

Mod/Ext 6/30/26

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PETITION FOR MODIFICATION OF AN EXISTING VARIANCE  
BEFORE THE HEARING BOARD OF THE SOUTH COAST AQMD  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

2026 MAY 28 P 2:21

PETITIONER: Tesoro Refining & Marketing  
Company LLC - Los Angeles  
Refinery-Wilmington Operations

CASE NO: 4982-139

FACILITY ADDRESSES: 2101 E. Pacific Coast  
Highway

FACILITY ID: 800436

City, State, Zip: Wilmington, CA 90810

Petitioner Tesoro Refining & Marketing Company LLC operates the Los Angeles Refinery-Wilmington Operations located at the above-referenced address ("Facility") and files this modification request ("petition") to allow additional time for the equipment at issue to come into compliance. Should the equipment involved achieve compliance, Petitioner will withdraw this request.

Petitioner obtained a regular variance on February 19, 2026 ("Variance") to allow additional time to complete an emission reduction project ("Project") involving a new Selective Catalytic Reduction ("SCR") unit (Device No. C1762) that reduces emissions of nitrogen oxides ("NOx") from a new boiler known as Boiler No. 12 (Device No. D1760) (jointly "Equipment"). The recently constructed Project initially achieved all projected emission reductions, drastically reducing emissions from an average of approximately 100 parts per million by volume ("ppmv") NOx per day to 3 ppmv NOx per day in November and early December 2025; variance relief was granted following the SCR's decline in performance in late December 2025. The Variance allowed the SCR to operate (controlling NOx to between 15 to 45 ppmv) until the SCR is repaired and achieves normal operations.

1. TYPE OF MODIFICATION REQUESTED

- (a)  **MODIFICATION/EXTENSION OF A FINAL COMPLIANCE DATE:** If you are operating under a variance and will not be in full compliance by the final compliance date, you may request an extension of the variance and a modification of the final compliance date. **A petition requesting such an extension must be filed at least 45 days prior to the existing final compliance date in order to meet the legal notice requirement.** (Hearing will be held approximately 45 days from date of filing--30-day published notice required.)
- (b)  **MODIFICATION OF VARIANCE CONDITIONS:** If you are unable to comply with one or more conditions of an existing variance, you may request a modification of variance conditions. (Hearing will be held approximately 21 days from date of filing--10-day published notice required)

*Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at [clerkofboard@aqmd.gov](mailto:clerkofboard@aqmd.gov).*

*If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.*

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

(c)  **MODIFICATION OF INCREMENTS OF PROGRESS:** If you are unable to comply with one or more increments of progress of an existing variance and additional time is required, you may request a modification of those increments of progress. *(Hearing will be held approximately 21 days from date of filing--10-day published notice required.)*

(1)  **INTERIM AUTHORIZATION:** If compliance with an increment of progress cannot be achieved and you are unable to notify the Hearing Board at least 21 days in advance in order to schedule a noticed hearing, the Board can consider granting **one** extension of the increments of progress (interim authorization). **However**, an interim authorization cannot be granted: (1) for more than 30 days; or (2) to extend a final compliance date of an existing variance. *(Hearing will be held approximately 2 working days from date of filing or the next available hearing date thereafter.)*

(d)  **OTHER:** Specify: \_\_\_\_\_

2. **CONTACT:** Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

\_\_\_\_\_  
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\_\_\_\_\_  
 Vanessa A. Vail, Esq., Chief Counsel  
 \_\_\_\_\_  
 Tesoro Refining & Marketing Company  
 LLC  
 \_\_\_\_\_  
 19100 Ridgewood Parkway  
 \_\_\_\_\_  
 San Antonio, TX Zip 78259  
 \_\_\_\_\_  
 Cell  
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 ☎ (210) 626-6877 Ext.  
 \_\_\_\_\_  
 Fax (210) 627-1960  
 \_\_\_\_\_  
 Email [VAVail@Marathonpetroleum.com](mailto:VAVail@Marathonpetroleum.com)

3. List the equipment and/or activity that are the subject of this petition, if different from the existing variance. **(Attach copy of last minute order regarding this variance.)**

Equipment/Activity	Application/Permit No.	RECLAIM Permit/Device No.	Date Application/Plan Denied (if relevant, attach copy of denial letter)
Boiler No. 12 (Process 18, System 1)		D1760	Not applicable
Selective Catalytic Reduction ("SCR")		C1762	Not applicable

4. List all District rules, and/or permit conditions from which you are requesting variance relief, if different from the existing variance. *Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate the subject equipment **only if you are adding** a request for relief from permit conditions. If RECLAIM or Title V facility, attach only the relevant sections of the Facility Permit (for example, showing the equipment or process and conditions that are the subject of this petition).*

Petitioner is not adding any new requested relief and, therefore, is not attaching copies of permit conditions.

Rules	Explanation
Rules 203(b), 2004(f)(1) and 3002(c)(1)	These rules require that a facility permit holder comply at all times with all permit conditions applicable to its facility. Petitioner will be unable to comply with the conditions specified below for Boiler No. 12 (D1760):
Equipment Descriptions	The equipment description for the boiler requires NOx limits of 3 ppmv daily and 2.5 ppmv averaged over 30 days. Petitioner cannot comply with these conditions until the SCR starts up and reaches normal operations that control NOx levels.
Permit Condition A99.22	This condition addresses the daily 3-ppmv NOx limit and provides that it does not apply during boiler commissioning, startup, and shutdown periods but that startup and shutdown periods cannot exceed 48 hours each. Petitioner will not be able to comply with the daily limit referenced in this condition until the SCR starts up and reaches normal operations that control NOx levels.
Permit Condition A99.23	This condition addresses the 2.5-ppmv 30-day NOx limit and provides that it does not apply during boiler commissioning, startup, and shutdown periods but that startup and shutdown periods cannot exceed 48 hours each. Petitioner has determined that it will not be able to comply with this condition until the SCR starts up and reaches normal operations that control NOx levels.
Administrative Condition Nos. E.3, E.4, E.7, E.8, and K.8	<p>The first sentence of Administrative Condition E.3 provides that Petitioner's permit "does not authorize the emissions of contaminants in excess of those allowed by Division 26 of the Health and Safety Code of California or the Rules and Regulations of the AQMD." Condition E.4 prohibits the operation of equipment unless the associated air pollution control equipment is in "full use." The first sentence of Administrative Condition E.7 provides that the facility "shall maintain and operate all equipment to ensure compliance with all emission limits as specified in this facility permit." Similarly, the first sentence of Administrative Condition E.8 provides and Administrative Condition K.8 requires that equipment comply with applicable rules and regulations.</p> <p>Petitioner cannot comply with these administrative conditions until the SCR is started up and reaches stable, normal operations that control NOx levels.</p>

5. Explain the steps taken since the last hearing to achieve compliance, including how you have met each of your existing variance conditions and/or increments of progress.

Since obtaining the Variance, Petitioner has completed all planned steps necessary to prepare for start-up of the Equipment. Petitioner has obtained the new catalyst, shut down Boiler No. 12 to conduct internal inspections, completed installation of the new catalyst, and installed all necessary rental equipment to maintain stable refinery operations during the maintenance activities. At this time, Petitioner is continuing its planning and preparation for start-up and stable operations, including undertaking discussions with the manufacturer of the Equipment to ensure SCR operations are optimized and meet or exceed Permit limits. Since early May 2026, Petitioner has been working to expedite start-up and stable operations for Boiler No. 12 and the SCR;

however, successful start-up of the Equipment has required more time than originally anticipated.

Boiler No. 12 and the SCR are new equipment to the refinery and are part of a novel Project to reduce NOx – the first of its kind within the Southern California air basin to be able to achieve the low NOx emissions that apply to the boiler.

The Facility must start up the Equipment to resume normal, stable refinery operations. If the Equipment is not started up, keeping it shut down can cause an imbalance of either steam or fuel gas within the refinery, which disrupts normal Facility operations and creates risks of emissions from unplanned equipment shutdowns and startups, and flaring. To avoid excess emissions, the Facility's only operationally prudent option is to seek a modification of the final compliance date until August 21, 2026 in order to allow time to start up the Equipment and achieve stable operation.

It is possible that Equipment might start up and reach stable operations in late May or the first week of June, in which case it is possible that compliance can be achieved by June 30, 2026. If so, Petitioner will withdraw this modification request. Petitioner believes seeking additional time is its most prudent option in the event start-up activities and steady state operations are not achieved by June 30, 2026.

6. When did you first become aware that you would not be able to comply with the existing variance?  
Date: May 26, 2026

7. What part(s) of the existing variance are you unable to comply with (final compliance date, specific increments of progress, and/or conditions)? For each part with which you cannot comply, provide an explanation.

The final compliance date for the Variance in this matter is June 30, 2026. Conditions 10 and 11 of the Variance require that the Equipment achieve steady-state operations following Equipment shutdown, inspection, and maintenance activities.<sup>1</sup> Petitioner may not be able to achieve steady-state operations as required by Conditions 10 and 11 of the Variance by the end of June because Boiler No. 12 and the SCR have not yet completed all steps necessary to start up. If the Equipment starts up and achieves normal operations before the hearing on this matter, Petitioner will withdraw this request to modify the final compliance date.

8. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed and/or modifications or process changes to be made, a list of the dates by which the actions will be completed, and an estimate of total costs.

Petitioner plans to achieve compliance expeditiously by following all existing conditions that apply to the Variance. No additional equipment, modifications, process changes,

<sup>1</sup> Condition No. 10 provides: "Petitioner shall provide records (i.e., Outlet NOx, NH3, CO, O2) SCR stack temperature; SCR differential pressure; boiler firing rate) electronically to Inspector Oscar Nieto Mora (omora@aqmd.gov) showing stable operation of the SCR following maintenance and/or replacement of catalyst."

Condition No. 11 provides: "Petitioner shall notify the Clerk of the Hearing Board (clerkofboard@aqmd.gov) in writing, and notify Inspector Oscar Nieto Mora via email(omora@aqmd.gov) or by calling 1-800-CUT-SMOG (Attention: Oscar Nieto Mora) to report a Variance Notification of compliance within two (2) hours of achieving final compliance."

or additional costs are anticipated.

9. State the date by which you expect to achieve final compliance: August 21, 2026

Petitioner believes it will require up to 50 days, through August 21, 2026, to achieve compliance. Petitioner may not require the entire 50 days because the manufacturer has assured Petitioner that the Equipment will operate as designed without compliance issues upon start-up. The Equipment, however, is new equipment to the refinery, and, as a result, Petitioner does not yet have sufficient experience with the Equipment to know with reasonable certainty that the Equipment will successfully start up and reach stable operations quickly. Petitioner estimates that only 30 days are necessary to address the start-up activities, but 50 days is sought to allow additional flexibility, particularly if the Equipment must be shut down and undergo a second round of inspection and maintenance.

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress.

**Example:**

- Permit application(s) will be submitted to the District by June 1, 2001.
- Contracts for the purchase of emission control systems will be awarded by August 1, 2001.
- On-site construction will be completed by September 8, 2001.

List Increments of Progress here:

Not applicable.

10. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20%) during the variance period. If the variance will result in no excess emissions, go to No. 11.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
Not applicable.			

\*Column A minus Column B = Column C

Excess Opacity: \_\_\_\_\_ %

11. Show calculations used to estimate quantities in No. 10, or explain why there will be no excess emissions.

The Equipment is shut down and preparing to start up to achieve steady-state operations and final compliance as specified in Conditions 10 and 11 of the Variance.

Because the Equipment is not operating, there are no excess emissions.

12. Explain how you plan to reduce (mitigate) excess emissions to the maximum extent feasible. If no excess emissions, skip to No. 13.

There are no excess emissions.

13. Explain how you will monitor or quantify emission levels from the subject equipment or activity during the variance period and make such records available to the District. **Any proposed monitoring does not relieve RECLAIM facilities from missing data requirements.**

There are no excess emissions.

13. What would be the harm to your business if the variance were not modified/extended as requested?

Economic losses approximately: \$ 1 million/day Number of employees laid off (if any): N/A

Provide detailed information regarding economic losses, if any (anticipated business closure, breach of contracts, hardship on customers, layoffs and/or similar impacts).

Denial of the modification request would result in harm to Petitioner. Petitioner is taking steps to start up the SCR after completing all planned stages of inspection, maintenance, and catalyst replacement for the unit. Petitioner now needs additional time to address additional activities to ensure Boiler No. 12 and the SCR start up successfully and reach steady-state operations that optimize the SCR performance. Denial of this modification request would subject Petitioner to fines or penalties while it is diligently working to optimize the SCR. Denial of this request would upset stable refinery operations, pose potential impacts or imbalances to the refinery steam production system, and increase emissions if Petitioner were forced to keep Boiler No. 12 shut down.

The Facility relies on steam from Boiler No. 12 as energy for essential refinery operations, and a loss of steam would disrupt normal operations and require unplanned shutdowns of affected refinery units, causing flaring. Obtaining a modification of the Variance will not result in emissions and allows time to start up the Equipment, avoiding risks to stable refinery operations.

Petitioner supplies petroleum products to customers throughout the western United States. If Petitioner were denied this request, Petitioner's only remaining option is to keep Boiler No. 12 shut down, which, in an already tight gasoline market, poses a risk of reduced production of petroleum products and increased gasoline prices to consumers who are already paying high gasoline prices due to conflicts in the Middle East. The southern California fuel market is experiencing a reduction of gasoline production at this time because the Phillips 66 Los Angeles refinery has shut down. Any further reduction in gasoline production poses a risk of fuel shortages that could affect prices of gasoline for consumers further. Additionally, leaving Petitioner with a compliance option that prevents start-up of the Equipment will result in significant

financial penalties to Petitioner in terms of lost production and lost sales and could adversely impact Petitioner's ability to meet its contractual arrangements. Petitioner estimates that it would experience short-term economic losses in excess of \$1 million dollars per day.

15. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Oscar Nieto Mora, omora@aqmd.gov

(310) 233-7006

16. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six (6) months? No  Yes

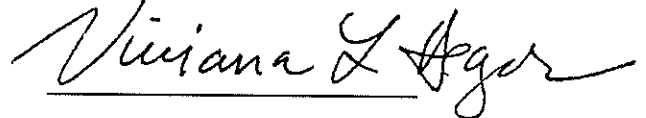
Date of Complaint	Number of Complainant(s)	Nature of Complaint

FOR THE FOREGOING REASONS, Petitioner requests that it be granted the relief requested.

Dated: May 28, 2026

Respectfully Submitted,

Viviana L. Heger  
DUANE MORRIS



Attorneys for Petitioner  
TESORO REFINING & MARKETING COMPANY LLC

**BEFORE THE HEARING BOARD OF THE  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

**MINUTE ORDER**

**TESORO REFINING & MARKETING COMPANY LLC**  
2101 Pacific Coast Highway  
Wilmington, CA 90744

Case No: 4982-139  
Facility ID: 800436

**Previous Hearing:** 01/21/2026  
**Hearing Date:** 02/19/2026

**Hearing Type:** Regular

**Consent Calendar:** Yes

**HEARING BOARD ACTION**

**Action:** Granted

**Starting Date:** 02/19/2026

**Ending Date:** 06/30/2026

**RULES**

203(b), 2004(f)(1) & 3002(c)(1) {from Section E, Conditions Nos. 3, 4, 7, & 8; Section H, Conditions Nos. A99.22 & A99.23; and Section K, Condition No. 8 of Title V RECLAIM Permit to Operate Facility ID No. 800436}

**EQUIPMENT DESCRIPTION**

**DEVICE/APPLICATION/PERMIT**

Boiler No. 12 (Process 18, System 1)

D1760

Selective Catalytic Reduction (SCR)

C1762

**CONDITIONS**

1. Petitioner shall report a Variance Notification to South Coast Air Quality Management District (South Coast AQMD) upon the start of the variance period in this matter by calling 1-800-CUT-SMOG (Attention Inspector Oscar Nieto Mora).
2. Petitioner shall phase in maintenance activities for the SCR (Device No. C1762) that serves Boiler No. 12 (Device No. D1760) by shutting down Boiler No. 12 and SCR (Device No. C1762) for SCR maintenance once all required equipment and catalyst arrive and are ready to operate.
3. During the variance period, Petitioner shall, on a daily basis, monitor the SCR (Device No. C1762) and Boiler No. 12 (Device No. D1760) when the units are in operation and shall record one set of readings per day with regard to SCR inlet and outlet temperature and pressure. Having already recorded the daily temperature and pressure for the first two weeks of the interim variance in this matter, Petitioner shall electronically notify Inspector Oscar Nieto Mora (omora@aqmd.gov) if the temperature changes by more than 10% from the average of those weeks and/or if pressure increases above 2 inches dihydrogen Monoxide (H<sub>2</sub>O – water).
4. During the variance period, Petitioner shall, on a daily basis, monitor Nitrous Oxide (NO<sub>x</sub>), Ammonia (NH<sub>3</sub>), Carbon Oxide (CO), and Dioxygen (O<sub>2</sub>) emissions from the SCR (Device No. C1762) and Boiler No. 12 (Device No. D1760) when the units are in operation. Petitioner shall electronically mail to Inspector Oscar Nieto Mora (omora@aqmd.gov) every Wednesday by 5 p.m. the NO<sub>x</sub>, NH<sub>3</sub>, CO, and O<sub>2</sub> emissions from the previous week of operation. Emissions shall be reported in the following form for NO<sub>x</sub> and CO: parts per million (ppm) 24-hour average, ppm 30-day average, and daily mass emissions. Emissions shall be reported in the following form for NH<sub>3</sub>: ppm 1-hour average.

5. The Petitioner shall demonstrate compliance with the Facility BCAP NOx Emission Target or facility-wide NOx mass emissions, during Phase I, of 1,037 tons per year, as limited under the SCAQMD Rule 1109.1 Compliance Plan. The demonstration shall be based on a rolling 365-day daily average. Petitioner shall electronically mail to Inspector Oscar Nieto Mora (omora@aqmd.gov) every Wednesday by 5 p.m. the total emissions from all the affected facilities to show compliance with the BCAP Emissions Target.
6. Petitioner shall notify the District at 1-800-CUT-SMOG (Attention Inspector Oscar Nieto Mora) and by e-mail to Inspector Oscar Nieto Mora (omora@aqmd.gov) at least 24 hours prior to any planned shutdown of the SCR (Device No. C1762) to inspect and repair the SCR.
7. Prior to the start of the variance period in this matter, the facility shall hold sufficient RECLAIM Trading Credits (RTCs) to offset expected excess emissions increases of NOx of approximately 100 pounds of NOx per day for the variance period. The RTCs held to satisfy this condition may not be transferred during this variance period. Within 30 days of achieving final compliance, Petitioner shall calculate actual excess emissions during the variance period and provide additional RTCs if the calculated NOx emissions are determined to exceed emissions 100 pounds of NOx per day.
8. During maintenance activities, Petitioner shall work as quickly as possible, including on weekends and during daylight and evening hours, to conduct work that enables Petitioner to repair the SCR (Device No. C1762).
9. In the event that Boiler No. 12 (Device No. D1760) experiences a trip or malfunction during the variance period that requires shutdown of the device and affected refinery equipment, Petitioner shall (i) notify Inspector Oscar Nieto Mora (omora@aqmd.gov) within one hour; (ii) report a breakdown pursuant to Rule 430 and Rule 2004; and (iii) upon re-start of Boiler No. 12 (Device No. D1760) reduce NOx emissions in other combustion devices in the refinery.
10. Petitioner shall provide records (i.e., Outlet NOx, NH3, CO, O2) SCR stack temperature; SCR differential pressure; boiler firing rate) electronically to Inspector Oscar Nieto Mora (omora@aqmd.gov) showing stable operation of the SCR following maintenance and/or replacement of catalyst.
11. Petitioner shall notify the Clerk of the Board (clerkofboard@aqmd.gov) in writing, and notify Inspector Oscar Nieto Mora via email(omora@aqmd.gov) or by calling 1-800-CUT-SMOG (Attention: Oscar Nieto Mora) to report a Variance Notification of compliance within two (2) hours of achieving final compliance.
12. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance shall be invalidated pursuant to Rule 303(k), except for excess emissions fees, which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.

**EXCESS EMISSIONS**

NOx: 172 lbs/day

**Present:**

Micah Ali, Chair  
Robert Pearman, Esq, Vice Chair  
Jerry P. Abraham, MD MPH CMQ  
Mohan Balagopalan  
Cynthia Verdugo-Peralta

**Representing the Petitioner:**

No Appearance

**Representing the Respondent:** No Appearance

**Petitioner's Exhibits:** #5 - Stipulation to Place Matter on Consent Calendar  
#6 - Declaration of Ryan Unmack  
#7 - Proposed Findings and Decision

**Hearing Board's Exhibit:** HB-3 - Email Exchange between Board Member Balagopalan and Parties

**Motion:** Ali/Verdugo-Peralta 5-0

Board  
Review/Approval:



Micah Ali, Chair

Dated: March 10, 2026

Prepared by Mary Dona Paras

Failure to comply in full with any and all conditions may result in modification or revocation of this order by the Hearing Board, and/or enforcement actions by the South Coast AQMD.

2026 MAY 28 P 2:21

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8  
9 Attorneys for Petitioner,  
10 TESORO REFINING & MARKETING  
11 COMPANY LLC

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

14 In the Matter of  
15 Tesoro Refining & Marketing Company LLC  
16 (Facility ID No. 800436)  
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Case No. 4982-139

**FINDINGS AND DECISION AND  
ORDER GRANTING A REGULAR  
VARIANCE**

Hearing: February 19, 2026  
Time: Consent Calendar

The Petition for Regular Variance, filed on December 26, 2025, by petitioner Tesoro Refining & Marketing Company LLC, was heard on the South Coast Air Quality Management District Hearing Board's **February 19, 2026**, consent calendar, pursuant to notice and in accordance with the provisions of California Health and Safety Code Section 40825. Five regular members of the Hearing Board were present: Micah Ali, Chair; Robert Pearman, Esq., Vice Chair; Jerry P. Abraham, MD MPH CMQ; Mohan Ba agopalan; and Cynthia Verdugo-Peralta. Petitioner, represented by Viviana L. Heger, Esquire, did not appear. Respondent Executive Officer of the South Coast Air Quality Management District ("District"), represented by Ryan P. Mansell, Principal Deputy District Counsel, did not appear. The matter was submitted for consideration on the Consent Calendar. The Declaration of Ryan Unmack and exhibits were received as evidence, the Findings and Decision and Order of the Hearing Board were received in the record, and the case was submitted on consent. The public was given an opportunity to testify.

1 The Hearing Board finds and declares as follows:

2 **I. NATURE OF BUSINESS AND LOCATION OF FACILITY**

3 Petitioner is in the business of petroleum refining and production of fuels and other  
4 products at the Los Angeles Refinery-Wilmington Operations located at 2101 E. Pacific Coast  
5 Highway in Wilmington, California ("Facility"). The Facility is subject to Petitioner's June 26,  
6 2025, Permit to Construct ("Permit") and operated under Facility Identification No. 800436.

7 **II. EQUIPMENT THAT IS THE SUBJECT OF THE VARIANCE**

8 The variance involves a new Selective Catalytic Reduction ("SCR") unit (Device No.  
9 C1762) that reduces emissions of nitrogen oxides ("NOx") from a new boiler known as Boiler  
10 No. 12 (Device No. D1760) (jointly "Equipment"). The Equipment is essential to maintain stable  
11 Facility operations. The boiler, a RECLAIM device,<sup>1</sup> uses refinery fuel gas to operate to produce  
12 steam for refinery operations. Flue gases from the boiler are routed to the SCR to control NOx  
13 emissions.

14 **III. SUMMARY**

15 Petitioner filed its petition for variance to allow more time to complete an emission  
16 reduction project ("Project") involving the Equipment and compliance with District Rule 1109.1.  
17 The recently constructed Project initially achieved all projected emission reductions, drastically  
18 reducing emissions from an average of approximately 100 parts per million ("ppm") NOx per day  
19 to 3 ppm NOx per day in November and early December 2025; however, starting on December  
20 22, 2025, the SCR's performance unexpectedly declined. The SCR is currently controlling NOx  
21 to between 15 to 45 ppm. Tesoro obtained an interim variance on January 21, 2026, and now  
22 requires regular variance relief to implement the maintenance strategy for the Equipment. In  
23 order to repair the SCR, the Equipment must be shut down for further internal inspection and  
24 maintenance, but the refinery cannot shut down the Equipment until approximately June 2026  
25 when new rental boilers are expected to become available and new SCR catalyst is expected to be  
26 available to install.

27  
28 <sup>1</sup> RECLAIM refers to the REgional Clean Air Incentives Market regulation, Regulation XX.  
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1 FINDINGS OF FACT AND CONCLUSIONS

2 **IV. VARIANCE FINDINGS**

3 a. **The petitioner for a variance is, or will be, in violation of Section 41701 or of**  
4 **any rule, regulation, or order of the District or any federally enforceable**  
5 **permit terms and conditions that are based on Section 41701 or of any**  
6 **applicable rule or regulation of the District.**

7 Petitioner discovered on December 24, 2025, that Petitioner would be in violation of  
8 conditions in its Permit for the Equipment starting on December 25, 2025. The violation of  
9 Permit conditions in turn causes a violation of District Rules 203(b), 2004(f)(1), and 3002(c)(1)  
10 because these rules require compliance with Permit conditions.

11 Petitioner is unable to comply with the following conditions:

12 i) Permit Condition No. A99.23 and the equipment description for Boiler No. 12, Device  
13 No. D1760, provide a 2.5-ppmv NOx limit over 30 days, except during boiler commissioning,  
14 startup, and shutdown periods. On December 24, 2025, Petitioner determined that on December  
15 25, 2025, it would not be able to comply with this condition because the SCR's performance  
16 since in November 2025 had declined such that the Equipment would not be able to meet the 30-  
17 day average limit.

18 ii) Permit Condition No. A99.22 and the equipment description for Boiler No. 12, Device  
19 No. D1760, provide a 3-ppmv NOx limit daily, except during boiler commissioning, startup, and  
20 shutdown periods. Petitioner was unable to comply with this limit beginning on December 25,  
21 2025, the date when the startup period ended and the condition began to apply.

22 iii) Administrative Condition Nos. E.3, E.7, E.8, and K.8 require the Boiler No. 12 to  
23 meet permit and rule limits. The first sentence of Administrative Condition E.3 provides that  
24 Petitioner's permit "does not authorize the emissions of contaminants in excess of those allowed  
25 by Division 26 of the Health and Safety Code of California or the Rules and Regulations of the  
26 AQMD." The first sentence of Administrative Condition E.7 provides that the facilities "shall  
27 maintain and operate all equipment to ensure compliance with all emission limits as specified in  
28 this facility permit." Administrative Condition No. E.8 requires equipment operating under the  
RECLAIM program to comply with all applicable rules. Finally, Administrative Condition No.

1 K.8 requires that equipment comply with applicable rules and regulations. The boiler is not able  
2 to consistently operate within Permit limits and, therefore, the operations are not in compliance  
3 with District Rules 203(b), 2004(f)(1), and 3002(c)(1), which mandate compliance with permit  
4 limits.

5 iv) Administrative Condition No. E.4, which applies to Boiler No. 12 and the SCR,  
6 prohibits the operation of equipment unless the associated air pollution control equipment is in  
7 "full use." The SCR is not in full use.

8 **b. Non-compliance with District Rules is due to conditions beyond the  
9 reasonable control of the petitioner.**

10 Petitioner's non-compliance is due to conditions beyond its reasonable control. In order  
11 to repair the SCR, the Equipment must be shut down for further internal inspection and  
12 maintenance, but the Facility cannot shut down the Equipment at this time.

13 The Facility requires operation of the Equipment at this time because the Facility needs  
14 steam from Boiler No. 12 to maintain stable refinery operations and needs to route fuel gas to the  
15 boiler to maintain fuel-gas balance at the Facility. Petitioner has submitted the Declaration of Mr.  
16 Ryan Unmack to demonstrate that an imbalance of either steam or fuel gas disrupts normal  
17 Facility operations and will lead to emissions from unplanned shutdowns and startup as well as  
18 flaring. To avoid excess emissions, the Facility's only operationally prudent option is to keep the  
19 Equipment operating until approximately June 2026 when Petitioner expects to be able to shut  
20 down the Equipment to repair the SCR. Stable operation of the Equipment under the Variance  
21 until then will result in less emissions than the consequences that would follow if the Equipment  
22 is shut down.

23 The Facility is engaged in a novel Project to reduce NOx. The Project is the first of its  
24 kind within the Southern California air basin to be able to achieve such low NOx emissions. In  
25 the past, boilers could continue to operate without emission control devices connected to them  
26 because a facility, as whole, was required to meet a facility-wide RECLAIM emissions cap.  
27 Now, for boilers, the RECLAIM cap-and-trade program will be phased out and replaced with  
28 different phases of District's Rule 1109.1. The District has recognized that Rule 1109.1

1 compliance projects are complex. Rule 1109.1 imposes emission limits for boilers not later than  
2 July 1, 2029. (Rule 1109.1, Table 6-1, § 4, row 4, column 4.) Once Petitioner restores the Project  
3 emission control, it will achieve Rule 1109.1 limits approximately 3.5 years before the Rule  
4 1109.1 deadline.

5           Petitioner has developed a maintenance strategy for the Equipment, which includes the  
6 use of new back-up rental boilers to supply steam and sustain stable refinery operations while  
7 Boiler No. 12 is shut down to repair the SCR. Back-up steam will help prevent steam or fuel gas  
8 imbalances that could lead to flaring.

9           The refinery has completed all necessary steps to obtain three rental boilers each equipped  
10 with NOx emission control SCRs. Petitioner expects the new rental boilers to arrive by the end of  
11 March 2026 and then requires up to two months to construct, start-up, and commission the boilers  
12 following safety tests. Variance relief is sought through June 2026 to allow additional time in the  
13 event delays occur.

14           The maintenance strategy also includes installing new catalyst as soon as the new back-up  
15 rental boilers are operational. Petitioner has submitted evidence that repairs to the SCR require a  
16 replacement of catalyst, which cannot be obtained until approximately April 2026. Catalyst is in  
17 high demand in the market due to data centers and other regional projects. The SCR catalyst  
18 cannot be installed earlier than approximately June 2026 because the Boiler No. 12 shutdown  
19 must occur after the rental boilers are confirmed operational and consistently compliant with  
20 permit limits.

21           The refinery has never added an SCR to a boiler at the same time to achieve such low  
22 NOx limits and has never used rental boilers like those involved in the Variance. Installing  
23 emission controls and new equipment at the same time adds complexity because two new devices  
24 must be simultaneously started up. During the startup sequence of Boiler No. 12 on December  
25 18, 2025, Petitioner experienced failures associated with an emergency isolation/chopper valve  
26 that allowed introduction of fuel gas. The chopper valve failure was repaired, and the Equipment  
27 underwent further inspection, maintenance, and repairs between December 18 and December 22.  
28

1 Upon Boiler No. 12's startup activities on December 22, 2026, however, the SCR's performance  
2 did not achieve NOx limits.

3 Petitioner has explored alternatives to obtaining a variance, but at this time, Petitioner has  
4 not found an alternative that avoids the need for this variance.

5 **c. Requiring compliance would result in either (1) an arbitrary or unreasonable**  
6 **taking of property or (2) the practical closing and elimination of a lawful**  
7 **business.**

8 Denial of the variance would cause a practical closing of Petitioner's business at the  
9 Facility. If the Facility were denied variance relief, such a denial will result in an increase in  
10 emissions of air pollutants, an adverse impact to air quality, and unreasonable adverse impact to  
11 Petitioner. If the Facility were denied variance relief, the only remaining compliance option  
12 would be an unplanned shut down of the Equipment. This Variance will also avoid a shutdown  
13 of the entire refinery, which potentially could occur if normal operations are disrupted to a level  
14 that requires Tesoro to shut down operations entirely. Unplanned shutdowns of the Equipment  
15 would cause emissions greater than those associated with Petitioner's variance request and would  
16 result in economic losses in excess of \$1.1 million per day. The Equipment is critical to  
17 Petitioner's business, and, without operation of the Equipment, Petitioner would be unable to  
18 maintain stable operations at the Facility.

19 Denial of the variance would pose a risk of adversely impacting Petitioner's ability to  
20 produce fuel. Thus, denying the variance would result in unreasonable adverse impacts to  
21 Petitioner and lead to increased emissions.

22 Thus, denying the variance would result in the practical closing and elimination of  
23 Petitioner's lawful business.

24 **d. The closing or taking would be without corresponding benefit in reducing air**  
25 **contaminants.**

26 Denial of the variance relief would cause irreparable harm to Petitioner with no  
27 corresponding benefit in emissions reduction, in that (a) the Equipment is generating less NOx  
28 emissions than the prior boilers, (b) denial of the Petition would treat Tesoro punitively while it is  
planning to implement a strategy to complete implementation of an emission control Project that

1 has, and will continue to have, emission reduction benefits 3.5 years in advance of applicable  
2 regulatory deadlines, and (c) without variance relief, Tesoro instead would be required to shut  
3 down the Equipment causing a practical closing and taking of Tesoro's lawful business  
4 operations.

5 **e. The petitioner for the variance has given consideration to curtailing**  
6 **operations of the source in lieu of obtaining a variance.**

7 Tesoro cannot curtail operations of the Equipment because the boiler is needed to  
8 maintain steam and fuel gas balance to keep the refinery operating normally and to avoid  
9 increased emissions at the refinery.

10 **f. During the period that the variance is in effect, the petitioner will reduce**  
11 **excess emissions to the maximum extent feasible.**

12 Petitioner continues to reduce excess emissions to the maximum extent feasible. The  
13 Project has drastically reduced emissions from 100 ppm NOx per day to between 15 to 45 ppm  
14 NOx daily. Petitioner has implemented these NOx reductions 3.5 years in advance of the July 1,  
15 2029, regulatory deadline that applies under District Rule 1109.1. Boiler No. 12 is a RECLAIM  
16 device. Petitioner's variance request will not result in excess emissions under RECLAIM.

17 **g. During the period that the variance is in effect, the petitioner will monitor or**  
18 **otherwise quantify emission levels from the source, if requested to do so by the**  
19 **District, and report the emission levels to the District pursuant to a schedule**  
20 **established by the District.**

21 During the variance period, Petitioner will conduct all NOx emission monitoring and  
22 reporting under RECLAIM.

### 23 ORDER

24 THEREFORE, good cause appearing, the Hearing Board orders as follows:

25 A. Petitioner is granted a regular variance through June 30, 2026. Petitioner is  
26 granted a variance (i) from District Rules 203(b), Rule 2004(f)(1), and Rule 3002(c)(1) as they  
27 pertain to Condition Nos. A99.22, A99.23 applicable to Boiler No. 12 (Device No. D1760); (ii)  
28 from District Rules 203(b), Rule 2004(f)(1), and Rule 3002(c)(1) as they pertain to  
Administrative Condition Nos. E.3, E.7, E.8, and K.8 applicable to Boiler No. 12 (Device No.

1 D1760); and (iii) from District Rules 203(b), Rule 2004(f)(1), and Rule 3002(c)(1) as they pertain  
2 to Administrative Condition No. E.4 applicable to the boiler and SCR (Device Nos. Device No.  
3 D1760 and C1762).

4 B. The variance granted herein is subject to the following conditions:

- 5 1. Petitioner shall report a Variance Notification to South Coast Air Quality Management  
6 District (South Coast AQMD) upon the start of the variance period in this matter by  
7 calling 1-800-CUT-SMOG (Attention Inspector Oscar Nieto Mora).
- 8 2. Petitioner shall phase in maintenance activities for the SCR (Device No. C1762) that  
9 serves Boiler No. 12 (Device No. D1760) by shutting down Boiler No. 12 and SCR  
10 (Device No. C1762) for SCR maintenance once all required equipment and catalyst  
11 arrive and are ready to operate.
- 12 3. During the variance period, Petitioner shall, on a daily basis, monitor the SCR (Device  
13 No. C1762) and Boiler No. 12 (Device No. D1760) when the units are in operation  
14 and shall record one set of readings per day with regard to SCR inlet and outlet  
15 temperature and pressure. Having already recorded the daily temperature and pressure  
16 for the first two weeks of the interim variance in this matter, Petitioner shall  
17 electronically notify Inspector Oscar Nieto Mora (omora@aqmd.gov) if the  
18 temperature changes by more than 10% from the average of those weeks and/or if  
19 pressure increases above 2 inches Dihydrogen Monoxide (H<sub>2</sub>O – water).
- 20 4. During the variance period, Petitioner shall, on a daily basis, monitor Nitrous Oxide  
21 (NO<sub>x</sub>), Ammonia (NH<sub>3</sub>), Carbon Oxide (CO), and Dioxygen (O<sub>2</sub>) emissions from the  
22 SCR (Device No. C1762) and Boiler No. 12 (Device No. D1760) when the units are in  
23 operation. Petitioner shall electronically mail to Inspector Oscar Nieto Mora  
24 (omora@aqmd.gov) every Wednesday by 5 p.m. the NO<sub>x</sub>, NH<sub>3</sub>, CO, and O<sub>2</sub>  
25 emissions from the previous week of operation. Emissions shall be reported in the  
26 following form for NO<sub>x</sub> and CO: ppm 24-hour average, ppm 30-day average, and  
27  
28

1 daily mass emissions. Emissions shall be reported in the following form for NH3:  
2 ppm 1-hour average.

- 3 5. Petitioner shall demonstrate compliance with the Facility BCAP NOx Emission Target  
4 or facility-wide NOx mass emissions, during Phase I, of 1,037 tons per year, as limited  
5 under the SCAQMD Rule 1109.1 Compliance Plan. The demonstration shall be based  
6 on a rolling 365-day daily average. Petitioner shall electronically mail to Inspector  
7 Oscar Nieto Mora (omora@aqmd.gov) every Wednesday by 5 p.m. the total emissions  
8 from all the affected facilities to show compliance with the BCAP Emissions Target.  
9  
10 6. Petitioner shall notify the District at 1-800-CUT-SMOG (Attention Inspector Oscar  
11 Nieto Mora) and by e-mail to Inspector Oscar Nieto Mora (omora@aqmd.gov) at least  
12 24 hours prior to any planned shutdown of the SCR (Device No. C1762) to inspect  
13 and repair the SCR.  
14  
15 7. Prior to the start of the variance period in this matter, the facility shall hold sufficient  
16 RECLAIM Trading Credits (RTCs) to offset expected excess emissions increases of  
17 NOx of approximately 100 pounds of NOx per day for the variance period. The RTCs  
18 held to satisfy this condition may not be transferred during this variance period.  
19 Within 30 days of achieving final compliance, Petitioner shall calculate actual excess  
20 emissions during the variance period and provide additional RTCs if the calculated  
21 NOx emissions are determined to exceed emissions 100 pounds of NOx per day.  
22  
23 8. During maintenance activities, Petitioner shall work as quickly as possible, including  
24 on weekends and during daylight and evening hours, to conduct work that enables  
25 Petitioner to repair the SCR (Device No. C1762).  
26  
27 9. In the event that Boiler No. 12 (Device No. D1760) experiences a trip or malfunction  
28 during the variance period that requires shutdown of the device and affected refinery  
equipment, Petitioner shall (i) notify Inspector Oscar Nieto Mora (omora@aqmd.gov)  
within one hour; (ii) report a breakdown pursuant to Rule 430 and Rule 2004; and (iii)

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upon re-start of Boiler No. 12 (Device No. D1760) reduce NOx emissions in other combustion devices in the refinery.

10. Petitioner shall provide records (i.e., Outlet NOx, NH3, CO, O2) SCR stack temperature; SCR differential pressure; boiler firing rate) electronically to Inspector Oscar Nieto Mora (omora@aqmd.gov) showing stable operation of the SCR following maintenance and/or replacement of catalyst.

11. Petitioner shall notify the Clerk of the Board (clerkofboard@aqmd.gov) in writing, and notify Inspector Oscar Nieto Mora via email(omora@aqmd.gov) or by calling 1-800-CUT-SMOG (Attention: Oscar Nieto Mora) to report a Variance Notification of compliance within two (2) hours of achieving final compliance.

12. Petitioner shall pay all applicable fees to the Clerk of the Board or the variance shall be invalidated pursuant to Rule 303(k), except for excess emissions fees, which shall be paid within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.

Prepared by Viviana L. Heger  
and reviewed by Ryan P. Mansell

For the Board:   
Micah Ali, Chair

Dated: March 10, 2026