

DOCKETED	
Docket Number:	23-OIR-03
Project Title:	General Rulemaking Proceeding for Developing Regulations, Guidelines, and Policies for Implementing SB X1-2 and SB 1322
TN #:	256479
Document Title:	NOTICE OF APPROVAL OF EMERGENCY REGULATORY ACTION
Description:	California Energy Commission NOTICE OF APPROVAL OF EMERGENCY REGULATORY ACTION
Filer:	Xieng Saephan
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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Docketed Date:	5/21/2024

**State of California
Office of Administrative Law**

In re:
California Energy Commission

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

Regulatory Action:

Title 20, California Code of Regulations

**Government Code Sections 11346.1 and
11349.6**

**Amend sections: 1363.1, 1363.2, 1366, 1367,
1370, 1371, and Division
2, Chapter 3, Article 3,
Appendices B and D**

OAL Matter Number: 2024-0509-03

OAL Matter Type: Emergency (E)

This emergency rulemaking action by the California Energy Commission amends regulations and appendices to implement the gasoline refining margin and marine import reporting requirements in Public Resources Code, sections 25354 and 25355. These amendments are deemed an emergency and shall remain in effect for two years pursuant to Public Resources Code, section 25367(a).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 5/20/2024 and will expire on 5/21/2026. The Certificate of Compliance for this action is due no later than 5/20/2026.

Date: May 20, 2024



Stephen P. Mehlert
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Drew Bohan, Executive
Director

Copy: Lisa DeCarlo

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION
 STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2024-0509-03E	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
 In the office of the Secretary of State
 of the State of California

MAY 20 2024
 2:01 PM

OFFICE OF ADMIN. LAW
 2024 MAY 9 PM 3:37

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
 California Energy Commission

AGENCY FILE NUMBER (if any)
 23-OIR-03

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER		PUBLICATION DATE	
		<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn					

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) SB X1-2 Gasoline Refining Margin and Marine Import Reporting Reqmt's		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S) 20	1363.1, 1363.2, 1366, 1367, 1370, 1371 and Div 2, CH 2, Art. 3, Appendices B and D PER AGENCY REQUEST SPM 5/20/24

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Lisa DeCarlo	TELEPHONE NUMBER (916) 917-2457	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) lisa.decarlo@energy.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5/9/2024
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TYPED NAME AND TITLE OF SIGNATORY
DREW BOHAN, EXECUTIVE DIRECTOR

PER AGENCY REQUEST
 SPM
 5/20/24

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 20 2024

Office of Administrative Law

EXPRESS TERMS

California Code of Regulations
Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation and Development Commission
Chapter 3. Data Collection
Article 3. Petroleum Information Reports

Proposed new language appears as underline (example) and proposed deletions appear as strikeout (~~example~~). Existing language appears as plain text. Three dots or “...” represents the substance of the regulations that exists between the proposed language and current language.

§ 1363.1. Definitions: Specific Petroleum and Non-Petroleum Products.

[...skipping subsections (a) through (u)]

(v) “Unfinished Oils” means all oils requiring further processing at a refinery, except those requiring only mechanical blending. Unfinished oils are produced by partial refining of crude oil and include naphthas and lighter oils, kerosene and light gas oils, heavy gas oils, and residuum.

NOTE: Authority cited: Sections 25213, ~~and 25218(e)~~, and 25367, Public Resources Code. Reference: Sections 25354 and 25355, Public Resources Code.

§ 1363.2. Definitions: Specific Definitions for Purposes of Reporting Requirements.

“1/1/1” means a pricing window associated with the loading or discharge of a marine vessel that is benchmarked to a published reference price (such as OPIS prompt spot LA CARBOB Regular) the business day before, business day of, and business day after title transfer has commenced.

“3-Day Wrap” means a pricing window associated with the pumping of a pipeline tender that is benchmarked to a published reference price (such as OPIS prompt spot LA CARBOB Regular) the business day before, business day of, and business day after the pumping of the tender has commenced.

“Additives” means compounds formulated to reduce the formation of engine deposits when combined with gasoline intended to be sold at retail or to other end-user customers. Additives can include registered generic or proprietary formulations.

“Adjusted Dealer Tank Wagon (ADTW)” means the delivered wholesale transaction price for gasoline transported by tanker truck to a retail dealer or franchisee that has been adjusted to reflect the “net cost” to the retail dealer or franchisee such that all

rebates or other discounts are subtracted from the original dealer tank wagon (DTW) price to reflect the net cost of the gasoline to the retail dealer or franchisee.

“Airport retail fuel outlet” refers to a facility that stores and dispenses petroleum products, typically jet fuel and aviation gasoline for use in private and/or commercial aircraft. Airport refueling operations that provide refueling services to military aircraft are excluded from this definition.

“All other taxes and fees” means the volume-weighted average price of all taxes and fees, other than underground storage tank fees and fees related to the Low Carbon Fuel Standard or Cap-and-Trade Program, included in a wholesale gasoline sale (such as branded rack, unbranded rack, bulk, spot pipeline, dealer tank wagon, company-owned, company-operated, or sales to other end-users).

“API” means the American Petroleum Institute.

“Average Throughput” means the liquid volume transported by a pipeline during a specific period divided by the number of days in that period.

“Barrel” means a unit of liquid measurement that consists of 42 U.S. gallons.

“Book Transfer” means the completion of a spot market purchase or sale obligation without a physical movement or title transfer of the product as a result of two parties having purchase and sale contracts that serve to offset each other, directly or in a contractual chain with other parties.

~~“Bulk Terminal” means a storage and distribution facility not open to the public that is used primarily for wholesale marketing of petroleum products and oxygenates with a minimum storage capacity of 50,000 barrels.~~

“Branded Rack Sales” means wholesale sales, not exceeding the size of a truckload, of petroleum products sold under a brand name with a proprietary additive package included, where title transfers at a distribution terminal.

“Broker” means an entity that negotiates contracts of purchase and sale of spot market transactions that is not classified as a refiner or a trader.

“Bulk Sales” means wholesale sales of petroleum products in individual transactions that exceed the size of a truckload. Examples include without limitation marine vessel (product tanker or barge) and rail tank car.

“Bulk Terminal” means a storage and distribution facility not open to the public that is used primarily for wholesale marketing of petroleum products and oxygenates with a minimum storage capacity of 50,000 barrels.

“Bunkering” means the physical transfer of marine fuels from one marine vessel to another marine vessel.

“CARB” means the California Air Resources Board.

“Cardlock Retail Fuel Outlet” means a facility, normally unattended by any operator, that dispenses refined petroleum products to consumers as a sole or predominant activity of their business operation.

“Catalyst” means a substance used to accelerate or retard a chemical reaction in refinery process units (such as catalytic cracking, hydrocracking, hydrotreating, and reforming) without itself undergoing significant chemical change or change in volume during the process.

“CEC” means the State Energy Resources Conservation and Development Commission or the California Energy Commission.

“Central Coast Region” means a geographic area in California that includes the counties of Monterey, San Benito, San Luis Obispo and Santa Barbara.

“Company-Owned, Company-Operated Sale” means a sale of gasoline, on-highway diesel fuel, or propane for on-highway vehicle use by any company-owned outlet, such as a service station, under the direct control of the refiner, such that the refiner can set the retail product price and directly collect all or part of the retail margin. This category includes retail outlets: (1) being operated by salaried employees of the refiner or its subsidiaries and affiliates, or (2) involving personnel services contracted by the refiner.

“Contract Identification Number” means the unique identification number for a transaction, which reporting entities can self-assign based on internal requirements but must be alpha-numeric and not exceed 25 characters.

“Contract Position Identification Number” means the sequence number for each transaction under a spot market contract.

“Costs of Labor” means the sum of employee wages, employee benefits costs, and payroll taxes paid by an employer.

“Counterparty” means the entity identified by the reporting form filer as either the buyer or seller of a contract transaction.

“Crude Oil Acquisition Cost” means the cost of crude oil, including transportation and other fees paid by the refiner but not including the cost of crude oil purchased for the

Strategic Petroleum Reserve or profits and losses from crude oil futures or options trading activity.

“Crude Oil Pipeline System” means a facility that receives its supply from pipeline gathering systems, tanker or barge, and has its terminals located at a refinery or waterside terminal and from which crude oil is shipped directly to one or more refineries in California or transported out of state. A crude oil pipeline system includes all points of origin, terminals, working tank storage capacity, and points of interconnection with crude oil pipeline systems operated by others.

“Dealer Tank Wagon (DTW)” means a delivered wholesale price for gasoline transported by tanker truck to a retail fuel outlet.

“Delivery Chain” means the list of all parties involved in final settlement from originating buyer to supplying seller.

“Desert Region” means a geographic area in California that includes the counties of Riverside and San Bernardino.

“Detergent Additive” means any chemical compound or combination of chemical compounds that are added to gasoline to control deposit formation and which may contain non-detergent-active components such as corrosion inhibitors, antioxidants, metal deactivators, and handling solvents.

“Ending Inventory” means the quantity (measured in thousands of barrels) of crude oil, petroleum products or oxygenates that is held as stocks at a refinery, bulk plant, public storage facility or tank farm at the end of a designated reporting period.

“EPA” means the United States Environmental Protection Agency.

“Exchange” means a transaction in which title or interest in petroleum products or crude oil stocks are transferred between firms in return for other petroleum products or crude oil stocks.

“Exchange Futures for Physical (EFP)” means a negotiated and simultaneous exchange of a futures position for a corresponding cash position, priced as a differential to a NYMEX futures reference product.

“Exporter” means a firm that is the owner of record at the point of loading for crude oil, petroleum products or oxygenates destined for export from California and has exported 20,000 barrels or more of any combination of crude oil, petroleum products or oxygenates during any month of the current or previous year.

“Exports” mean crude oil, petroleum products or oxygenates transported to destinations outside of California by means of marine vessel, rail car, tanker truck, or pipeline.

“Firm” means any person or entity engaged in any activity included in the Cal. Code of Regulations, Title 20, Public Utilities and Energy Division 2, Chapter 3, Article 3, Section 1361 et seq.

“Floating Price” means a pricing method for a spot market transaction in which the buyer and seller agree that the cash price will be determined at some future time and agree on an event or a specific timeframe and pricing reference from which the cash price will be set.

“Franchisee” means a retailer or distributor authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

“Gasoline Blendstock” means any motor gasoline component intended for blending with oxygenates to produce finished conventional motor gasoline. It includes reformulated gasoline blendstock for oxygenate blending (RBOB) but excludes oxygenates (alcohols, ethers), butane, and pentanes plus.

“Gasoline Treated As Blendstock” means on-certified Foreign Refinery gasoline classified by an importer as blendstock to be either blended or reclassified with respect to reformulated or conventional gasoline.

“Gross Production” means total crude oil production, including all crude oil consumed in the production process.

“Hypermarket Retail Fuel Outlet” means a facility, normally attended by one or more operators, that dispenses refined petroleum products to consumers as a subset of their primary business activity. The predominant business activity consists of the sale to ultimate consumers of non-petroleum goods and services.

“Importer” means a firm that is owner of record at the point of discharge for crude oil, petroleum products or oxygenates imported to California and has imported 20,000 barrels or more of any combination of crude oil, petroleum products or oxygenates during any month of the current or previous year. Importer also includes firms delivering 5,000 gallons or more of non-California fuels to a site in California by tanker trucks.

“Imports” include crude oil, petroleum products, oxygenates and non-California fuels that are transported to California from destinations originating outside of California by means of marine vessel, rail car, tanker truck, or pipeline.

“Independent Retail Fuel Outlet Operator” means a firm, other than a Refiner or Major Petroleum Products Marketer, that owns or leases a retail fuel outlet, that is engaged in

the trade or business of purchasing refined petroleum products and reselling these products to consumers without substantially changing the form of these products.

“In-tank Transfer” means the change of ownership of inventory of refined petroleum product or renewable fuel on the books and records of a terminal operator where the buyer and seller are both terminal customers in the same storage tank in California.

“Intermediate Oil Product” means a general classification of refined petroleum product that is used in refinery processes to create a finished transportation fuel.

“Inter-tank Transfer” means the change of ownership of inventory of refined petroleum product or renewable fuel where the seller delivers material from one tank to a different tank owned or leased by the buyer and where the buyer and seller are both terminal customers.

“Landed Cost” means the sum of all expenses associated with importing the product. This includes, but is not limited to, price of goods, shipment cost, insurance fees, and customs duties.

“Lease” means a crude oil or natural gas producing property.

“Lease Storage Facilities” means storage tanks used to accumulate crude oil from producing properties prior to first sale or shipment.

“Los Angeles Basin Region” means a geographic area of California that includes the counties of Los Angeles, Orange and Ventura.

“Major Crude Oil Producer” means an operator or firm that produces crude oil in California, California tidelands or the Outer Continental Shelf adjacent to California tidelands in an amount greater than 20,000 barrels during any month of the current or preceding calendar year.

“Major Crude Oil Storer” means a firm or public storage facility, excluding refiners, that owns or operates a tank farm that stores or processes more than 50,000 barrels of crude oil at any time during the current or preceding calendar year.

“Major Crude Oil Transporter” means a firm that owns or operates a trunk pipeline and that has transported 20,000 barrels or more during any one month of the current or preceding calendar year. End users and public storage facilities that transport crude oil only between facilities owned or leased by such end users for their own use are not considered major crude oil transporters.

“Major Petroleum Products Marketer” means a firm that sells or sold 20,000 barrels or more of petroleum products during any month of the current or preceding calendar year, excluding service stations or truck stops. An electric utility shall not be considered a

major petroleum products marketer unless it has sold or otherwise disposed of, other than through its own consumption, 20,000 barrels or more of petroleum products per month during any four months of the current or preceding calendar year.

“Major Petroleum Products Storer” means a facility that produced or received into storage a minimum of 50,000 barrels of any combination of petroleum products or oxygenates during any month of the current or preceding calendar year.

“Major Petroleum Products Transporter” means a firm that owns or operates a petroleum product pipeline, trucks, tankers, barges or railroad cars, and that transported 20,000 barrels or more of petroleum products during any month of the current or preceding calendar year. End users that transport products only between facilities owned or leased by such end users for their own use shall not be considered major petroleum products transporters. Public storage facilities that transport petroleum product only between their owned and operated storage, terminal, or warehousing operations shall not be considered major petroleum product transporters.

“Marina Retail Fuel Outlet” means a facility, normally attended by one or more operators, that dispenses refined petroleum products to ultimate consumers for use in recreational or commercial marine craft. A marina retail fuel outlet does not include businesses that dispense marine fuels by the bunkering process.

“Marine Exports” mean crude oil, petroleum products or oxygenates that are transported to destinations outside of California by means of a marine vessel.

“Marine Facility Operator” means an operator of a facility of any kind, other than a marine vessel or tank barge that is used for the purposes of importing, exporting, storing, handling, transferring, processing, refining or transporting crude oil or petroleum products. A Marine Facility Operator does not include the person or entity that owns the land where the marine facility is located unless the person or entity is involved in the operation of the marine facility.

“Marine Fuels Distributor” means one of the following: a firm that owns or operates marine vessels that are used wholly or in part to deliver 20,000 barrels or more of marine fuels during any month of the current or previous year to other marine vessels or a firm that delivers 20,000 barrels or more of marine fuels to marine vessels during any month of the current or previous year from storage tanks rather than from marine vessels. The transfer of these marine fuels is referred to as bunkering.

“Marine Imports” mean crude oil, petroleum products or oxygenates transported to California from destinations originating outside of California by means of a marine vessel.

“Marine Vessel” is a waterborne tanker or barge used to convey crude oil, petroleum products or oxygenates.

“Maximum Storage Tank Capacity” means the maximum volume of crude oil, petroleum product or oxygenate that can be safely discharged into an individual storage tank without exceeding the high level design limits.

“Maximum Throughput” means the maximum liquid volume that may be transported through a pipeline for an indefinite period without damaging any pipeline equipment.

“Mountain Region” means a geographic area in California that includes the counties of Alpine, Amador, Calaveras, El Dorado, Inyo, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sierra, Siskiyou, Trinity and Tuolumne.

“Net-Out” means a type of settlement that is consummated through an exchange of cash, instead of through physical delivery of the product.

“Non-California Fuel” means finished motor gasoline and No. 2 diesel fuel that does not meet CARB standards sold in California at retail locations that dispense transportation fuels.

“Non-California Fuel Transporter” means a firm that owns or operates tanker trucks that are used wholly or in part to deliver 5,000 gallons or more of fuels that do not meet CARB regulations to retail locations in California during any month of the current or previous year.

“North Coast Region” means a geographic area in California that includes the counties of Del Norte, Humboldt, Lake and Mendocino.

“Northern California Region” means a geographic area in California that includes the counties of Santa Cruz, Santa Clara, San Mateo, San Francisco, Merced, Stanislaus, Alameda, San Joaquin, Tuolumne, Calaveras, Mono, Alpine, Amador, Sacramento, Solano, Napa, Marin, Sonoma, Yolo, El Dorado, Placer, Sutter, Colusa, Lake, Mendocino, Glenn, Butte, Nevada, Sierra, Yuba, Plumas, Tehama, Lassen, Shasta, Trinity, Humboldt, Del Norte, Siskiyou, Mariposa, Madera, Modoc, Contra Costa, San Luis Obispo, Kern, Inyo, Tulare, Kings, Monterey, San Benito and Fresno.

“Notice of Readiness (NOR)” means a communication provided by the marine vessel owner or agent that the vessel has arrived and is ready for loading or discharge at a designated berth within a designated period of time.

“Number of Sites” means the number of different locations for a specified region of California that receive DTW fuel during a reporting period.

“OPEC” means the Organization of the Petroleum Exporting Countries. The countries belonging to this organization are subdivided into the following geographic regions:

(a) "Middle East OPEC" means the countries of Iran, Iraq, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates.

(b) "Non-Middle East OPEC" means the countries of Algeria, Libya, Nigeria and Venezuela.

"Operator" means any person drilling, maintaining, operating, pumping, or in control of any well as defined by the California Public Utilities Commission or by the California Department of Conservation's Division of Oil and Gas, & Geothermal Resources.

"PIIRA" means the Petroleum Industry Information Reporting Act.

"Pipeline" means a crude oil pipeline system or product pipeline system.

"Pipeline Delivery Subcycle" means the contract subcycle for pipeline deliveries given by the pipeline company transporting the product.

"Pipeline Exports" mean crude oil, petroleum products or oxygenates that are transported to destinations outside of California by means of a pipeline.

"Pipeline Imports" means crude oil, petroleum products or oxygenates that are transported to California from destinations originating outside of California by means of a pipeline.

"Pipeline Gathering System" means a pipeline system that collects crude oil from lease storage facilities and delivers it to a crude oil pipeline system.

"Pipeline Storage Tanks" means a storage facility owned by a pipeline firm and located at the points of origin and at terminals of pipeline segments used to maintain normal pipeline operations.

"Position Sequence Number" means the location identifier assigned by the pipeline company shipping the product.

"PPM" means parts per million.

"Price Basis" means the type of pricing method agreed upon between counterparties for a trade.

"Pricing Event" means a pricing occurrence for floating price contracts that was agreed to at the time of contract that relates to a specific date or range of dates associated with the title transfer that determines the value of the settlement.

"Producing Property" means property that produced crude oil during the reporting period in an amount as to require reporting of production to the California Department of Conservation's Division of Oil and Gas, & Geothermal Resources.

“Product Pipeline System” means a system that transports petroleum products from refineries or bulk terminals or marine facilities to other terminals or interconnections with other pipelines; a product pipeline system does not include interconnections within a terminal facility or those lines connecting public storage facilities to one another. A product pipeline system includes all points of origin, terminals, working tank storage capacity and points of interconnection with product pipeline systems operated by others.

“Public Storage Facility” means a public liquid bulk storage, terminal, or warehousing operation for hire in which the owner or operator of the facility has no ownership interest in any of the materials stored on contract with its customers.

“Pump-over Transfer” means the transfer of physical inventory and ownership of refined petroleum product or renewable fuel on the books and records of a terminal operator from one storage tank to another where the buyer and seller are both terminal customers.

“Rail Car” means a railroad car that is used to transport crude oil, petroleum products or oxygenates via a network of railroad tracks.

“Rail Exports” mean crude oil, petroleum products or oxygenates that are transported to destinations outside of California by means of rail.

“Rail Imports” mean crude oil, petroleum products or oxygenates that are transported into California from destinations originating outside of California by means of rail.

“Receipts” mean delivery of crude oil, petroleum products or oxygenates into storage tanks located at the refinery, bulk plant, public storage facility or tank farm for the specified reporting period from tanker truck, marine vessel, rail car or pipeline.

“Refiner” means a firm that produces or alters products or blends to manufacture liquid hydrocarbons from oil and gas field gases, recovers liquefied petroleum gases incident to petroleum refining or produces fuel ethanol and sells those products to resellers, retailers, reseller/retailers or ultimate consumers.

“Refinery” means a facility, regardless of processing capacity, that manufactures transportation fuel products including, but not limited to, finished petroleum products, unfinished products from crude oil, unfinished oils, natural gas liquids, other hydrocarbons, and oxygenates and fuel ethanol.

“Refinery Fuel Use and Losses During the Month” means all fuel consumed at the reporting facility except non-processing losses (spills, fire losses, contamination, etc.).

“Refinery Storage Facility” means storage located on a refinery site or operated in conjunction with a refinery that primarily receives its petroleum product directly from a refiner.

“Renewable Identification Number (RIN)” means a serial number assigned to a batch of biofuel for the purpose of tracking its production, use, and trading as required by the US EPA’s renewable fuels standard (RFS).

“Retail Fuel Outlet” means an individual business location that dispenses refined petroleum products or alternative fuels to ultimate consumers.

“Retailer” means a firm that carries on the trade or business of purchasing refined petroleum products and reselling them to ultimate consumers without substantially changing their form.

“Sacramento Valley Region” means a geographic area in California that includes the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba.

“Sale to Other End-Users” means a direct sale to an end-user not made through company-operated retail outlets. This term includes sales to non-retail station bulk consumers including, but not limited to, agriculture, industry, and utilities, as well as residential and commercial consumers. Sales made to retail outlets other than those operated directly by the reporting company, or its affiliates or subsidiaries, must be included in the following wholesale sales categories as applicable: DTW, Branded Rack, Unbranded Rack, or Bulk.

“San Diego Region” means a geographic area in California that includes the counties of Imperial and San Diego.

“San Francisco Bay Area Region” means a geographic area in California that includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

“San Joaquin Valley Region” means a geographic area in California that includes the counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus and Tulare.

“Service Station” means a retail fuel outlet, normally attended by one or more operators, that dispenses refined petroleum products to ultimate consumers as the sole or predominant activity of their business operation.

“Settlement” means the final step in a transaction and represents either transfer of ownership involving the physical exchange of securities or payment and verification of the quantity of product exchanged, whichever is later.

“Shipment Issued Entity” means the party that a request for shipment was tendered to by a purchaser of product.

“Southern California Region” means a geographic area in California that includes the counties of Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Imperial.

“Spot Market Transaction” means a trade in which petroleum products, including blendstocks for finished petroleum products, are purchased on the spot for delivery by pipeline, inter-tank transfer, pump-over transfer, in-tank transfer, marine vessel, rail car discharge, or imports.

“Spot Pipeline Sale” means a sales transaction that physically changes hands at a refinery gate or other major pricing hub for delivery on a pipeline in either the Los Angeles or San Francisco spot pipeline markets. This term also includes without limitation pump-over and in-tank transfer delivery methods.

“Stocks” mean volumes of crude oil, petroleum products or oxygenates (corrected to 60 degrees Fahrenheit less basic sediment and water) of domestic origin held at refineries, bulk plants, public storage facilities or tank farms. Crude oil and petroleum products in transit by pipeline are excluded. Stocks include foreign stocks held at refineries, bulk plants, public storage facilities or tank farms only after entry through Customs for domestic consumption. Stocks of foreign origin held in bond and/or in transit by pipeline are excluded.

“Support Staff,” for purposes of this article, include temporary independent contractors hired by the CEC for the sole purpose of performing PIIRA data entry. Support staff will be subject to all PIIRA confidentiality requirements.

“Tank Farm” means a facility, not available for public storage, used for the storage of crude oils, petroleum products or oxygenates with total combined storage capacity of 50,000 barrels or more which receives crude oil, petroleum products and oxygenates by tanker truck, marine vessel, rail car or pipeline and does not contain lease storage facilities.

“Tank Heel” means the volume of crude oil, petroleum product or oxygenate that remains in a storage tank at the lowest operable level.

“Tanker Truck” means a motorized vehicle with an attached storage vessel that is used to transport crude oil, petroleum products, oxygenates or non-California fuels overland.

“TEOR” means thermally enhanced oil recovery.

“Terminal Operator” means a firm that owns, leases or operates a bulk terminal, tank farm or public storage facility and provided storage services of 50,000 barrels or more of any combination of crude oil, petroleum products or oxygenates during any month of the current or previous year and includes refiners.

“Trader” means an individual, company, or other entity that does not have a refining presence in California but either sells or takes possession of refined petroleum products or renewable fuels, or both, via spot market transactions.

“Transportation Fuel Product” means gasoline, blending components, diesel fuel, aviation fuel, and renewable fuels.

“Truck Stop Retail Fuel Outlet” means a facility, normally attended by one or more operators, that is accessible to operators of heavy duty on-road motor vehicles and dispenses refined petroleum products to ultimate consumers as a sole or predominant activity of their business operation.

“Turnaround” has the same meaning as in Section 7872 of the Labor Code.

“Unbranded Rack Sales” means wholesale truckload sales or smaller of petroleum products where title transfers at a distribution terminal. Unbranded gasoline is not associated with a specific brand name and is typically sold by single-station retail outlets, relatively small chain retailers that specialize in gasoline sales, and large supermarket chain stores.

“Usable Storage Tank Capacity,” when used in connection with crude oil or petroleum product pipeline systems, bulk terminals, tank farms and public storage facilities, means the total liquid storage volume less that volume that cannot be used for normal operations (tank heel, basic sediment, and water, corrected to 60 degrees Fahrenheit).

“U.S.C.” means United States Code.

NOTE: Authority cited: Sections 25213, 25218(e) and 25367, Public Resources Code. Reference: Sections 25354 and 25355, Public Resources Code.

[...skipping sections 1364 through 1365.2]

§ 1366. Requirement to File.

...[skipping subsections (a) through (j)]

(k) Each refiner and major petroleum products marketer as defined in Section 1363.2, shall file monthly reports containing all of the information specified in Appendix B, Section VI.

~~(l) Each major petroleum products marketer, as defined in Section 1363.2, required to file Form EIA782B published by the United States Department of Energy shall file monthly reports containing all of the information specified in Appendix B, Section VI.~~

~~(m)~~ Each refiner, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section I.

~~(mm)~~ Each refiner, terminal operator and major petroleum products storer, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section II.

~~(en)~~ Each major crude oil transporter, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section III, for each crude oil pipeline system.

~~(po)~~ Each major petroleum products transporter, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section IV, for each petroleum product pipeline system.

~~(qp)~~ Each major crude oil producer, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section V.

~~(rq)~~ Each refiner, major petroleum products marketer and independent retail fuel outlet operator, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section VI.

~~(sr)~~ Each refiner, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section VII.

~~(ts)~~ Each refiner, terminal operator, major petroleum products storer and marine facility operator, as defined in Section 1363.2, shall file annual reports containing all of the information specified in Appendix C, Section VIII.

(t) Each refiner, as defined in Section 1363.2, that produces gasoline meeting California specifications shall file, for each refinery that it operates, monthly reports containing all of the information specified in Appendix B, Section VII.

(u) (1) Refiners, traders, brokers, and any other entities that import reportable cargo, as specified in Appendix D, Section III, subsection B, into California and that are either importers of record under federal customs law for such cargo or owners of such cargo prior to arrival, shall file, within 24 hours of such cargo being designated for delivery to California, reports containing all of the information specified in Appendix D, Section III.

(2) In addition to the initial report required under paragraph (1), each importer of record shall file this report for all reportable cargoes presold or resold prior to initial arrival within 24 hours of such presale or resale.

(3) In addition to the initial report required under paragraph (1), the owner of a reportable cargo shall file this report within 24 hours of initial arrival if the cargo is not sold at time of initial arrival at either CA anchorage or CA marine berth.

(4) Except as provided in Appendix D, Section III, subsection A, this report shall be filed at least 96 hours before the arrival of a marine vessel delivery of reportable cargo to California.

(uv) Unless otherwise indicated, if a company, by its various activities, satisfies two or more of the definitions in Section 1363.2, it shall file a separate report for each such activity.

(vw) Any company required by this article to submit Petroleum Information Reports, which company contains divisions, departments, or subsidiary companies, shall report on behalf of all such divisions, departments, or subsidiaries, provided that such divisions, departments, or subsidiaries would otherwise be required to report pursuant to the provisions of this article.

(wx) All reports required by this section shall be on such form and in such format as the Executive Director may require, except as provided below.

(xy) Any person required by this article to submit Petroleum Information Reports may in lieu thereof, submit a report made to any other government agency, provided that the requirements of Public Resources Code Section 25354(g) are satisfied, provided that the Executive Director of the CEC approves in writing to the applicant that the alternative submittal of substitute report information is acceptable and provided that such substitute report is expressed in identical units to those required by this article.

(yz) Any person or company required by this article to submit Petroleum Information Reports in a specific form designated by the CEC may in lieu thereof, electronically submit the required information in a different format, provided that the Executive Director of the CEC approves in writing to the applicant that the alternative format of submittal is acceptable.

NOTE: Authority cited: Sections 25213, 25218(e), 25354 and 25367, Public Resources Code. Reference: Sections 25354 (a), (b), (f), (h), and 25255, Public Resources Code.

§1367. Form and Format of Reports.

The Executive Director of the CEC may specify the format for the various reports required by this article. The Executive Director of the CEC may additionally provide forms or other instructions to facilitate the filing or analysis of the information required by this article. The Executive Director of the CEC shall provide notice at least seven ~~thirty~~ days prior to specifying or modifying any form or format.

NOTE: Authority cited: Sections 25213, ~~and 25218(e)~~, and 25367, Public Resources Code. Reference: Section 25354, Public Resources Code.

...[skipping sections 1368.1 through 1369]

§1370. Confidentiality Information.

- (a) Except as otherwise provided by law, CEC staff and support staff assigned to collect or analyze data submitted in confidence, pursuant to this article, will hold unaggregated PIIRA data confidential.

...[skipping subsections (b) through (d).]

NOTE: Authority cited: Sections 25213, ~~and 25218(e)~~, and 25367, Public Resources Code. Reference: Section 25364, Public Resources Code.

§1371. Failure to Provide Information.

The CEC may, after notifying any person of the failure to provide information pursuant to Sections 1361-1369 of this Article, Chapter 4.5 of Division 15 of the Public Resources Code, or the latest version of the Senate Bill X1-2: California Refinery Maintenance Guidelines (adopted by the CEC pursuant to Public Resources Code section 25354(n)(2) and accessible at the CEC's website), take such action to secure the information as is authorized by any provision of law, including, but not limited to, Public Resources Code Section 25362.

NOTE: Authority cited: Sections 25213, ~~and 25218(e)~~, and 25367, Public Resources Code. Reference: Sections 25358(c) and 25362, Public Resources Code.

...[skipping Appendix A]

Appendix B Information Requirements for Monthly Reports

...[skipping Appendix B, Sections I through VI.H]

VII. Monthly Refining Margin Report. The Monthly Refining Margin Report shall contain all of the information detailed below in subsections A through G. The information reported in the Monthly Refining Margin Report shall be prepared in a manner consistent with the standard set forth in 15 U.S.C. § 7213(a)(2)(A)(II)(bb), to "provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with generally accepted accounting principles," and in a manner that is consistent with the reporting refiner's public financial statements, if any.

A. Company Information for the reporting entity including the company name, CEC-assigned company ID number (if applicable), refinery name, refinery address; name, phone number, and email of a company contact.

B. Volume (in barrels) and volume-weighted average price (in dollars per barrel) of domestic and imported crude oil acquired by the refinery within the month.

C. Volume-weighted average gross gasoline refining margin (in dollars per barrel). The volume-weighted average gross gasoline refining margin must be calculated as the difference of:

1. The sum of each sales volume reported under subsection E.1. multiplied by the corresponding volume-weighted average price reported under subsection E.9., less taxes and fees, for branded rack, unbranded rack, dealer tank wagon sales, sales to other end-users, and company-owned, company-operated sales, divided by total sales of branded rack, unbranded rack, dealer tank wagon sales, sales to other end-users, and company-owned, company-operated sales; and
2. The sum of the volume of acquired by the refiner domestic crude oil and foreign crude oil multiplied by its associated volume-weighted average price, divided by the total volume of all acquired by the refiner domestic crude oil and foreign crude oil.

D. Volume-weighted average net gasoline refining margin (in dollars per barrel). The volume weighted average net gasoline refining margin shall be calculated as the difference of:

1. The volume-weighted average gross gasoline refining margin reported under subsection C; and
2. The total operational cost per barrel of gasoline sold (in dollars per barrel) reported under subsection F.

E. For wholesale gasoline sales, the following information for each of the following sales channels: branded rack sales, unbranded rack sales, bulk sales, spot pipeline sales (for physical transactions completed during the reporting period), dealer tank wagon sales, internally priced sales, and sales to other end-users:

1. Volume of gasoline sold (in barrels)
2. Volume-weighted average price including all taxes & fees (in cents per gallon).
3. The underground storage tank fee (in cents per gallon).
4. All other taxes and fees, as defined in section 1363.2. (in cents per gallon).
5. Volume-weighted average price less all applicable local, state & federal taxes (in cents per gallon)
6. The low carbon fuel standard charge (in cents per gallon).
7. The cap-at-the-rack charge (in cents per gallon).
8. Volume-Weighted Average Price, less all taxes and fees (in cents per gallon).

9. Volume-Weighted Average Price, less all taxes and fees (in dollars per barrel).

F. Sums of each of the following categories for the reporting period: total refining and distribution operational costs (in dollars), operational costs allocated to gasoline sold (in dollars), and operational costs per barrel of gasoline sold (in dollars per barrel). The operational costs allocated to gasoline sold means the percentage of any particular refining or distribution operational cost that is attributable to the refinery's gasoline production, multiplied by the value of that particular total refining or distribution operational cost.

G. A separate quantification of the total refining and distribution operational costs, operational costs allocated to gasoline sold, and operational cost per barrel of gasoline sold for each of the following categories, with each category amortized as appropriate:

1. Refinery catalyst expenses.
2. Refinery chemical expenses.
3. Combined catalyst and chemical expenses.
4. Refinery purchased water expenses.
5. Refinery total variable costs.
6. Labor expenses for refinery employees and subcontractors working at the refinery, including all employee costs such as wages, bonuses, health care coverage and other benefits, and subcontractor services costs related to day-to-day refinery operations, but not including subcontractor costs solely related to maintenance activities.
7. Amortized maintenance expenses, including subcontractor costs solely related to planned maintenance, turnaround, or unplanned outage activities.
8. Refinery rent, supplies, and miscellaneous expenses.
9. Insurance expenses.
10. Amortized capital-related expenses, and a description of each such expense, the expected period of useful life for each capital-related expense, and the related amortization schedule.
11. Taxes other than income tax.
12. Depreciation other than for amortized capital-related expenses noted in 10).
13. RINs purchases.
14. California Static Carbon Emissions Compliance.
15. Local Air Quality Management District permits and fees.
16. Effluent discharge compliance projects, permits and fees.
17. Other regulatory compliance costs, and a description of each such cost.
18. Additives purchases.
19. Fuel ethanol purchases.
20. Pipeline deliveries to terminals, also known as tariff expenses.
21. Terminating and other truck rack expenses.
22. Truck delivery expenses for dealer tank wagon and company-owned, company-operated sales.
23. Bulk sales distribution expenses.
24. Other distribution costs, and a description of each such cost.

- 25. Hydrogen purchases from third party sources that occur outside the refinery.
- 26. Hydrogen purchases from third party sources that occur inside the refinery.
- 27. Purchased electricity from outside the refinery.
- 28. Purchased electricity from inside the refinery.
- 29. Natural gas, separated by natural gas for fuel use, hydrogen plant feedstock, and cogeneration, in millions of cubic feet.
 - i. Normal butane purchases.
 - ii. Isobutane purchases.
 - iii. Other liquid petroleum gas purchases.
 - iv. Gasoline blending components purchases.
 - v. Gasoline treated as blendstock.
 - vi. Unfinished oils purchases.
 - vii. All other purchased components and a description of each such component.

NOTE: Authority Cited: Sections 25213, 25218(e), 25354, 25355 and 25367, Public Resources Code. Reference: Sections 25354, 25355 and 25355.5, Public Resources Code.

...[skipping Appendix C]

Appendix D Daily and Event-based Reporting Requirements

...[skipping Sections I through II.X]

III. California Marine Import Report. The California Marine Import Report shall contain all of the information specified below in C. and is required for any vessel originating from a non-California port and containing one or more of the gasoline products, blending components, diesel fuel products, aviation fuel products, or renewable fuel products specified in B.

- A. In addition to the requirements of Public Resources Code section 25354(j), this report shall be filed less than 96 hours prior to the arrival of a marine vessel delivery to California in the following circumstances, in which case the report must be filed within 24 hours of when the cargo is designated for delivery to California or the importer of record or owner of the cargo changes, as applicable:
 - 1. The vessel's destination is not known until less than 96 hours prior to arrival.
 - 2. The vessel's destination changes to California less than 96 hours prior to arrival.
 - 3. The Importer of Record or Owner of Record for a California destined delivery changes less than 96 hours prior to arrival.

- B. All of the following transportation fuel products are reportable cargo subject to this report:
1. The following finished gasolines: CARBOB, Arizona CBG AZBOB, Arizona CBOB, Nevada LVBOB, Nevada CBOB, and Other Conventional Gasoline.
 2. The following gasoline blending components: Alkylate, Iso-octane/Iso-octene, Isomerate, Hydrocrackate, Natural Gasoline, Reformate, Toluene, Renewable Naphtha, Fuel Ethanol, and other gasoline blending components.
 3. The following diesel fuels: CARB ULSD, EPA ULSD, and Renewable Diesel.
 4. The following aviation fuels: commercial jet fuel, military jet fuels, and sustainable aviation fuel.
- C. This report shall contain all of the information specified below:
1. Company Information for the reporting entity including the company name, CEC-assigned company ID number (if applicable), company address, company email address, and company phone number; name, phone number, and email of a company contact. .
 2. Date when the vessel was designated for delivery to California.
 3. Date(s) when the loading of the vessel was completed at origin location.
 4. Estimated date of arrival to California. For cargoes not arriving directly at a marine berth, provide estimated arrival at anchorage. For imports of partial cargoes, provide estimated arrival date at secondary or tertiary marine terminal destination.
 5. The type of the vessel shipping the transportation fuel product, reported as either “product tanker” or “barge”.
 6. Name of the vessel carrying the transportation fuel product. This name must match the name reported to the State Lands Commission port reporting.
 7. Product name of the transportation fuel product to be discharged at the California marine terminal, reported under the defined EIA product code. If EIA product code cannot be used, provide the name and a brief description of the product and information on its general use.
 8. The volume in barrels of transportation fuel product to be discharged.
 9. Whether the delivery of product will be a partial or full discharge. Report “partial” if obligated party is importing a portion of the entire cargo per type of product. Report “entire” if obligated party is importing the entire cargo by type of product. Report “unknown” if that information is not available to the obligated party at time of submitting this report.
 10. Name of the entity that the cargo was purchased from prior to departure from port or ports of origin.

11. Name of the entity that the cargo was purchased from while in transit prior to arrival at initial California anchorage site or California marine terminal, if applicable.
12. Name of the entity that the cargo was purchased from post arrival at initial California anchorage site or California marine terminal, if applicable. Change of ownership can be either prior to discharge or transfer of product at marine berth.
13. Name of the country of origin for all foreign-sourced cargoes or the name of the state of origin for all domestic import cargoes.
14. The name of the port of origin from which the vessel departed or will depart.
15. Name and location of the loading terminal or berth that the vessel was loaded at with cargo.
16. Status of the product at moment of filing the report, if known. The reported status must reflect the intended use of the product. For reports on cargoes submitted by US Importer of Record prior to discharge, the status of the product shall be reported as "purchased". For reports on unsold cargoes submitted by owner of cargo at time of initial arrival, the status of the product shall be reported as "unsold". For reports on cargoes used to cover contractual obligations, or use by the reporting entity, list as "Internal Use".
17. Name(s) and location(s) of the loading terminal or berth at which the vessel will discharge the transportation fuel product.
18. The date on which the purchase contract was agreed to and formally executed, in date format (mm/dd/yyyy).
19. The cargo total landed cost in US dollars of the product moved, including all costs and fees incurred in delivery.
20. The seven-digit International Maritime Organization (IMO) ship identification number for the product tanker.
21. The name of the tug associated with each marine barge import, if applicable.
22. The seven-digit International Maritime Organization (IMO) ship identification number for each associated tug, if applicable.
23. The company name of the owner of the imported transportation fuel product cargo.
24. The company name of the entity providing transportation services.

NOTE: Authority Cited: Sections 25213, 25218(e), 25354 and 25367, Public Resources Code. Reference: Section 25354(j) and (l), Public Resources Code.