

**DOCKETED**

<b>Docket Number:</b>	01-AFC-05C
<b>Project Title:</b>	Valero Cogeneration Project-Compliance
<b>TN #:</b>	242532
<b>Document Title:</b>	CEC Response Letter to Application for Confidential Designation - Annual Mass Emissions Report
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
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<b>Docketed Date:</b>	4/4/2022



April 4, 2022

**Via Email**

Victoria Croft  
Valero Refining Company – California  
DBA Valero Benicia Refinery  
3400 East 2<sup>nd</sup> Street  
Benicia, California 94510  
[Victoria.croft@valero.com](mailto:Victoria.croft@valero.com)

**Application for Confidential Designation for 2021 Annual Mass Emissions Report,  
Docket No. 01-AFC-05C**

Dear Victoria Croft:

The California Energy Commission (CEC) has received the Valero Benicia Refinery's (applicant) application for confidential designation, dated February 24, 2022, covering the following documents contained within the 2021 Annual Mass Emissions Report under CEC Condition of Certification AQ-22:

- 1) Section 1, the heat input rate monthly averages and totals contained in the mass emissions and fuel use summary table.
- 2) Section 6, the daily fuel use data contained in the 2021 4<sup>th</sup> quarter fuel gas sulfur content report.

The application states that the monthly averages contained in Section 1, and the daily fuel use data contained in Section 6 should be kept confidential because the data is proprietary business trade secrets.

The cover letter to the 2021 Annual Mass Emissions Report indicates that the letter and the entire report were sent to the Bay Area Air Quality Management District (BAAQMD) as well as to CEC program staff as part of Valero's regulatory obligations. The letter also indicates that the report was sent to the City of Benicia Public Library. CEC staff confirmed with staff at the library, that the letter and report were received. Information from the library staff indicates that there do not appear to be any redactions within the report and that all six sections were provided. Neither the electronic version submitted to the CEC or the hard copy submitted to the library, contain confidential labeling or marking.

California Code of Regulations, Title 20, section 2505(a)(6) states in part that “once a record has been released to the public, the record can no longer be deemed confidential.” In this case, the 2021 Annual Mass Emission Report appears to have been publicly released to the library.

Executive Director’s Determination

For the reasons stated above, the application for confidential designation is denied.

You may request that the CEC determine the confidentiality of records that the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in Title 20, California Code of Regulations, section 2508.

If you have any procedural questions regarding this application for confidential designation, please contact Jared Babula, senior attorney, at [jared.babula@energy.ca.gov](mailto:jared.babula@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan  
Executive Director