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SOUTH COAST AQMD
CLERK OF THE BOARDS

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8 Attorneys for Petitioner
9 South Coast Air Quality Management District

10
11 **BEFORE THE HEARING BOARD OF THE**
12 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**
13
14

15 **In the Matter of**

16 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

17 Petitioner,

18 v.

19 TORRANCE REFINING COMPANY LLC
20 [Facility ID No. 181667],

21 Respondent.

Case No. 6060-5

**PETITION FOR AN ORDER FOR
ABATEMENT (STIPULATED)**

Rule 402

Hearing Date:

Time:

9:00 a.m.

Place:

SCAQMD

21865 Copley Drive

Diamond Bar, CA 91765

1 South Coast Air Quality Management District (hereinafter referred to as "District" or
2 "Petitioner") petitions the Hearing Board for an Order for Abatement directed to Respondent
3 Torrance Refining Company LLC (hereinafter referred to as "TORC" or "Respondent"). The
4 District alleges as follows:

5 1. Petitioner is a body corporate and politic established and existing pursuant to Health
6 and Safety Code sections 40000, *et seq.* and sections 40400, *et seq.*, and is the sole and exclusive
7 local agency with the responsibility for comprehensive air pollution control in the South Coast
8 Basin.

9 2. Respondent is in the business of petroleum refining and owns and operates the
10 refinery located at 3700 W. 190th Street, Torrance, California 90504 (the "Facility"), with Facility
11 ID no. 181667 ("Refinery"). The Respondent's Facility is within the District's jurisdiction and
12 subject to the District's regulations. Respondent may be contacted through counsel, Darren W.
13 Stroud, at the address above by telephone at (310) 212-1760 or by e-mail at
14 Darren.Stroud@pbfenergy.com. Respondent acquired the Refinery located at 3700 W. 190th Street,
15 in Torrance ("the Refinery") from ExxonMobil Oil Corporation on July 1, 2016.

16 3. The Refinery receives power from Southern California Edison ("SCE"). SCE's La
17 Fresa Substation serves the Refinery and surrounding community of approximately 160,000
18 customers in five cities. The La Fresa Substation's incoming power is 220 kilovolts ("kV") and
19 outgoing power is 66kV. The La Fresa Substation has nine commercial substations, with two of
20 them serving the Refinery. At the La Fresa Substation, the Refinery is on the A-Bus, which also
21 serves approximately 60,000-70,000 customers. From the La Fresa Substation, four dedicated
22 66kV transmission lines (feeders) supply power to the refinery. Within the refinery, SCE also
23 owns, operates, and maintains a 12.8kV electrical system within the refinery for power supply to
24 refinery process units and equipment. TORC relies on SCE to deliver uninterrupted power to
25 operate the Refinery normally and safely.

26 4. On October 18, 2016, the District hosted a meeting between TORC and SCE to
27 discuss actions both parties could take to minimize the potential for future power supply
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1 interruptions on SCE's electrical system. During that meeting, both TORC and SCE discussed
2 potential improvements to power distribution and upgrades to SCE's electrical system within and
3 outside the TORC refinery, and both parties expressed their intent to work cooperatively with one
4 another.

5 5. Health & Safety Code section 41700 and District Rule 402 state, "a person shall not
6 discharge from any source whatsoever such quantities of air contaminants or other material which
7 cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the
8 public, or which endanger the comfort, repose, health or safety of any such persons or the public, or
9 which cause, or have a natural tendency to cause, injury or damage to business or property."

10 6. District Rule 1118, last amended November 4, 2005, applies to all flares used at
11 petroleum refineries, sulfur recovery plants and hydrogen production plants. It is intended to
12 monitor and record data on refinery and related flaring operations, and to control and minimize
13 flaring and flare related emissions. It expressly states that "provisions of this rule are not intended
14 to preempt any petroleum refinery, sulfur recovery plant and hydrogen production plant operations
15 and practices with regard to safety." Flaring is a safety feature at refineries and the District, by this
16 petition, is not alleging that TORC violated District Rule 1118.

17 7. Flaring events followed power disruptions on SCE's electrical system outside the
18 Refinery on at least three occasions so far in 2016: in March, September, and October.

19 8. The District is informed and believes, and thereon alleges, that unless all reasonable
20 measures are taken to the maximum extent they are feasible to make improvements to minimize the
21 effects of power supply interruptions occurring on SCE's electrical system, including but not
22 limited to improvements to power distribution, electrical infrastructure upgrades, monitoring, and
23 other improvements at the Refinery, that flaring events associated with power disruptions and
24 power outages will recur, and that some such flaring events have the potential to cause public
25 nuisances that could otherwise be avoided.

26 9. On March 16, 2016, a Mylar balloon came in contact with a SCE subtransmission
27 power line located outside the Refinery and caused a system disruption that resulted in a flaring
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1 event at the Refinery.

2 10. On September 19, 2016, the Refinery again experienced a power supply interruption
3 due to event on SCE's electrical system outside the Refinery. TORC alleged that the power supply
4 interruption resulted when SCE experienced an insulator arc-over on its 66kV system outside the
5 Refinery during a heavy fog. (See Petition in case number 6060-3.) According to TORC, the
6 flashover directly impacted the Refinery's incoming 66kV power feed to refinery and cut electricity
7 to 57,582 customers in Gardena, Hawthorne, Inglewood and parts of Los Angeles. (See
8 Respondent's Petition for Variance and AOC in case number 6060-3, granted by this Board on
9 September 21, 2016.) SCE has since confirmed TORC's allegations. (See paragraph 16 below.)

10 11. On October 11, 2016, the Refinery again experienced a power supply interruption.
11 TORC alleged that the power supply interruption resulted when SCE experienced a sudden and
12 unexpected power supply interruption outside the Refinery from SCE's La Fresa substation. (See
13 Petition in case number 6060-4.) According to TORC, the power outage cut electricity to over
14 100,000 customers in the South Bay area and the Refinery was without power from SCE for a total
15 of 24 minutes. (See Respondent's Petition for Variance and AOC in case number 6060-4, granted
16 by this Board on October 12, 2016.) SCE has since confirmed TORC's allegations. (See paragraph
17 16 below.)

18 12. As a result of the October 11, 2016, power interruption, TORC's safety systems
19 were activated. To avoid atmospheric releases and potential process safety issues, TORC diverted
20 process gases in refinery process units and equipment to the refinery's flares. Due to the volume of
21 process gases being flared and the loss of the refinery's steam system due the SCE power
22 interruption, the flaring resulted in thick black smoke, increased emissions, and could be seen from
23 miles away.

24 13. On October 11, 2016, because of the impact of the SCE power interruption on the
25 Refinery, the City of Torrance issued an emergency notification at about 6:45 a.m. directing people
26 who live near the refinery to shelter in place. "Stay inside buildings, shut all doors and windows,
27 turn off air conditioners, and turn off all air handling systems," the alert stated. The order lasted
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1 nearly thirty minutes and was lifted at 7:12 a.m.

2 14. On October 13, 2016, a District Compliance Officer issued Notice of Violation
3 P63409 to TORC for violations of District Rule 402 and Health & Safety Code section 41700, for
4 the public nuisance that resulted from the flaring event that occurred on October 11, 2016. (A true
5 and correct copy of the NOV is attached here as Exhibit 1.)

6 15. The District is informed and believes, and thereon alleges, that the Refinery with
7 cooperation from SCE can take reasonable measures to the extent they are feasible to minimize
8 flaring due to power supply interruptions on SCE's electrical system, such as improvements to
9 power distribution, electrical infrastructure upgrades, monitoring, or other improvements within the
10 Refinery.

11 16. Although flaring is considered a safety feature at refineries, the District seeks to
12 minimize flaring when possible due to emissions and the potential for opacity concerns. The
13 District is informed and believes, and thereon alleges, that some flaring events at TORC's refinery
14 are caused by power interruptions, that such flaring events have the potential to recur, and that such
15 flaring events may have the tendency to cause injury, detriment, nuisance, or annoyance to a
16 considerable number of persons and to the public, and that such discharges further endanger the
17 comfort, repose, health and safety of people and the public.

18 17. On October 18, 2016, SCE stated at the City of Torrance City Council meeting, that
19 on September 18 and 19, 2016, its system experienced voltage reduction issues due to heavy fog
20 and the 66kV transmission lines serving the Refinery experienced voltage dips that affected
21 refinery operations. Further, SCE stated that the cause of the October 11, 2016 power interruption
22 was due to a wiring error associated with a temporary modification at their La Fresa Substation,
23 which resulted in a power outage. Service was interrupted to approximately 100,000 customers,
24 including the Refinery.

25 18. The District is informed and believes, and thereon alleges, that power interruptions
26 on SCE's electrical system (such as those occurring in March, September, and October) will likely
27 recur. Further, such power interruptions on SCE's electrical system may again result in discharges
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1 causing a public nuisance from the TORC refinery from flaring, unless Respondent and SCE take
2 reasonable measures to the extent feasible within the TORC refinery, and works with SCE to take
3 measures otherwise necessary outside the refinery, to mitigate against and prevent the potential for
4 such power interruptions to cause nuisance events in the future.

5 19. The District by this petition, seeks a stipulated Order for Abatement to require
6 Respondent to take all reasonable measures within the Refinery to the extent feasible to minimize
7 the potential for future public nuisance events, which would be violations of District Rule 402 and
8 Health & Safety Code section 41700, resulting from flaring associated with SCE power supply
9 interruptions, such as electrical infrastructure upgrades, monitoring, and other improvements at the
10 Refinery, to be identified by the Petitioner and Respondent, with anticipated cooperation with SCE,
11 in advance of the hearing to be set on this matter.

12 20. It is not unreasonable to require Respondent to comply with District rules and
13 regulations, including District Rule 402 and Health & Safety Code section 41700.

14 21. The issuance of an Order for Abatement (stipulated) upon a fully noticed hearing
15 would not constitute a taking of property without due process of law.

16 22. The requested Order for Abatement (stipulated) is not intended to be nor does it act
17 as a variance.

18 23. The issuance of the prayed for Order for Abatement (stipulated) is not expected to
19 result in the closing or elimination of an otherwise lawful business, but if it does result in such
20 closure or elimination, it would not be without a corresponding benefit in reducing air
21 contaminants.

22 24. The parties intend to submit to the Hearing Board, in advance of the hearing to be
23 set in this matter, a proposed set of Findings and Decisions on Stipulated Order for Abatement,
24 approved by both of the parties.

25 WHEREFORE, the District prays for a stipulated Order for Abatement as follows:

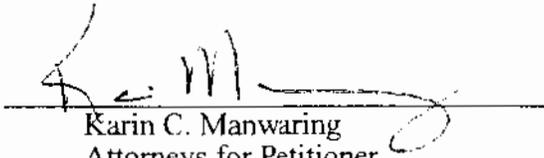
26 1. That this Hearing Board issue an Order for Abatement (Stipulated) ordering
27 Respondent to comply with District Rule 402 and Health & Safety Code section 41700, and to take
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1 all reasonable measures to the extent feasible to minimize the potential for future public nuisance
2 events resulting from flaring associated with power supply interruptions, including all conditions
3 and increments of progress set forth in the Stipulated Findings and Decision, to be submitted by the
4 parties in advance of the hearing on the within matter; and

5 2. For such other and further relief that this Board deems just and proper.
6

7 DATE: October 21, 2016

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
OFFICE OF THE GENERAL COUNSEL
Karin C. Manwaring, Senior Deputy District Counsel

9
10 By: 

Karin C. Manwaring
Attorneys for Petitioner



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 63409

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
10	11	2016

Facility Name: TORRANCE REFINING COMPANY L.L.C.		Facility ID: 181867	Sector: LE
Location Address: 3700 WEST 190TH STREET		City: TORRANCE	Zip: 90504
Mailing Address: 3700 WEST 190TH STREET		City: TORRANCE	Zip: 90504

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority	Code Section or Rule No.	SCAQMD Permit to Operate or CARR Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	R402			TORRANCE REFINING COMPANY LLC (TR) DISCHARGED SUCH QUANTITIES OF AIR CONTAMINANTS FROM FLARE 65F-3, THAT CAUSED A
2	<input type="checkbox"/> SCAQMD <input checked="" type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	41700			NUISANCE TO A CONSIDERABLE NUMBER OF PERSONS OR TO THE PUBLIC.
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Penny Wirsing	Phone: 310.212.4527	Signed By: STEVE THUNVA	Date Notice Served: 10/13/16
Title: Env. Section Supervisor	Email: penny.wirsing@pbtenergy.com	Phone No.: <input type="checkbox"/> 909-396- <input checked="" type="checkbox"/> 310-233-7011	Email: stthunva @ aqmd.gov

*Key to Authority Abbreviations: SCAQMD - South Coast Air Quality Management District CH&SC - California Health and Safety Code CCR - California Code of Regulations CFR - Code of Federal Regulations	Method of Service: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Certified Mail
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ORIGINAL