30/2013

CSHO ID: A0572

Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 15 Item 1 Type of Violation: Serious Willful

8 CCR 5192(q)(2). Emergency Response to Hazardous Substance Releases. (2) Elements

- (1) Emergency response plan: An emergency response plan shall be developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, and Division personnel.
- (2) Elements of an emergency response plan: The employer shall develop an emergency response plan for emergencies which shall address, as a minimum, the following to the extent that they are not addressed elsewhere:
 - (A) Pre-emergency planning and coordination with outside parties.
 - (B) Personnel roles, lines of authority, training and communication.
 - (C) Emergency recognition and prevention
 - (D) Safe distances and places of refuge
 - (E) Site security and control
 - (F) Evacuation routes and procedures
 - (G) Decontamination
 - (I) Emergency alerting and response procedures
 - (K) Personal protective equipment (PPE) and emergency equipment

On August 6, 2012, the Employer failed to implement its emergency response plan for an uncontrolled petroleum hydrocarbon leak located within the 4 Crude Unit. The Employer, specifically, failed to address and implement the following elements in the plan prior to commencement of emergency operations:

1. Personnel roles, lines of authority, training, and communication: Lines of authority were unclear regarding when the unit would be shutdown and actions which could disturb the leaking pipe would cease. Firefighters used a pike pole and then fire hoses to remove insulation off of a leaking pipe while it was on line and under

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 Process Safety Management (0950663;4037)
1450 Enea Circle, Suite 550
Concord, CA 94520

Inspection Number: 314331877
Inspection Dates: 08/06/2012-01/30/2013
Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.
Inspection Site: 841 Chevron Way, Richmond, CA 94801

pressure. Emergency shutdown of the unit was not initiated until after a major release and fire occurred. Emergency responders were not clear regarding what frequency they were to communicate on.

- 2. Emergency recognition and prevention: The Employer failed to recognize the potential for a large release of ignitable hydrocarbon liquid, aerosol and vapor from a pressurized leaking pipe-line during the erection of the scaffolding or from the offensive actions using a pike pole and fire hoses to pry and blast the insulation from the pipe.
- 3. Safe distances and places of refuge: The exclusion zone was not sized adequately to provide safe distances to protect all employees in the area from the release of hydrocarbon aerosol and vapor.
- 4. Site security and control: Access to the leak area was not adequately controlled. Individuals not actively performing response actions were allowed close access to the source of the leak.
- 5. Decontamination: Decontamination equipment, such as deluge showers, was not staged in appropriate locations. One employee, soaked with hydrocarbon in the release, was hosed off with a water hose that was located after his exposure.
- 6. Personal protective equipment: Requirements for protective clothing and respirators were not adequately planned or implemented. When the release expanded, many employees were not protected by respiratory protection and were engulfed in a dense hydrocarbon mist and vapor cloud. This cloud later ignited.

Date By Which Violation Must be Abated:	03/18/2013
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.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

Handwritten: FEB 20 2013

FEB 20 2013

APPEAL FORM OSH Appeals Board

314331877

Inspection Number on Citation

Chevron U.S.A. Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

841 Chevron Way

Address

Richmond, CA 94801

DOCKET

(Leave blank-Appeals Board will fill in.)

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FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 16 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: _____
Item No(s): _____

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
See Attached.

4.



(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Mark L. Farley

(Type or print name)

Partner

(Title)

909 Fannin Street, Suite 2000

(Address) {Address where all communications from the Appeals Board will be sent}

Houston

Texas

77010

(City)

(State)

(Zip Code)

713-276-7615

mark.farley@pillsburylaw.com

2/19/13

(Telephone)

(E-Mail Address)

(Date)

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FEB 20 2013

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2. The cited standard in the Citation is vague as written and applied to the conditions or circumstances alleged in the Citation.
3. Neither respondent's employees nor contract employees were exposed to the hazards alleged in the Citation.
4. The cited standard in the Citation does not apply to the conditions or circumstances alleged in the Citation.
5. The terms of the cited standard in the Citation were not violated.
6. Respondent lacked actual or constructive knowledge of the alleged violations in the Citation.
7. Respondent acted in good faith.

State of California

Division of Occupational Safety and Health

Cal/OSHA Process Safety Management (0950663;4037)

1450 Enea Circle, Suite 550

Concord, CA 94520

Inspection Number: 314331877

Inspection Dates: 08/06/2012-01/30/2013

Issuance Date: 01/30/2013

CSHO ID: A0572

Optional Inspection Nbr: 04-13



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

Citation and Notification of Penalty

Company Name: Chevron U.S.A. Inc.

Inspection Site: 841 Chevron Way, Richmond, CA 94801

Citation 16 Item 1 Type of Violation: Serious Willful

8CCR 6845. Piping, Fittings, and Valves.

8 CCR 6845(a)(1). Excluded and optional piping systems specified in Section 1.2.2 of API 570-2003, are subject to inspection and testing by the employer in accordance with good engineering practices.

Reference 8 CCR 5189(j)(2)(B). Inspection and testing procedures shall follow recognized and generally accepted good engineering practices.

The Employer failed to conduct inspection and testing of its high-temperature 4 Sidecut piping located within the 4 Crude Unit in accordance with recognized and generally accepted good engineering practices, with the American Petroleum Institute document, RP 939C, "Guidelines for Avoiding Sulfidation (Sulfidic) Corrosion Failures in Oil Refineries," and with the Employer's own guidelines, entitled, "Corrosion Mitigation Plan 2006 and Updated Inspection Strategies for Preventing Sulfidation Corrosion Failures in Chevron Refineries." Both guidelines recommend that 100 percent of areas of vulnerability be inspected to identify damaged mechanisms.

Date By Which Violation Must be Abated:

03/18/2013

Proposed Penalty:

\$ 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
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 U.S.A. Inc.

and its successors
841 Chevron Way
Richmond, CA 94801

Inspection Site:
841 Chevron Way
Richmond, CA 94801

Inspection Number: 314331877
Inspection Date(s): 08/06/2012 - 01/30/2013

Issuance Date: 01/30/2013
CSHO ID: A0572
Optional Report #: 04-13
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.

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

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751 or (877) 252-1987

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 or (877) 252-1987.

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

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.