

DOCKETED

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Project Title:	Valero Cogeneration Project-Compliance
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Document Title:	CEC Response Letter to Valero Benicia Refinery's Request for Confidentiality - 8-23-22
Description:	N/A
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October 19, 2022

Via Email

McGregor Stadtmiller
Valero Refining Company – California
DBA Valero Benicia Refinery
3400 East 2nd Street
Benicia, California 94510
McGregor.Stadtmiller@valero.com

**Application for Confidential Designation for Second Quarter 2022 Quarterly Fuel
Gas Sulfur Report
Docket No. 01-AFC-05C**

Dear McGregor Stadtmiller:

The California Energy Commission (CEC) has received the Valero Benicia Refinery's (applicant) application for confidential designation, dated August 23, 2022, covering the following documents contained within the second quarter 2022 Quarterly Fuel Gas Sulfur Report under CEC Condition of Certification AQ-36:

- 1) Hours firing natural gas
- 2) Hours firing process gas
- 3) Maximum daily average fuel consumption
- 4) Daily fuel consumption

California Code of Regulations, title 20, section 2505(a)(4) provides, in part, that if an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the executive director, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

The applicant's description of the data subject to the application confirms the data is the same type of quarterly fuel gas sulfur report data granted confidentiality for each quarter of 2020 and 2021. The application also confirms that the data continues to be provided to the CEC and the Bay Area Air Quality Management District in compliance with its permits and CEC certification. Finally, the application states the data is securely maintained and not publicly released. Thus, all the facts and circumstances relevant to the prior applications apply to this application as well.

Executive Director's Determination

For the reasons stated above, this application for confidential designation is considered a repeated application under section 2505(a)(4) and will be granted under the same terms as those granted for the May 25, 2022, application for confidential designation covering the first quarter 2022 Quarterly Fuel Gas Sulfur Report. The data contained in the 2Q 2022 Quarterly Fuel Gas Sulfur Report, as described in items 1 through 4, is granted until August 25, 2025. Fuel consumption data aggregated to a monthly level will continue to be public.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in California Code of Regulations, title 20, sections 2506-2507.

You may seek a confidential designation for information that is substantially similar to information for which an application for confidential designation was granted by the executive director by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have any questions concerning this matter, please contact Tanner Kelsey, staff counsel, at tanner.kelsey@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director