

<b>DOCKETED</b>	
<b>Docket Number:</b>	01-AFC-05C
<b>Project Title:</b>	Valero Cogeneration Project-Compliance
<b>TN #:</b>	249443
<b>Document Title:</b>	CEC Response Letter re Application for Confidentiality February 28, 2023
<b>Description:</b>	N/A
<b>Filer:</b>	Ngoc Tran
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	3/27/2023 3:03:00 PM
<b>Docketed Date:</b>	3/27/2023



March 27, 2023

**Via Email**

McGregor Stadtmiller  
Kimberly Ronan  
Valero Benicia Refinery  
3400 East 2<sup>nd</sup> Street  
Benicia, California 94510  
[McGregor.Stadtmiller@valero.com](mailto:McGregor.Stadtmiller@valero.com)

**Application for Confidential Designation for 2022 Annual Mass Emissions 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 (TN 249026), dated February 28, 2023, covering the following documents in the *2022 Annual Mass Emissions Report* under CEC Condition of Certification AQ-22:

Section 1: Mass Emissions and Fuel Summary (Heat Input Rate monthly averages).

Section 6: 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 contains proprietary business trade secrets.

The cover letter to the *2022 Annual Mass Emissions Report* indicates that the letter and the entire report were sent to the Bay Area Air Quality Management District and 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. The CEC staff confirmed with library staff that the letter and report were received. Information from the library staff indicates that there do not appear to be any redactions in the report and that all six sections were provided. Neither the electronic version submitted to the CEC nor the hard copy submitted to the library contains 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 *2022 Annual Mass Emission Report* appears to have been publicly released to the library.

**Executive Director's Determination**

For the reasons 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 according to the provisions in California Code of Regulations, title 20, section 2508.

If you have questions, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Drew Bohan', written in a cursive style.

Drew Bohan  
Executive Director