

DOCKETED

Docket Number:	01-AFC-05C
Project Title:	Valero Cogeneration Project-Compliance
TN #:	255576
Document Title:	CEC Response Letter re February 29, 2024 Application for Confidential Designation
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	4/8/2024 3:28:51 PM
Docketed Date:	4/8/2024



April 8, 2024

Via Email

Michael Thetford
Valero Benicia Refinery
3400 East 2nd Street
Benicia, California 94510
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**Application for Confidential Designation for 2023 Annual Mass Emissions Report,
Docket No. 01-AFC-05C**

Dear Michael Thetford:

The California Energy Commission (CEC) has received the Valero Benicia Refinery's (applicant) application for confidential designation dated February 29, 2024 (TN 254745) covering the *2023 Annual Mass Emissions Report (Report)*. The applicant seeks confidentiality for the following sections in the Report:

- 1) Section 1: Mass Emissions and Fuel Use Summary (Heat Input Rate monthly averages)
- 2) Section 6: Fuel Gas Sulfur Content Report

The application states that the information contained in Section 1 and Section 6 should be kept confidential indefinitely because the data includes proprietary business trade secrets.

California Code of Regulations, title 20, section 2505(a)(4) states, "If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to Section 2508, or for which an application for confidential designation was granted by the executive director pursuant to subdivision (a)(3)(A) of this section, 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 2022 Annual Mass Emission Report data granted confidentiality (TN 249588, dated April 10, 2023). The applicant also states the data is securely maintained and only shared with the Bay Area Air Quality Management District and the CEC through required submittal. Thus, all the facts and circumstances relevant to the prior application apply to this application as well. Staff has reviewed the previous application and confirmed that the information contained in the Report is substantially similar to the previously submitted information.

Executive Director's Determination

For the reasons stated above, this application for confidential designation is considered a repeated application under section 2505(a)(4). Confidentiality is granted for Section 1 and Section 6 of the Report for a period of five years, the same terms as those granted for the 2022 Annual Mass Emission Report.

Confidentiality is denied for the remaining portions of the Report.

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 questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director