

00:00:00:03 - 00:00:21:08

Unknown

We're glad you're here with us this evening. We have our air district staff and leadership here to present to you on the situation at Valero Refinery. And we're also here to get your questions and you are speaker if everyone can mute themselves.

00:00:21:19 - 00:00:43:24

Unknown

Thank you. So once again, our air district staff and leadership are here to share information with you. We also would like to lay out our process going forward to deal with the situation at Valero Valero refinery and at this time, I'd like to welcome Damian Breen to the stage.

00:00:46:15 - 00:01:07:14

Unknown

Thank you, Josh. And good evening and welcome everyone. My name is Damian Breen and I am the deputy executive officer for operations here at the Bay Area Air Quality Management District. At the Air District, we spend a lot of time listening to, partnering with and working for our communities through that work.

00:01:07:19 - 00:01:23:08

Unknown

We hear concerns and hopes about how the air district can be more transparent florals and and vigilant in our inspection and investigation and enforcement actions against companies who negatively impact human health and the environment here in the Bay Area.

00:01:24:15 - 00:01:42:12

Unknown

People have told us things like we need the air district to crack down on violators. We need more information about what is found in our district investigations, how what you find in your investigations impacts our health and what actions you're taking to stop these companies from polluting.

00:01:43:18 - 00:02:05:08

Unknown

And we've been told that we need to hold companies accountable for their actions and to stop allowing them to put profit over people. This feedback and the relationships we have with our communities and the concerns that people are raising about how we do our work is something we take very seriously and that's why we're here tonight.

00:02:06:05 - 00:02:19:12

Unknown

We're here to demonstrate to you that we are taking steps to do things differently at the air district. And we are here so that we can meet the call for full transparency as we work to protect our communities.

00:02:20:18 - 00:02:43:00

Unknown

To do this, we are committed to using all of the tools available to the Air District, which includes bringing cases to the Air District's independent hearing board, which brings us to the purpose of tonight's meeting. The Valero Venetia refinery is being taken is being taken to the hearing board on March 15, 2022, to end a serious emissions

00:02:43:00 - 00:03:05:15

Unknown

violation related to an undisclosed pollution source at that facility. An air district investigation found an unreported emissions source at Valero that vented over 10,000 tons of hydrocarbons over several years. And this release included toxic air pollutants. These emissions exceed air district's regulatory limits.

00:03:07:00 - 00:03:29:04

Unknown

It's never OK to exceed emissions limits. And it's never OK to hide emissions. We believe that this community would say the same thing, and we think it's time we moved on from the old way of doing things through prolonged negotiations with the members to now taking formal legal action in a public forum to require abatement of these

00:03:29:04 - 00:03:44:09

Unknown

types of emissions. We'll hopefully tell you more about this case tonight and answer all of your questions. Getting to this point where we take Bolero to our hearing board has been a journey of change and learning for us at the Air District.

00:03:45:12 - 00:04:05:02

Unknown

And we've used our hearing board very few times over the last 20 plus years, and we think it's time that that changed. Some of this recent journey has been slow and difficult for us as an organization, but we believe change takes real effort and commitment to act differently.

00:04:05:24 - 00:04:22:00

Unknown

We've tried working with Valero internally and some progress has been made on emissions where they have been reduced from this vent, but they have not been eliminated. We've also had to go back and look at our internal processes.

00:04:22:12 - 00:04:41:20

Unknown

And while we're grateful to the dedicated air district staff who work diligently on this case, we could have done better and we should have done better sooner. Going forward, we are committed to doing better and to be held to account for our actions in the hope of earning the trust of our communities.

00:04:44:05 - 00:05:01:24

Unknown

We know we've got work to do, and we are hopeful that doing things differently will increase our transparency and effectiveness so that we can better serve and protect you, our community. Tonight, we welcome the input comments, concerns and questions of all.

00:05:03:07 - 00:05:23:19

Unknown

And I want to thank you for your attention for turning out tonight to be part of this conversation. And with that, I'll hand you back to Joshua. Thank you, Damien. So once again, we welcome you to our virtual public workshop to discuss their district's discovery of excessive emissions from the Valero refinery.

00:05:24:10 - 00:05:49:05

Unknown

Air District leadership and staff will inform you all of the violation timelines, the content of emissions proximity and the risk to adjacent residential communities, as well as our planned actions to remedy the violations. The goal is to provide community and stakeholders with the information they need to understand the situation and act as partners in protecting public health

00:05:50:01 - 00:06:07:16

Unknown

. Our additional goals for this evening's workshop include making the hearing board process transparent and accessible to community members and interested parties. And lastly, ensuring that people get answers to the questions that are most important to them. So again, my name is Joshua Abraham.

00:06:07:16 - 00:06:30:09

Unknown

I'm with the community engagement office at the Air District, and I'll be your co facilitator this evening with my colleague Kevin OHP. Kevin. Hey, folks. My name is Kevin, and I'm looking forward to facilitating this event with Josh today, and thank you so much for joining us for this important discussion today.

00:06:34:10 - 00:06:57:11

Unknown

And. I apologize, we're just figuring out the presentation right now. Before we get started, I just wanted to let everybody know that there are zoom controls at the bottom of the screen. And so as a reminder, we have the mute button and thank you all so much for making sure to click the mute button.

00:06:58:10 - 00:07:18:01

Unknown

We also. We also have this top video function, so you can choose whether or not to have your video on and this is being recorded. There we go, thank you so much, and again, if you want to see we have the participants button so you can see who's joined us today, you can also get the up arrow

00:07:18:14 - 00:07:32:09

Unknown

, which is right next to that which you can use to rename yourself and add a group agency or affiliation if you'd like. Also later on during the question and answer and discussion periods, you can use that up arrow to raise your hand to indicate that you'd like to ask a question.

00:07:32:20 - 00:07:48:08

Unknown

You can also ask questions or engage in the discussion in the chat function, so you'll see the little chat box there. If that is distracting for you, you can click the arrow in the chat to remove it because there is going to be a lot of discussion happening, but that's available for participants.

00:07:48:08 - 00:08:07:22

Unknown

Additionally, if you'd like to participate using emojis since we're not in-person, we can't clap our so emotions. You can use reactions if you'd like to express emotions during this. Finally, we just want to remind you that if anybody's having any technical difficulties or challenges, we have to zoom.

00:08:08:09 - 00:08:24:09

Unknown

We have the number below on this slide 41585214, four or five that you can call in. Either Lisa or Anna will be available to answer any questions you have for participating virtually in this meeting. And so with that, let me pass it back to Josh.

00:08:26:05 - 00:08:44:03

Unknown

Thank you very much. And we can move on to the next slide. Great. OK. So we really like to make this workshop this evening, serve you all best. So to that end, we really want to hear from you all at this juncture of the presentation.

00:08:44:13 - 00:09:01:17

Unknown

We want to know what motivated you to attend this briefing this evening, and you're free to place your answers and also feel free to introduce yourself in the chat and maybe get more specific about why you attended this evening.

00:09:03:03 - 00:09:43:04

Unknown

So again, what motivated you to attend this briefing? We'll be calling out your answer. Well, you do that. An additional reminder, please yourself. All right, thank you, Jeff Jeff Ruderman saying he's concerned about community air pollution. OK, we're lucky to have the Solano County supervisor from Venetia Monica Brown.

00:09:43:14 - 00:10:24:18

Unknown

Welcome. OK. These are moving pretty fast from the let's see here. Doing that in New York. Yeah, that seems to be correct. Thank you for moving. All right. So we have a longtime resident who thinks oil refineries should be a thing of the past and if not at the very least should be held accountable for air pollution

00:10:33:19 - 00:11:00:06

Unknown

. And Cathy has joined us. She has a three year old grandson who lives near a refinery. And she's very concerned about health impacts from the refinery. In addition, her husband was just diagnosed with stage four lung cancer. Roger, Welcome.

00:11:00:12 - 00:11:20:00

Unknown

He's a Benicia resident. He has extensive refinery background as a chemical engineer. He's never worked for or has been associated with Valero for clarity, either. So I'm sure you all can see this. Maybe call out a couple more.

00:11:23:19 - 00:11:42:15

Unknown

Apologies can't be it's not your husband that I mentioned with stage four lung cancer, it's your friend's husband. And Mr. Andre Soto is here, and he's calling out. It looks like the need to establish funds that are sufficient to act as a deterrent.

00:11:49:23 - 00:12:27:09

Unknown

So I just want to give you all one more chance to to share with us what motivated you to attend the briefing this evening? OK, so we have a few more responses on toggling between screens here. Yeah. Joshua, this is addressed, and I also put in there that this seems to be a new direction of enforcement for

00:12:27:09 - 00:12:51:03

Unknown

their district, at least with the Valero refinery. And I'm wondering if there's implications for enforcement at other inflammatory refineries, specifically Chevron, but also the fact that the hearing board is being reconstituted. There is a public see. Tomorrow is the deadline to apply and whether or not there will be a public member on the hearing board see for

00:12:51:03 - 00:13:13:02

Unknown

March 15. OK, thank you for sharing that, Andreas. We should have answers to some of those questions later on in the presentation. I wanted to welcome Michele. She's here with a noted youth group. New voices are rising. They represent youth concerned about air quality in the Bay Area.

00:13:20:05 - 00:13:42:19

Unknown

OK, with that, I'd like to just inform you, I just had a high level about the workshop agenda. So just generally this evening we'll be identifying topics like we're doing out and identifying burning questions. There will be a whole portion of our workshop this evening that's dedicated to sharing information with you all and answering your questions.

00:13:43:14 - 00:14:04:22

Unknown

And then one key part of this workshop is sharing with you all the process of the hearing board where this case is headed. And then we'll be closing with next steps and you'll be hearing around that time. Once again, we'd appreciate you all muting yourself during the workshop this evening.

00:14:08:05 - 00:14:28:22

Unknown

All right. So at this stage, we again want to hear from you. We're going to launch a Zoom poll just to gauge what's most important for you. And then we're set and ready to be agile just based on the responses so we can customize the workshop for the attendees this evening.

00:14:29:11 - 00:14:53:13

Unknown

So my colleague Lisa will launch a poll at this time. So here we go, we have the poll. What is most important for you in terms of an agenda item this evening? So if you could pick one right and you have your choices before you.

00:14:54:15 - 00:15:15:03

Unknown

What is the most important agenda item? Would that be sharing information about the background of the enforcement case? Would you like to hear us talk about the hearing board process? We have folks on staff ready to talk about the health risk assessment.

00:15:17:22 - 00:15:36:02

Unknown

Is the most important for you, just to ensure people get answers to all of their questions. Or should we identify important community issues and concerns, and of course, there's some overlap with some of these themes. But if you could pick one, please participate in the poll.

00:15:50:00 - 00:16:07:24

Unknown

OK, looks like we have a little bit less than 100 participants because obviously we have our stuff on, but right now we have 30 responses, so we'll give a little bit more time for folks to participate. And please participate, we really want to customize the presentation workshop for your needs this evening.

00:16:19:11 - 00:16:51:09

Unknown

OK, you guys are listening jumped up to about 50 there, so. Continue to give you give you more time. So I'll do. Let's see. Hard to choose, I'm going to want to hear about most of these. All of the above.

00:16:51:10 - 00:17:07:24

Unknown

We're getting some feedback here. So again, we're prepared to touch on all of these. We just wanted to see which issues rise to the top and we'll share the results pretty soon. So just, you know, if you have one that you selected that doesn't rise to the top, it doesn't mean we're not going to touch on it

00:17:08:20 - 00:17:23:10

Unknown

. We're just trying to figure out what we're going to lead with in the next portion of the agenda. That's all. Excuse me. So let me check with my colleagues, it looks like we're going to close it down there.

00:17:23:17 - 00:17:43:09

Unknown

Yeah, it looks like we had a. The point there where we weren't getting any more responses. So here are the results of the poll. So identifying important community issues and concerns takes the lead. But what's interesting to me is it's like an even distribution.

00:17:44:13 - 00:18:04:19

Unknown

So all of these issues are important to you all. Sharing information about the background of the enforcement case looks like something we should touch on. And then, of course, talking about the hearing board process and making that transparent and also accessible so you all can participate at that juncture of the process as well.

00:18:06:20 - 00:18:24:07

Unknown

All right. Great, so we will close the poll. And at this point, I like to pass it to my co facilitator, Kevin Hope, and he is going to lead you through an introduction of the air district staff and leadership in the room with you this evening.

00:18:25:06 - 00:18:38:24

Unknown

Kevin anX, Josh and again, thank you all this evening for taking time out of your busy lives to join us for this important discussion. Before we move into the agenda, we wanted to take the opportunity, though, to introduce our staff to you.

00:18:38:24 - 00:18:50:21

Unknown

So you're familiar with our faces as you're asking questions and engaging with us in discussion. And so we're just going to quickly go through, introduce the folks they'll be meeting in our breakout rooms and in our discussions today.

00:18:51:06 - 00:19:07:16

Unknown

one at a time. So first, I'm going to pass it back to my co facilitator, Josh Abraham to introduce themselves. You all know by now, Joshua Abraham with the Community Engagement Office, of course, facilitating this, you may. Thank you so much, Josh.

00:19:07:23 - 00:19:32:18

Unknown

And next, we have as a book, a cover. Hello, this is Isaac book it covers special projects adviser, thanks. Thanks us. And then next, we have Carol Allen. Hi, this is Carol Allen. I'm a manager in the engineering division here to help answer questions about health risk assessments.

00:19:34:02 - 00:19:50:03

Unknown

Thanks, Carol. And next, we have Jerry Adobe. Hi, I'm durably I'm the manager of the sauce test section in the meteorology and measurement department. I'm here to answer questions regarding measurement and monitoring both inside and outside the refinery.

00:19:51:01 - 00:20:09:18

Unknown

Thanks, Gerri. And next, we have Damian bring. I'm Damian, I met you earlier. I'm in charge of our operations group here at the Air District and that includes our enforcement and engineering teams. Thanks, Damian. And next, we have Chris Crowley, everyone, my name's Chris Crowley.

00:20:09:19 - 00:20:29:13

Unknown

I'm a principal air quality specialist in compliance and enforcement division, and I was also part of the investigation team related to this. This violation? Thanks, Chris. And next, we have Dr. Judith Catena. Everyone, I'm the health officer for the district.

00:20:31:00 - 00:20:47:19

Unknown

Thanks, Judy. And next, we have the Air District Pollution Control Officer Jack Broadbent. Good evening, this is Jack Broadband, I serve as the executive officer for the Bay Area Air Quality Management District. I'm glad you can be here.

00:20:49:08 - 00:21:10:00

Unknown

Thanks, Jack. And then next, we have Veronica Eady. Hi, good evening, I'm Veronica itI, I am one of the deputy executive officers, I oversee all of our policy work, our equity work, and that includes environmental justice and thank you so much.

00:21:10:00 - 00:21:20:08

Unknown

I should have said something, but can we start screen sharing just so you can see all of our faces real quick for this portion of the agenda and the next person we want to introduce you to is Lisa Flores.

00:21:21:05 - 00:21:34:00

Unknown

I everyone. My name's Lisa Flores. I'm part of a community engagement office and I'll be providing support for this meeting. Thank you so much, Lisa, for all of your support tonight. And then next, we have Ed Giacometti. Hello, everyone.

00:21:34:00 - 00:21:48:07

Unknown

Good evening. My name is ED Committee. I'm a manager with the compliance and enforcement division, and I was also involved in the investigation. And I'm here to speak to you about the enforcement timeline and the investigation. Thanks, Ed, and then next, we have Anna Lee.

00:21:50:08 - 00:22:10:10

Unknown

If evening, everybody, I'm in the community engagement office, I'm here to help support this meeting to get you all the information you need. All right, then we have Pam Leon. Hi. Hi, I'm Pamela Young. I'm the director of engineering and I'm helped to here to help you explain the health risk assessments as well.

00:22:10:11 - 00:22:28:20

Unknown

Thank you. All right, and then we have a similar piece of body. Every evening, everyone and welcome my name is my piece of party, I'm the environmental justice and community engagement officer for the Air District. Thanks to him and then we have Christine Resilience.

00:22:30:02 - 00:22:51:05

Unknown

I'm Christine Rossello, some the communications director for the air district, and I'm here to assist any media with follow up interviews. Thank you. All right, and then finally, we have Joel Freed. Good evening, everyone. I'm Joel Friedman, assistant counsel to in the legal division, and I'm the lead attorney enforcing this Valero hydrogen vent case.

00:22:51:23 - 00:23:12:10

Unknown

Thank you. Thanks, Joel. And then we have a Don Schwartz. And I think you might hear from Adobe later tonight, and I wanted to introduce myself. You've heard from me already, but my name is Kevin and I am a special adviser for the air district.

00:23:12:10 - 00:23:22:02

Unknown

And so happy to be joining you all this evening. So I'm going to pass it back to Josh and we'll go ahead and jump into our agenda for this evening. And let's go ahead and pull the slides back up.

00:23:25:08 - 00:23:38:01

Unknown

Thank you, Kevin, and thanks for catching that, that we were screen sharing when we were doing staff introductions. I appreciate you recognizing that. It looks like someone called it out in the chat as well. So thank you, Marilyn.

00:23:39:02 - 00:23:55:14

Unknown

All right. So we've been doing this for about two years now. You are these virtual meetings. So this is just, you know, our standard virtual participation principles here listed before you. one person speaks at a time. Try to stick to that.

00:23:56:12 - 00:24:14:02

Unknown

Be respectful of one another's opinions. Please mute yourself when you're not speaking. Share video if you like so we can say visually connect it. And as you've already come to know, technology happens. So please be flexible and patient.

00:24:16:10 - 00:24:38:14

Unknown

Next slide, please. So, as you know, the discussions that were set to have this evening, you know, there are lots of concerns. There's questions about the situation of Valero. There is questions pointed out the air district as well, and we know people feel passionately about these issues of air quality and public health.

00:24:39:16 - 00:24:58:05

Unknown

We want you to know that once the briefing is done, we want the conversation to continue, right? We want you to continue talking to each other and we want to open up channels of communications. So you can also connect with the air district staff and leadership so you can see us as good partners in the conversation.

00:24:59:20 - 00:25:15:10

Unknown

So at this stage in the workshop, let's come up with a couple of agreements or call it a checklist and we'll put it in place so we can make sure that we abide by the principles and make this a fruitful workshop for all.

00:25:15:22 - 00:25:37:14

Unknown

So another question to the group. What do you need to participate in today's briefing? So what do you need from air district staff? What do you need from myself as a facilitator? What do you need from your fellow participants?

00:25:39:14 - 00:26:01:20

Unknown

What do you need to participate in the best way in this evening's briefing? So you can place your ideas in the chart, and we'll also have a

note taker putting your responses in a jam board format. All right, thank you, Constance.

00:26:14:07 - 00:26:47:03

Unknown

And Marilyn's asking, can we raise our hands and be recognized, there'll be a portion for that. Definitely. Andrea's straight talk. Plain talk. Context. And this is the GM board I was referring to, we have the sticky notes. We're also recording all of your responses not only for this evening, but for future reference.

00:26:52:08 - 00:27:22:22

Unknown

So tell us what you do exactly on Wikipedia. All I see is spare the air days. We'll have our leadership give you a synopsis of what the air district does and what we're responsible for. 20 questions there from Joe.

00:27:35:24 - 00:27:49:11

Unknown

So again, what do you need to participate in the best way this evening? During the workshop and briefing, what do you need from the facilitation team? We're hearing about what you all need from the air district staff and leadership.

00:27:51:07 - 00:28:30:22

Unknown

Is there something that you would need from the audience? You're your fellow participants. And it looks like she wants to just jump on me, we got a few responses coming in at the same time here. So Pat wants to know what chemicals are being released when they happen to protect ourselves and family members.

00:28:38:09 - 00:29:12:20

Unknown

OK, let's keep those coming in, and just in case folks came in a little bit late. We will. Senior. Full transparency. Thank you. OK, with that, let's switch back to our slide decks, you are and our no taker batteries can continue taking notes and placing your responses in the gym board.

00:29:12:21 - 00:29:31:11

Unknown

No problem. But let's move on to the next slide and go over the agenda. So for you all who came in late and didn't hear me, just give a brief overview of the workshop agenda this evening. You know, we've been through portion number one, portion number two of the poll results.

00:29:31:19 - 00:29:51:12

Unknown

Now we're starting, we'll start heading into the presentation and discussion section where you'll be able to speak. Raise your hand and whatnot. And then we'll also talk about understanding the hearing board process. We have folks from our legal staff to explain that, and then we'll be moving on to hear from our leadership about next steps.

00:29:54:04 - 00:30:12:14

Unknown

OK. And again, Marilyn and others, we're continuing to record your responses in the jam board and we'll be referencing those in the future. So at this time, we like to pass it to our executives. We have Veronica Eddy, who you met during the introductions and also Damian Breen, who you heard from earlier.

00:30:13:02 - 00:30:27:15

Unknown

Veronica, thanks, Josh. So I don't want to take up too much of your time. Damian is going to share with you a lot of the information that you came here tonight for. I do want to thank you for being here.

00:30:28:17 - 00:30:49:02

Unknown

You've heard us already say that, oh, we're doing things differently now and we're going to use our hearing board. And, you know, it's a new day and it really is. And I just want to underscore that you all you know, we're public servants and we work for the public, we work for you.

00:30:49:03 - 00:31:15:07

Unknown

And so this Valero enforcement action is kind of pivotal for us as an agency. Part of us doing things differently was in creating the position that I'm in. I've been at the air district for about a year and a half, and the agency saw that equity was important enough to have an executive that oversees equity.

00:31:15:22 - 00:31:36:05

Unknown

Another thing that we did was we created the environmental justice position, the environmental justice officer. So a piece of party whom we've heard from both. So many come from public interest and environmental justice background. And we were brought on really to help guide the agency as it instituted systemic change.

00:31:36:05 - 00:31:47:23

Unknown

And so I just want to assure you of that. And then the final thing that I'll mention is that many of you may know that we're hiring a new district council to lead our legal work at the air district.

00:31:48:11 - 00:32:11:12

Unknown

All of these positions together are incredibly important to changing the way that we do things, to creating more transparency, to listening and following the direction of communities and learning from your lived experiences. So I just want to thank you for these few minutes to talk about that and again, say, you know, we're here to double down on

00:32:11:12 - 00:32:27:19

Unknown

transparency and accountability. And so I appreciate all of you who came out here. Some of you who I know personally, some of you who I know by your reputation, we really appreciate your time here. So I'll end it there so that Damien can get to the information that you're really interested in.

00:32:29:20 - 00:32:56:11

Unknown

Thank you, Veronica. Damien, bring. OK, so we have one quick question before I start down the pathway here about the actual case that we're discussing tonight. Who is their district and what do we do? So principally, the Bay Area Air Quality Management District is the agency that serves to regulate stationary sources of air pollution in the nine

00:32:56:11 - 00:33:13:03

Unknown

counties that surround the Bay Area. That means that we regulate sources of pollution as small as a dry cleaner or a gas station right up to the five largest refinery, some of the some of the largest refineries actually in California.

00:33:15:02 - 00:33:41:09

Unknown

We focus on providing clean air to the region. We also are involved in ensuring that we have healthy local communities and that we're taking action to reduce emissions to protect global climate. This requires us to adopt plans to to show how much of these emissions we reduce so that we can get to that healthy levels and that

00:33:41:09 - 00:34:06:08

Unknown

we can meet our climate goals. And those plans that lead us to regulations which translate into permits at the 11,000 facilities we now regulate a lot of our staff time is spent in monitoring those facilities and having our inspectors go and visit them to make sure they're complying with the requirements of our rules and then having our

00:34:06:08 - 00:34:28:16

Unknown

engineering teams making sure that we understand the processes that those facilities. On top of that, we also try to encourage our residents and our businesses to take voluntary actions to reduce their emissions. Someone had mentioned this bear, the R program that's probably one of our most famous voluntary action programs.

00:34:28:16 - 00:34:48:21

Unknown

And there we are, trying to get people to change how they commute and how they actually contribute to their personal emissions in the region. And we also have some grants and other things that that are targeted at teaming up mobile sources, an area where we don't have authority.

00:34:49:08 - 00:35:11:13

Unknown

And Veronica spoke to you about also kind of the newer parts of our program, which include our focus on communities. And they're we're looking to work with those communities that are most impacted by air pollution to get plans in place for them so that we can help those communities have access to clean air.

00:35:13:00 - 00:35:32:21

Unknown

So hopefully that answers your question and with your permission, then I'd like to briefly walk you through the enforcement case timeline and current status of the emissions venting case at Valero. So tonight I'm going to give you a brief overview of the refinery.

00:35:33:14 - 00:35:53:24

Unknown

Talk about the emissions violation itself and talk about the investigation as some of the remediation that's already happened and then the current status of emissions from the vents at the facility. Next slide, please. So the Valero refinery itself was built in 1969.

00:35:54:16 - 00:36:12:03

Unknown

It's an integrated facility, which means that the process units flow into one another and cannot easily be taken down to make repairs without taking the whole facility down. The facility itself is quite large. It processes about 165,000 barrels of crude oil a day.

00:36:12:09 - 00:36:31:13

Unknown

That's around 7 million gallons of crude oil per day, and the site itself is sprawling and contains storage tanks, emission sources, abatement devices and emissions points. Some of the abatement devices that are visible to folks, I think, are the three flares at the facility.

00:36:31:24 - 00:37:01:15

Unknown

And then there's a spaghetti or forest of thousands of valves, flanges, pumps and connectors, all of which have requirements under Air District regulations relative to their emissions. Next slide, please. So in terms of what we're talking about, and if you take a look at the photograph here on your left, that very skinny pipe is where we discovered

00:37:01:15 - 00:37:25:08

Unknown

these emissions. And then you can see on the other side of the photograph its relation to the community and where it is in the facility itself. Next slide, please. So as far as the air district can determine, we believe that this emissions point, maybe maybe it may have been in you.

00:37:25:08 - 00:37:52:03

Unknown

Sorry, pardon me. As far back as 2000, when Valero acquired this facility and we know that Valero was doing sampling at this facility for its own processes and the production of olive oil as far back as 2003. The

emissions from this particular event are in excess of the limits that are in Regulation April, to which only allows

00:37:52:03 - 00:38:15:01

Unknown

£15 of emissions from any single source in a given day. Based on our calculations here, this particular source was admitting at over £4,000 per day. And in terms of the overall emissions from this source, based on the samples that were taken by Valero and the Air District and our estimates, we think that there was over 10,000 tons

00:38:15:01 - 00:38:41:08

Unknown

of hydrocarbon emissions from this vent and that included some toxic air contaminants. Next slide, please. So how do we happen upon this particular event in December of 2018, we had another facility report to us about a venting of emissions from a process that they normally have controlled.

00:38:42:02 - 00:39:04:19

Unknown

When we discovered that, we decided to look at all of our five facilities to make sure this type of venting wasn't occurring in a manner that was not being reported to the Air District based on our investigation in March of 2019 issued a notice of violation to Valero for an emissions point where they were not reporting to

00:39:04:19 - 00:39:29:09

Unknown

us. Valero at that point did volunteered to institute an engineering fix to mitigate those emissions. And by October of 2019, that fix went into place. It was hoped at that time that this would cure the violation. But as the Air District and Valero continue to monitor this particular emissions point, it became clear by May of 2020 that

00:39:29:09 - 00:39:47:22

Unknown

while the emissions were mitigated during normal operations and they continued during startup shutdowns and malfunctions between May of 2020 and the present, the Air District has been working with Valero to evaluate a number of engineering solutions to prevent all emissions from this point.

00:39:47:22 - 00:40:08:15

Unknown

But at this point, we have not gotten any satisfactory explanation from the facility on how they plan to end these emissions. So with that particular backdrop, the Air District has chosen to take this facility to our hearing board to get the stipulated order.

00:40:09:05 - 00:40:33:09

Unknown

Next slide, please. So the current status is that some of the hydrocarbons have been reduced, fairly substantial emissions reduction.

And as I mentioned earlier, we're seeing only emissions from start up shot down a function that that continued to exceed our standards.

00:40:34:20 - 00:40:50:21

Unknown

And while the emissions have been reduced, our models still show that they exceed the limits that the air district's board of directors has deemed to be have deemed to be healthy for facilities, and that means that they need to control.

00:40:51:19 - 00:41:14:13

Unknown

And next slide, please. So on March 15, 2020, the Air District is going to take a two hour hearing board to request the stipulated order of abatement. And this order of abatement addresses the emissions violation. It covers additional reporting and permitting issues.

00:41:17:17 - 00:41:35:17

Unknown

Additional permitting and other issues are still being investigated, and this particular action is targeted at reducing the emissions portion of the violation on the order itself requires cleanup to be as soon as feasible, but no later than the next refinery turnaround.

00:41:36:03 - 00:41:59:08

Unknown

Now, I explained earlier about some of the difficulties in effecting repairs at this facility because of its integrated nature. But any equipment that's installed will require an air district permit, and there may also be requirements for that equipment to get a sequel and building permits from the city of Benicia.

00:42:00:09 - 00:42:20:16

Unknown

In the interim, we are also requiring that this facility continue to monitor emissions from the cement so that in my brief presentation, and I'll hand it back to a judge. Thank you, Damien. We're hoping that presentation stimulated a lot of questions for you all in the audience.

00:42:21:14 - 00:42:33:02

Unknown

Now we're going to move quickly to the next portion of our workshop. We really want to hear from you. For folks in the chat who were wondering when you'll be able to actually speak on mute, raise your hand, et cetera.

00:42:33:11 - 00:42:54:00

Unknown

That is the next question to increase participation from so many participants on the call this evening. We really want to break you up into groups in those groups that will have a minimal presence from our district staff because we don't want to take up space in those rooms while you all are talking about your top burning questions

00:42:54:11 - 00:43:11:06

Unknown

. We want you all to discuss those burning questions that you may have after hearing the presentation or having your own background coming into this meeting, and then we'll bring you back to share. OK, so I think our colleagues have already prepared these breakouts.

00:43:12:03 - 00:43:29:17

Unknown

They're somewhat random. So let's go ahead and move to that portion of the meeting. All right, so at this moment, you all are being assigned real time to breakout rooms. Looks like your time will come. We're in the process right now of organizing these breakout rooms for discussion.

00:43:31:00 - 00:43:45:21

Unknown

Josh should choose members of staff go out as well. I think Kevin's engineered this, so there's a large portion of our district staff that are held back. OK, so this was not to crowd those rooms. Thank you. Absolutely.

00:43:47:05 - 00:43:58:20

Unknown

Because we had a large number, I just sent everybody to the rooms. We have over 100 people, so we're not going to crowd people. So I think we're good. OK. So I'll certainly be hanging back myself in the room.

00:43:59:07 - 00:44:24:13

Unknown

Me too. If it were over 100 in the main room now, so. Let's move along. So you're I'm having trouble with my zone, so you're. Oh, here we go. Sorry about that, I was having trouble bringing my Zoom back up with all these windows on my screen.

00:44:25:06 - 00:44:49:06

Unknown

So we're hoping that the breakout rooms were fruitful in terms of discussion, figuring out what, you know, the burning topics, the burning issues and questions that you want to present to our staff and leadership today. And we want to hear from you all now is the time where you can raise your hand and you can harm yourself

00:44:49:18 - 00:45:07:11

Unknown

. And we can start talking about the burning questions that came up in your in your break up. Anyone brave enough to kick us off, we want to know how the break went in general, what stood out for you, what felt challenging?

00:45:09:09 - 00:45:27:03

Unknown

You're also free to put any responses in the chat as well. Those will be recorded. Anyway. OK. Looks like we have an address these are in

chronological order here, so it looks like undressing you raise your hand first.

00:45:27:04 - 00:45:45:10

Unknown

Go ahead. Yeah, thank you, Joshua. It felt a little bit rushed. It seemed like just as we were getting into it, you know, it planned came to an end. That's always a challenge with this format. But, you know, we had a variety of questions.

00:45:45:10 - 00:46:06:02

Unknown

Each person had their own take on things, but it was mostly, you know, why did this go on for so long? Why were we not informed? Why are we just being told now we're being should be represented? Because many of us here on this call are Benatia residents, and we don't trust Valero now.

00:46:06:07 - 00:46:23:15

Unknown

And you know, we're trying to see a change in their district. And yet this is like way ex post facto. So but the I think the moderator took notes. Excellent, and we're getting some feedback here in the chat that some people may rather hear from the moderator.

00:46:23:15 - 00:46:38:01

Unknown

So aside from you, Andre, we have a few hands up. If those of you who have your hand up, if you'd rather hear from the moderator, maybe consider taking your hand down. But since I offered that in the beginning, I'm still going to.

00:46:38:22 - 00:46:49:02

Unknown

It looks like at least one person dead, so I'm going to go ahead and move the patent. After we get through these first few hands, we'll move on to the moderation team. It looks like another person put their hand down.

00:46:49:03 - 00:47:07:14

Unknown

Go ahead, pat. Yeah, I just I hadn't finished what I was saying, but in my breakout room when I was pretty much cut off. But what I was just trying to say in our breakout room is that when accidents happen in Benicia, we are never told about it in a timely manner where we can protect ourselves.

00:47:08:10 - 00:47:24:16

Unknown

You know, I mentioned the petcoke malfunction where we didn't even know what chemicals were released through the whole period and we had to we had the fenceline monitor at Valero did not work during that period. Multiple times we went on there and it was not registering anything.

00:47:25:00 - 00:47:45:17

Unknown

The fire department in our town, which monitors all of this, gave us no chemical numbers or even told us what was released. They just said it's safe to go out or not. That doesn't work for people that are right next to the refinery, where they're waking up with black powder on all of their cars and the kids

00:47:45:17 - 00:48:01:08

Unknown

are going to school. The pets are out there breathing this black stuff that's accumulating everywhere, and we're just not knowing anything. So that is that is our problem basically is we do not know what's happening when it's happening and we're just breathing it.

00:48:01:08 - 00:48:20:07

Unknown

The kids are breathing it and it's just wrong, frankly. So that's that's my question is how are you going to keep us safe? Make sure Valero's monitors are working and finally put in one air monitor, which I guess Kathy mentioned that's finally going in with the Valero money.

00:48:20:07 - 00:48:36:03

Unknown

But we have not gotten a community monitor from you guys, so please make that happen. Thank you. Thank you. And also, Andreas, I'm glad that we have this portion of time to speak to you before we move on to the moderators.

00:48:36:03 - 00:48:50:15

Unknown

Because as you mentioned, Andre, we are limited in this virtual space, things feeling short and actually cut off in Pat's case, right? She sounds like she was making a point in mid-sentence, perhaps when we return from the breakout room.

00:48:50:15 - 00:49:05:13

Unknown

So I'm glad we have this. This time it looks like Marilyn still has her memories. And Kathy, if you don't mind waiting for your comment until after we move to the moderators, that would be appreciated. Okay, Marilyn, thank you.

00:49:06:13 - 00:49:33:19

Unknown

Thank you. I'm. Interested in the fact that apparently vacuumed. Whoever does visit the refinery on occasions, I assume, has not noticed that there is visible venting from that one stack that now your workshop has identified. Which will be identified apparently at the hearing board.

00:49:35:05 - 00:49:55:02

Unknown

So you work at a distance. I have to assume you work at a distance because that wasn't cut. And then Valero's report that this was made brought to their attention by another refinery, and therefore they went and checked and said, Oh goodness, I guess we've got a problem.

00:49:55:19 - 00:50:25:08

Unknown

This is incredible, especially with red twelve. Rule 15. Where we've had no action since 2019 to verify that those those fence line monitors are, in fact they're giving us verifiable data that's not right from a regulatory perspective. I am very I know monitoring is not the same thing as getting rid of the emissions source, you know, going back

00:50:25:08 - 00:50:46:00

Unknown

to the source and doing a real route case analysis of the problem. But for the community, those monitoring systems were meant to give us a sense that we could trust what was being said. And now I want to know when our city knew about this.

00:50:46:21 - 00:51:03:01

Unknown

I want to know how the Air District has communicated about this. The process of the abatement order to our community because we are trusting our fire department as a liaison with the refinery. We do not have an industrial safety ordinance.

00:51:03:08 - 00:51:26:13

Unknown

We are very concerned that such a problem could go on. I commented in 2003 on the Valero V.I.P. I have been active for 20 years on this, and I knew that monitoring was very important for community trust. It doesn't prevent emissions, but it lets us know what's going on when you can't trust the monitoring system, then you're

00:51:26:14 - 00:51:45:19

Unknown

in deep doo-doo as a community. So I want to know what's going to happen with Greg Rule. Rig twelve, Rule 15 and how you're going to identify that problem. Great. Thank you, Marilyn. You're sorry, I am Adam. I am really up to hear this.

00:51:46:10 - 00:52:00:07

Unknown

We hear you. We feel you. And rightfully so. We're taking notes of your important points that you've made. So we have professionals from the Air District ready to address some of your concerns and questions before we do that.

00:52:00:16 - 00:52:32:03

Unknown

Marilyn, we're going to move to the moderators of those breakout groups, and I want to thank you for sharing. Marilyn, thank you. So let's move on to the the first moderator. Anna? Yeah, sorry. I wanted to screen share, because even though we prioritized, I wanted the audience to see all the questions that came up in our group

00:52:33:13 - 00:52:53:15

Unknown

. So in pink, we're the ones that we prioritize, though. And I think the themes were around timeline. So did the violations start in 2000 and was Valera aware in 2003? Why did it take three years to to find out?

00:52:54:17 - 00:53:12:20

Unknown

Why are they only finding out recently for that miss typing? We had another theme around finds. What are they set out and why aren't they hired to help deter the violation in the first place? What what about criminal and monetary fines?

00:53:14:16 - 00:53:33:09

Unknown

And then there was another theme rising to the top around health and health impacts, so is there going to be a health study to evaluate the impacts on the community? What chemicals were emitted? What quantities were these emitted all the time or just during turnarounds at the refinery?

00:53:34:11 - 00:53:50:14

Unknown

And you'll see the other ones that didn't rise to the top but are still important around potential prosecution? Fenceline monitoring, which I think Marilyn spoke to very eloquently and then about human rights. Can this be a human rights case?

00:53:53:21 - 00:54:20:04

Unknown

Excellent. Thank you, Anna. So at this time, I'll call the moderator number two. Thank you, George. See the top five questions for my group. Go ahead, I'm sure my screen here we had why did it take so long to for this to be discovered?

00:54:21:09 - 00:54:45:04

Unknown

Are the air district monitors sufficient for what needs to do? We also had a comment regarding the execution of the fence system and how it has shown. What I have shown, as well as strong sentiments about it not being addressed properly.

00:54:46:12 - 00:55:11:19

Unknown

We also have another comment in regards to if the hearing board would be publicly available so someone can share that link in the chat for everyone. That'd be great. We also had another question regarding the investigation and how it would be handled differently.

00:55:12:01 - 00:55:34:06

Unknown

For example, if the Air District would give or or not give the city notice, the individual did understand why the city wasn't given a notice. And we have our final question, which was where just lot £15 a day of a mission come from.

00:55:34:07 - 00:56:04:08

Unknown

Why are the polluters charged with disclosing their emissions? Thank you, Lisa. Thanks for sharing that, and we have another breakout room moderator ready to share. Yes. Yeah, just want to just say apologize to Pat having to cut you off while you were making your comment.

00:56:04:22 - 00:56:26:22

Unknown

But I'm really glad that several of the folks that were my group were able to expand a little bit on on their questions and concerns. But I'll go ahead and share my screen and show. The tough questions that we were able to and that there is a theme around the community needing to be able to trust the

00:56:26:22 - 00:56:49:16

Unknown

air district, the data it's collecting and its enforcement capabilities. There's a question is why it took so long for the air district to discover the the emissions. And I think under the covered. There was also a question about how does Venetia get a seat at the table when decisions are being made?

00:56:52:18 - 00:57:17:11

Unknown

And then there was one other question about violations and why Valero has not had to pay either the full amount or or the violation at all in the past. Those were the main questions from our group. Thank you in this.

00:57:18:08 - 00:57:31:15

Unknown

All right, so once again, I just want to thank Kathy for holding off on her question, but I see she was able to place one of her concerns in that shot. So I just want to direct the Air District professional staff to that.

00:57:32:23 - 00:57:49:12

Unknown

It looks like something we can address later on. All right. So at this point. Actually, Kathy, why don't you go ahead and meet yourself? OK, well, I did have a concern like Marilyn about the fenceline monitoring, and as far as I know, there's never been a quality assurance plan.

00:57:49:21 - 00:58:04:24

Unknown

I also just wanted to take this opportunity because Pat brought this up. That Benicia Community Air Monitoring Program is has a community air monitoring system that is now up and running, and we are going to have a webinar to discuss this system.

00:58:05:09 - 00:58:20:18

Unknown

And we have a website we do 24-7 air monitoring. It's quality checked all the time, and I will put the link to that again. But I think this is a very important thing for people in the community to know about that.

00:58:20:18 - 00:58:36:11

Unknown

There is going to be a community air monitoring system. It's running now. And please check it out and I'll put the link to the webinar and the chat again. Thanks. Thank you. Thank you. All right. So, Cathy, if you don't mind lowering your hands or so.

00:58:36:13 - 00:58:57:16

Unknown

No, that's fine. But we really appreciate your comments in the chat and on the mic at this point, I want to call Alisa. I think Lisa is going to create another poll. Yes, I can go ahead and share that right now.

00:58:58:03 - 00:59:13:23

Unknown

Take your time with that, Lisa. Just wanted to communicate with the audience members. We're really striving to customize this presentation to meet your needs. Another way we intend to do that is just get feedback from you at various junctures in the workshop.

00:59:13:24 - 00:59:47:12

Unknown

So this is one of those times. OK, so we're asking you to rate your topics here. If you could choose a first choice or second choice, you know the options are before you. So our staff and leadership were prepared to talk about enforcement topics, ignition topics, timeline related issues or on discovery and how things will be corrected

00:59:48:04 - 01:00:42:20

Unknown

. And lastly, next steps. And you should be able to see those results populated in real time. So as long as we are seeing momentum around these choices, we're going to allow the poll to continue. And it looks like right now we're seeing some separation in terms of priorities, issues.

01:00:43:12 - 01:01:16:24

Unknown

So that's good. And at the same time, we kind of see, you know, a constant rate of change in terms of participants. So we're going to let this go on for a little while longer. Also want to remind folks who are participating in the poll just because your topic of interest is not rising to the top in

01:01:16:24 - 01:01:36:12

Unknown

terms of first or second or tertiary choice, it doesn't mean we won't touch on those questions in those topics. By the time the evening's over. OK, so if I can get a message from one of my colleagues on the back channel about the rate of change.

01:01:39:19 - 01:01:58:03

Unknown

And it looks like, Constance, you're saying you don't see any results right now. I'm not sure why that is. I would tend to think most people see the poll in front of them. But since you don't see it, Constance, let me just share with you what I see at this at this juncture.

01:01:59:09 - 01:02:18:18

Unknown

Oh, it just came up for you. OK. Well, just in case there were others like you right now, the first choice in terms of the topic that's most important would be it's a tie, right? Not between enforcement in admissions and they go hand in hand.

01:02:18:18 - 01:02:40:24

Unknown

So there's no surprise there. second choice looks like emissions are in the lead there, along with discovery and timeline, which we heard in the breakout rooms third choice. Also discovery. But all the topics have votes at this point.

01:02:43:22 - 01:03:00:04

Unknown

All right. And it looks like we have some settling in terms of our rate of change. We're going to go ahead and close the poll at this time. So based on our results, we know how we're going to inform this next portion of the agenda.

01:03:00:20 - 01:03:23:11

Unknown

So I'll pass it to my colleague. Kevin? All right, folks, so at this point, we're going to be entering into breakout groups where we're going to be answering these questions, and so you're going to see the option for four different breakout groups.

01:03:24:11 - 01:03:41:05

Unknown

two of them are going to be related to the issues around emissions and health. And so you can click on those and that's what you want to hear more about. two of them will be related to enforcement. And so the questions about discovery, about remedies and about how quickly this issue will be resolved will be discussed in

01:03:41:05 - 01:03:54:16

Unknown

those. So you'll notice that these are forums with two topics. We did that because we wanted to have smaller rooms so there can be more intimate discussions where experts from the air district will be in each of these rooms to answer your questions.

01:03:55:00 - 01:04:12:15

Unknown

So once the breakout rooms are open, go and select your room and then we'll get started about 60 seconds after everybody is enjoying the rooms.

So I'm going to go ahead and open those options for you now. And we'll go ahead and everybody can choose their room of choice.

01:04:14:07 - 01:04:27:23

Unknown

So again, I'm still seeing folks transition, we're just going to wait maybe about 20 more seconds until everyone's in this main room, and then we're going to resume their question and answer format with the larger group about questions both related to admissions and enforcement.

01:04:33:06 - 01:04:50:04

Unknown

And so at this point, I just want to ask if anybody didn't feel like they had a question answered, do they still have a question they'd like to pose to either our engineers or our enforcement team? Please feel free to raise your hand, and we're just going to give a couple of seconds for the queue to fill

01:04:50:04 - 01:05:09:07

Unknown

up. Kevin, I want to acknowledge that I was midway through answering a question for Stephen and we got cut off, so I'd like to at least give him the opportunity to ask those questions. And I think some of the questions that he had that we could ask through the general forum to for everybody to hear.

01:05:11:23 - 01:05:24:17

Unknown

And my apologies to everyone else in their breakout, I didn't realize that the time was so short. You know, a priority was the question I was in the middle of is, has this been referred to the EPA to the California Attorney General's Office?

01:05:24:24 - 01:05:47:00

Unknown

To others that may have additional enforcement mechanisms up to and including prosecution and the the another question that's been in the air but that hasn't been answered yet is why they would take three years from when the district found out about these violations to the community being informed about this.

01:05:47:06 - 01:06:04:11

Unknown

I've got other questions, but I don't want to monopolize things, so I'll just leave it there with the questions I just posed and with those like outposts to the breakout group. OK, thanks Steve, and thanks, Ed. And we'll get to you on Jason Kathy and thank you for your patience in letting us answer a question that was

01:06:04:11 - 01:06:18:22

Unknown

interrupted during the transition in the break out. So again, to repeat the question, and I think this would go to Damien. first of all, has this

been referred to the attorney general and the U.S. EPA? And then we'll follow up with the second question after deeming a response.

01:06:19:22 - 01:06:41:20

Unknown

So we at the Air District are taking every step that we can to prosecute these violations. There is sufficient authority with the air district to deal with this emissions violation and to get it teamed up. That's why we're going to our hearing board, but we have taken the step of keeping our partners informed.

01:06:42:03 - 01:07:05:12

Unknown

We've had consultations with both US, EPA and R.B.. They are continuing to go back and forth with us. So I can tell you that like any prosecution or any enforcement case, we are going to keep all of our options open.

01:07:05:21 - 01:07:21:22

Unknown

But from the air district's perspective, we have enough authority to deal with this particular violation. I'm sorry, just a follow up. Do you mean to literally criminally prosecute? I never said that. I said that we are keeping our way.

01:07:21:24 - 01:07:43:10

Unknown

You said prosecute. That's what I was curious what the air district through our hearing board is prosecuting this particular notice of violation. That's not a criminal prosecution. I mean, you didn't use the word prosecute. And let's be clear, like what is the authority to talk to these Scott Brown, if you will remember our participation process and the

01:07:43:11 - 01:08:02:18

Unknown

agreed upon, you know, you know, agreed upon ways we would communicate with each other. It's one at a time. So let's let Damien bring finish his answer and we'll get back to the audience members. And I just want to say, Scott, I understand that you're upset and we will get to your question, but we just want to

01:08:02:18 - 01:08:13:03

Unknown

make sure that in order for everybody to get their questions answered, that we take them way at times, so you'll get your attorney upset. But this format is really frustrating because this is the first and this is really gotten an answer here.

01:08:13:03 - 01:08:29:12

Unknown

I mean, really frustrating. There's there's no real like back and forth here. It's just a matter of like, look, we've been going over the same information for about an hour and a half now without like you've collected a lot of questions, but I haven't really heard any answers.

01:08:29:15 - 01:08:42:05

Unknown

Yeah. And we will get through all of the questions and we'll go through them one at a time and tell everybody that has a hand up as a chance to be responded to. And so the quickest way to do that is just to make sure that we got to when on time.

01:08:42:05 - 01:08:57:22

Unknown

So I hear you and I have one other quick way to do this. I understand and I apologize for the imperfect nature of the format. But for now, I think the quickest way to get to the questions that we have for the group is just to have one person's kick at times.

01:08:57:22 - 01:09:10:12

Unknown

So I understand your frustration. We apologize about that. We want to get back to Stephen's question. And I think the second question was for, well, I think the email was responding to whether there would be a criminal prosecution.

01:09:10:12 - 01:09:27:24

Unknown

And then the follow up was whether why it took three years or so. So at this point, we can't comment on. We don't have that criminal authority, right? And we are not going to comment on what other agencies or the folks are thinking about at this particular point.

01:09:28:00 - 01:09:42:23

Unknown

All I can let you know is that from the air district's perspective, we are taking the actions that we need to to get this thing cleaned up. And that means taking these folks to our area where we can have public and transparent comments on the facts and on the case itself.

01:09:45:05 - 01:10:04:11

Unknown

Thank you, Damien. And our next question is from Andre Soto. And Steve, if you have a follow up questions, feel free to raise your hand if you'd like to follow up. Go ahead, undress. So I've got a Damien was being a little evasive there with his response, but that aside, I want to move ahead and it's following

01:10:04:12 - 01:10:28:24

Unknown

up really on the question about what are the likely penalties that their district is contemplating. And why is that not been made public yet prior to the hearing board and since the deadline for applying for the hearing board public seat is tomorrow, will that public seat be filled before the hearing board by March 15th?

01:10:29:11 - 01:11:04:17

Unknown

And we know that you've spoken with the the Attorney General's Office and EPA, but also I think you failed to mention that you approached the Solano County District Attorney who turned down the opportunity to engage in prosecution. So just a few corrections undress, we've approached us, AARP and we've also informed the Solano County County Council about this

01:11:04:17 - 01:11:21:13

Unknown

event. I don't believe we've spoken to the DEA. It's a lot of committee, but I'll defer to our legal staff on that. So, so there was a lot in there to unpack. So maybe you want to go the first part of the question again for me?

01:11:23:18 - 01:11:44:05

Unknown

Which was you were saying. I'm sorry. That was a lot. What I was saying in the first was what are the what is the range of the panel of minds that you're contemplating and and why don't why haven't we heard about that range?

01:11:45:05 - 01:12:03:18

Unknown

You know, here we are two weeks before the, you know, the hearing board, and we have no idea what the contemplating where will those fines go will be needed to receive any of that money and then it will, with this public seat, be filled in time for the hearing board on the 15th.

01:12:04:06 - 01:12:23:11

Unknown

All right. I got it. And so relative to the penalties that that process is separate to our hearing board process, the hearing board process is aimed at cleaning up the violations. The air district is talk publicly about how we intend to hold this violator accountable for this particular emissions violation.

01:12:24:16 - 01:12:46:07

Unknown

We will be assessing those penalties based on a couple of different things, a couple of different factors. one of those factors is the cost of the fix, how long it takes to get this fix in place. We also, in terms of the penalties, that's a that's something that rests with the staff versus the hearing board.

01:12:47:19 - 01:13:15:18

Unknown

Now, relative to, you know, this, what does that mean? So under under state law, the air district has the ability to to settle this particular violation. We've got the authority to impose the monetary penalties and relative to the imposition of the penalties, there's a number of factors that we take into place, like the ones that I just

01:13:15:18 - 01:13:43:12

Unknown

mentioned. And I can add to that, Mr. Soto, I'm Joel Freed, one of the attorneys in the legal division. To my knowledge, we have not made contact with the Solano County District Attorney's Office with regard to this case and the legal division and our district in general does work with district attorneys and state attorney general on civil

01:13:43:12 - 01:14:06:16

Unknown

and criminal referrals from time to time. And generally, we don't publicize those until they are moving forward with actual lawsuits. The factors that we take into account for assessing fines are set by the California state law, the Health and Safety Code Section 42 403.

01:14:06:24 - 01:14:33:16

Unknown

There's various factors like the extent of harm and resistance of violation, record of maintenance and frequency of past violations they're all laid out. So we have our authority legally under the health and safety code to impose fines, though those are limited to certain amounts for different levels like \$10,000 per day for strict liability violations, \$25,000 per day

01:14:33:16 - 01:14:57:06

Unknown

for negligence violations. So we we operate as aggressively as we can under our legal framework, and we don't generally negotiate these fines in public. You know, these are worked out between the parties. Sometimes we go to Superior Court to get these resolved if we have to.

01:14:58:13 - 01:15:15:12

Unknown

But as Damien explained, the hearing board is as a function to get the abatement orders in place and get the violations remedied as soon as possible. The hearing board doesn't deal with fines or penalties. Joel, can you comment on?

01:15:16:02 - 01:15:35:02

Unknown

Understood also asked about whether the public seat would be filled before this particular case goes in front of the hearing board. My hope so so that we have, you know, an odd number five full members, but I don't know if I would think that it might take them some weeks to evaluate the candidates, but that I don't

01:15:35:03 - 01:15:53:12

Unknown

know that would be a question for the hearing board. I hope so. So it would be a piece. Wouldn't that be grounds to delay the hearing until you get that public seat bill? I don't think so. I think they could proceed without it, and we really want to get this stipulated order of abatement approved as soon as

01:15:53:12 - 01:16:12:11

Unknown

possible so that we can get the permanent fix and proceeding forward as fast as possible and stop these excess admissions as at the earliest possible date. Thanks, Joe. And so I just wanted to take a break and take a question from the chat and then we'll get to you, Cathy, next.

01:16:12:20 - 01:16:32:01

Unknown

So we had a question in the chat from Trevor Missense. The facility mission immediately initiated a construction project to reduce excess emissions, but this engineering fix did not solve the problem. Was there a root cause analysis, or why did the fix that was approved by the Air District not work?

01:16:32:11 - 01:16:53:18

Unknown

Was it only the engineering fix or was the engineering fix evaluated? So in terms of the engineering, fixed the facility, approach the air district with it after they received the violation, we did look at this to determine whether or not it met with our permitting requirements.

01:16:54:18 - 01:17:11:11

Unknown

You know, in terms of the fix itself, I think everybody at the time was hopeful that it would reduce the emissions below the standards. But what we've seen is that during normal operations that that's what occurred and what we hadn't anticipated.

01:17:11:11 - 01:17:32:00

Unknown

I think either on our side or on the liver side was during upsets or during when the when the equipment malfunctions there, the the emissions pop up and they can't be recirculated back into these the front of the process by that engineering fix.

01:17:32:19 - 01:17:55:09

Unknown

So that's why we've gone to our hearing board to seek a permanent fix to this particular emissions violation. Kevin, I think you're right. There wasn't any meeting. Thank you so much for being patient, Cathy. Whenever you're ready, I just have a question.

01:17:55:09 - 01:18:11:10

Unknown

I went to the enforcement breakout room, but I really want to hear about the emissions. Are we going to be going to a breakout room for that now? Or do we just get to hear about one thing? Cathy, I think if you if you've got a question about the emissions, please feel free.

01:18:11:22 - 01:18:27:10

Unknown

I feel like everybody's question we can tonight. I mean, half the people have already heard about the emissions. I think the breakout rooms sort of deprived us of information instead of giving us information. So I want

to know what the emissions were, specifically what chemicals were emitted.

01:18:27:18 - 01:18:46:03

Unknown

I'd like to know if you know, like the the amount of the chemicals that were emitted over time. And has there been any health risk assessment of that? Do you know if the chemicals were these sort of a steady stream or where there's spikes and then low?

01:18:46:03 - 01:19:00:05

Unknown

I want to know why the EPA monitors did they pick up on any of these emissions? That's quite a few questions. Yeah, I know I have a lot. Yeah. Well, maybe Kevin can answer maybe the first few first and then we'll get to the rest.

01:19:00:18 - 01:19:16:04

Unknown

Yes, OK. I'm happy to remind you. Yeah, no, no. That's fine. I mean, so in terms of of what was released, we've been able to look at samples that were taken by the facility back to 2003 and samples that were taken by the air district.

01:19:16:12 - 01:19:49:22

Unknown

And we believe that there was about 10,000 tons of organics released. And as part of those releases, about 180 138 tons of benzene, ethyl benzene, toluene and xylene were released benzene, ethyl benzene, Toluene and xylene. Our toxic air contaminants in terms of the health risks that the Air District has modeled.

01:19:50:13 - 01:20:13:24

Unknown

You know what our modeling is designed to do is really to its super health protective. I think, and folks know that we've got one of the most stringent regulatory regimes for refineries in the United States, and our conservative modeling lets us know when there's a chance that that facilities may impact the public and then it requires them

01:20:13:24 - 01:20:29:15

Unknown

to cut to put on controls. But that's very, very different from telling with our actual health impacts occurred in the community or not. You know, there are many factors, I think that influence whether or not those health impacts occur.

01:20:29:15 - 01:20:48:14

Unknown

And that includes, you know, exposure, how long you were exposed, what your what your baseline health conditions were. So what we've done is we're not health experts in that particular area. So we've taken the data that we gained through our emissions calculations and through our work there.

01:20:48:20 - 01:21:08:21

Unknown

And we really add that to the Solano County Health Department. And I believe Dr. Matthias is from the health department is on here with us tonight, and he can talk about possibly what the health department thinks about the data that we've transmitters.

01:21:10:07 - 01:21:29:21

Unknown

Doctor, are you still with us? Yeah, I'm here. I'm here now. I think that there are basically two types of risks that were posed by those emissions. one was the acute risk of exposure to these two, these agents that were released, and for people with underlying respiratory conditions like asthma, emphysema, bronchitis.

01:21:30:16 - 01:21:48:05

Unknown

These exposures can potentially exacerbate their underlying health issues. Mild exacerbations might impede their activities of daily living. More severe impacts could land them in an emergency room. And so I don't think it's possible to say that no harm occurred during those many years of release.

01:21:48:24 - 01:22:01:21

Unknown

It may not have been many individuals. It's impossible to say because we wouldn't have had any real time information, but I don't think it's possible to say that nobody was harmed by it. That said, those are acute issues.

01:22:01:21 - 01:22:17:22

Unknown

The exacerbation occurs. And then there, you know, there isn't presumably a lasting effect from the exacerbation itself. The other set of risks are chronic disease risks, and the agents that were referred to by Damien include carcinogens like benzene and the.

01:22:18:09 - 01:22:43:10

Unknown

The answer as to how much risk was posed by those cancer causing emissions is difficult because there's really two different answers. one is that if you look at the the overall probability of a cancer case occurring, it amounts to something less than one case occurring in Benicia over the full 20 years of exposure.

01:22:44:04 - 01:23:00:22

Unknown

But that's not the same thing as to say what. What was the risk because, you know, the acceptance of that level of cancer by the Venecia community is predicated on the community being willingly complicit with the release, which it clearly wasn't.

01:23:01:11 - 01:23:23:08

Unknown

So those releases were above the standard. The standards are what we all agreed to, and we have a facility like this in our community. So any release and any risk that's attendant with that release above the standard is inherently an unacceptable risk because it violates the compact that the community has with the facility through the Air District

01:23:23:08 - 01:23:42:15

Unknown

and its standard. So, you know, can you find a person who developed cancer as a result? Odds are probably not. But that's not really the point. I think the point is that that no exceedance, no risk, no exposure to benzene from this facility into the community of Venecia is acceptable.

01:23:42:19 - 01:23:58:08

Unknown

And I think that therefore what, however low that risk number may seem, I don't think it's right to say that it was it was a non risk scenario. Yeah. I do want to comment. I put the thing in the chat at the beginning.

01:23:58:18 - 01:24:15:16

Unknown

I have a friend who was just a few houses down from the fence line whose husband was just diagnosed with stage four lung cancer. And I think a lot of the risk assessments also on please correct me if I'm wrong, Dr. Mutaz are dealing with one chemical and here we've got a chemical soup that's being emitted.

01:24:16:05 - 01:24:36:21

Unknown

And you know what percentage of the time was the community exposed to this chemical soup of multiple chemicals, exactly how much health assessment has been done on exposure to multiple chemicals anyway? Open and honest, here is another important point, which is that these exposures were on top of whatever other exposures a person experiences.

01:24:37:00 - 01:24:49:02

Unknown

Right? You know what types of synergistic effects may or may not occur? These are unknown. I think the bottom line is any acceptance of a standard that puts the community at risk is inherently an unacceptable level of risk.

01:24:50:15 - 01:25:08:06

Unknown

Thank you very much. All right, Cathy. two more than that I got to write down, was this a steady state emissions? I think you heard from my previous answer. You know, there's things that are happening that were happening during regular operations, but there's also these upsets.

01:25:09:04 - 01:25:32:16

Unknown

And then the other the other question and I've heard this throughout the evening is, well, why are EPA monitors? Why? Why is the monitoring not showing the impacts from this particular event? So, you know, at the core here, Valero had a duty to report these emissions, right?

01:25:33:01 - 01:25:48:02

Unknown

They had a duty to tell us they didn't do that. Had they done so, we would have installed monitoring to make sure we understood 100% what was happening here relative to the ground level monitors that we have in the area and what they do.

01:25:48:02 - 01:26:12:05

Unknown

I'm going to ask Jerry Adobe Jerry to talk a little bit about the ground level monitors, what their purpose is and then why they may not pick up some of these releases based on the prevailing meteorology. Sure. Well, first, let me speak to the fence line monitoring systems, because there's been a lot of comments about the fence line monitoring

01:26:12:05 - 01:26:29:18

Unknown

systems and what the quality of the data that we're actually getting from those in this particular case. With the plume being elevated in high temperature, it would be unlikely that the fence line monitoring systems that are installed would have actually seen the emissions from that.

01:26:30:09 - 01:26:53:08

Unknown

But having said that, we do understand that the fence line monitoring that has been installed at the refineries is not delivering the the measurement outcomes that we might have hoped for. It's something that we're aware of at the Air District and we are looking at that and trying to figure out what we can do to improve the quality

01:26:53:08 - 01:27:11:23

Unknown

of the data, the level of detection from the fence line, monitoring systems and the reporting so that it's reported more transparently and we can all see it along with the data validation steps and what is excluding it. What's you know, what's making a valid measurement, things like that.

01:27:15:04 - 01:27:38:19

Unknown

As far as other ground level monitors, we have the the Geum system, ground level monitoring stations, Indonesia around the refineries, but they are actually only measuring sulfur dioxide and hydrogen sulfide. So the emissions that were actually coming from this particular source would not have been picked up by those monitors, unfortunately.

01:27:39:16 - 01:27:54:22

Unknown

We are looking to install the community monitor and we're working with the City Council now to get a lease approved at the at the at the Fire

Museum so that we can actually get that moving and get those monitors installed.

01:27:55:21 - 01:28:16:12

Unknown

And those monitors will measure an array of compounds that we expect to see in the community, particularly in the highly in the high population areas of Benicia and the more highly impacted areas Benatia that we anticipate from our metallurgical studies and our assessments.

01:28:18:02 - 01:28:36:11

Unknown

Thank you, Jared and Kevin, just before we continue, I did manage to pick up one of Andrea's other questions, which is, you know, around the penalty the Air District Staff intends. And this is for everybody here. We're going to recommend to our board whatever penalties levied.

01:28:37:02 - 01:28:57:16

Unknown

We want to see that put back into the Benatia community. Now, our board of directors has to agree with that, but that's what the staff recommendation is going to be. Thank you for sharing that, Damien, and of course, it's not enough, but it is important to mention that there is some benefit because back to the community and

01:28:57:16 - 01:29:09:12

Unknown

Steve, before I get tears, even before I get to your question, I did want to just say Scott, put a question in the chat and I know he had his hand up earlier. And Scott, thank you for sharing your frustration about this format.

01:29:09:13 - 01:29:22:03

Unknown

We really tried to make this more personalized. You get the answers you need. I recognized for some of you, this has been frustrating and we appreciate your patience with us, but we really have tried to set it up to work, so we appreciate that feedback.

01:29:22:04 - 01:29:41:05

Unknown

And Scott, I wanted to see if you wanted to ask your question or if you wanted me to just read the question that you had. So that's the question, my question was that because you, you explain, said that there had been no contact with the L.A. County District Attorney's Office if you were contemplating a criminal prosecution as

01:29:41:05 - 01:29:53:01

Unknown

a lot of people have raised. It seems like that would be one of the first places you go. So it does seem like that is not being contemplated at this point where there would have been some kind of contact with that office.

01:29:57:05 - 01:30:18:08

Unknown

So this is this is a pretty complicated enforcement case, I hope folks are getting that tonight. We are concentrating first on getting the emissions control. There are further areas of the case that we're looking at and we're not taking any options off the table.

01:30:19:04 - 01:30:38:21

Unknown

So just so folks understand that we are looking at other violations associated with this particular venting and we don't want to tip our hand publicly as to what other actions we may take here because our investigation is ongoing.

01:30:39:23 - 01:30:54:14

Unknown

And I know that is frustrating for folks and it's frustrating to hear, but we are trying to gather more evidence. And unfortunately, if we come public with some of the things that we're thinking about, some of that evidence may disappear.

01:30:54:15 - 01:31:07:00

Unknown

So you're going to have to be a bit patient with us, but we haven't taken any of those options off the table just yet, Scott. So now the clear answer is no, that it does not mean that there will not be prosecution.

01:31:07:00 - 01:31:24:02

Unknown

That just means at this point, there has been contact. Correct. Thank you, Damien. And I just want to say we're a little over time, but we want to make sure to answer as many questions as possible. So thank you all, folks for sticking around, and we have two other hands that are raised before we read those.

01:31:24:02 - 01:31:37:20

Unknown

I did want to just respond to a couple more comments in the chat and say, Thank you, Trevor, for posting those documents, as well as Alyssa about the health effects. And I did want to respond to the county supervisor that we'll follow up with you directly.

01:31:37:20 - 01:31:54:14

Unknown

And so next, I want to go to Steven just as a follow up question. Thanks very much, and as I said in the breakout, I think we appreciate that you're many of us appreciate you doing this is a tough job getting a lot of questions fired at you.

01:31:54:20 - 01:32:15:20

Unknown

To follow up, though, on Scott's point, Scott Morrison's point, I think when you do this again, whether it's March 15th or whenever, maybe less time on process and more just on question and answer might be more

efficient. In any event, I have few follow up questions to once again, why did it take three years from when this

01:32:15:20 - 01:32:35:19

Unknown

violation was discovered to when it was made known to the community? So, you know, when I opened this meeting, I talked about how we're trying to change, how we do things at the air district. Mm-Hmm. I want to start by saying, you know, protection of the community is number one for us.

01:32:37:00 - 01:32:57:22

Unknown

But you had a situation here where we had a company who over a period between 2003 and when it was discovered, failed to report these emissions. They failed to take the actions necessary to clean them up. We have an extensive regulatory process that we put in place at these facilities.

01:32:57:22 - 01:33:19:03

Unknown

We have inspectors there every day. We've got monitoring. We've got teams of engineers that are looking at at these diagrams that we get from this facility. And quite simply, they failed in their duty to report to us. Now we in terms of our process, we have to own the fact that that we did not bring this public

01:33:19:08 - 01:33:39:23

Unknown

in a timely manner. And that's something that we're trying to change by bringing this to the hearing board. We're trying to shed light on this. We're trying to get the public input and we're trying to signal to everybody that this is the way that we intend to operate going forward from now on where we have facilities that

01:33:39:23 - 01:34:00:03

Unknown

are in violation. We've put them on notice that they will be appearing in public forums as quickly as we can get them there so that the public will be able to see, understand these cases. Ask the questions that you're asking, have that ability to weigh in on the solutions that we're proposing to our hearing board?

01:34:00:13 - 01:34:17:02

Unknown

And you know, we can we can do better. We know we can do better. We want to do better. And this is the first step on that road. Okay. Thank you very much. Just another follow up to the point that the question's on Chris was asking about the level of the fines.

01:34:18:08 - 01:34:36:07

Unknown

So one of you had mentioned that the fine can be \$25,000 per day for negligence. At the very least, this would seem to be an example of negligence, although maybe even something more serious in that Valero

knew that was going on and did not report it for six years, at least six years.

01:34:37:07 - 01:35:01:17

Unknown

Now, take what? Take my calculation with a grain of salt, given my math abilities. But but, you know, based on my calculator \$25,000 a day times, six years times, 365 days per year, it's up to \$146 million. And one of the and one of the and you have mentioned that, of course, you want to get this corrected.

01:35:01:18 - 01:35:19:06

Unknown

You don't want this to happen anymore. But one point of an enforcement mechanism is to create a concrete, you know, not just concrete, not just concrete, penalize egregious violations, which it seems to be. And I hope that's not too strong a word to use cover up.

01:35:19:11 - 01:35:42:01

Unknown

I think it isn't, but also to create incentives against future violations, particularly when a company has a track record of such violations and cover up. Given all that, can you give us some sense of what the maximum penalties you are or what maximum penalties you're looking at here, even if you haven't fixed that yet?

01:35:42:12 - 01:36:01:14

Unknown

So there's a couple of things I'd say. It's how we kind of describe what you what you're talking about is we want to have credible deterrence, right? We want to make sure that when we when we impose a penalty on a facility, it sends a message that this is not acceptable behavior.

01:36:02:12 - 01:36:21:16

Unknown

We've said publicly that the air district is committed to doing that in this particular case. You know, when we talk about negligence and when we talk about the standard of proof that we need for that, that's something that we also need to understand and take seriously.

01:36:21:24 - 01:36:36:00

Unknown

So I did speak earlier on about some other factors that need to be taken into account as we look at this, which includes the cost of the fix itself, how long it takes to get in place, and we are weighing all of those factors.

01:36:36:21 - 01:36:53:15

Unknown

Joel, our counsel, can walk you through what each of the penalty levels is in state regulation. And if that's something you want, Steven, we can do that again. But I think the bottom line here is we're interested in creating that credible deterrence.

01:36:54:01 - 01:37:15:09

Unknown

And one of the other things that we are doing as an air district is we're also seeking to increase penalties at refinery facilities for instances like what I heard from some of the folks tonight where there's where there's a public nuisance, where there's, you know, emissions being spewed over a community.

01:37:15:09 - 01:37:31:13

Unknown

We want to make sure that the penalties that are in state law are increased. So that there is that credible deterrence and that's part of the overall refinery strategy that we're employing, and it's something that we hope we can get in place for consideration here.

01:37:32:01 - 01:37:46:20

Unknown

Thanks. And just one more quick question. If you do end up deciding on the credible deterrent, which I would think would the least be tens of millions of dollars given Valero's of profits and maybe even more than that?

01:37:48:00 - 01:38:07:19

Unknown

What is the process for finalizing that? Is it simply the staff decision? If the staff decision is recommendation is X is, let's say, \$60 million and the board decides otherwise is that the final say cannot be appealed at all by members of the public or any other state agencies.

01:38:07:22 - 01:38:30:01

Unknown

At what point does that become final? So I'll ask you to comment on that. I'd be happy to. So that District Penalty Authority is delegated by the Air District Board and state to the District Council, and that's also consistent with state law.

01:38:30:05 - 01:38:47:03

Unknown

So the District Council of the Air District has the final say on the penalty levels and district councils operating within the framework of the Health and Safety Code, and those are laid out in Sections 42, 42 and following.

01:38:47:11 - 01:39:04:09

Unknown

And so there's limits on what we can seek and obtain under those codes and those some of those limits at the lower end were increased in a recent state law. I think it was AB 6:17 a few years ago.

01:39:05:15 - 01:39:27:10

Unknown

So that's the story. And I should also know that the hearing board, while it doesn't deal with penalties, does take public comments and doesn't answer questions. But it does take public comments and so you can appear

or send written comments or testimony to the hearing board for the this will urban issue refinery hydrogen vent stipulated order of

01:39:27:10 - 01:39:41:22

Unknown

abatement case that's coming up on schedule for March 15th at 9:30 a.m.. Okay, but I'm sorry, just one more very quickly. If you do know what the upper limits are and what is the maximum you're that you could impose?

01:39:44:01 - 01:39:58:05

Unknown

Well, I think we're still waiting on those things that I that I talk to you about saving, which is the there are factors that we need to take into account relative to the fix and how long it takes to put in place.

01:39:58:05 - 01:40:20:07

Unknown

So we'll weigh those as we go forward here. So all of that needs to needs to flow through before we get to that point of penalty. And the other point as well is that we have other elements of the case that are that are ongoing, so there may be there may be multiple facets to that penalty as

01:40:20:07 - 01:40:37:04

Unknown

we roll forward. So again, you know, I wish, I wish I had a better answer, but that's that's really the truth of our process here. Excellent question, Stephen, and feel free to raise your hand if you have any other follow ups as well, and I just wanted to say, I think we're going to take two more questions

01:40:37:05 - 01:40:54:17

Unknown

. Take a quick pause just to share with you information about the hearing board procession for anybody that's sticking around for that information. And then we'll take questions for as long as people have OK, but why don't we? Maybe we can gauge the I think folks are aware that why don't we answer as many questions as we can

01:40:54:17 - 01:41:05:13

Unknown

and that the folks are still interested in the hearing board? We can talk about that afterwards. I think folks have waited quite a while, so I'd like to take as many questions as we can right now. That's if that's OK with everybody.

01:41:05:20 - 01:41:17:00

Unknown

Maybe I could get a thumbs up from some of our participants, if you can. I think I think that's what I'm seeing from so many of the folks who are waiting. So let's try and do that, Kevin, first, if you don't mind.

01:41:17:12 - 01:41:44:15

Unknown

Absolutely. Thank you so much. Damien and I see a lot of thumbs up, and so I'm going to go next to Jeff, Retrouvent and Jeff whenever you're ready. Well, I'm kind of feeling similar to Stephen's perspective, I thought Joel said it was 25,000 and an additional 10,000.

01:41:45:00 - 01:42:13:18

Unknown

So my calculation is over 200 million. So, you know, we're we're talking about a significant amount of money here. Again, I don't know what you feel comfortable with and what you're thinking of. But that's that's what it comes to for all these years, for that amount of money, you know, for that on on a daily basis.

01:42:13:19 - 01:42:42:16

Unknown

So, you know, that's that's the what the calculator says. So it's \$217 million. So that's that's my calculation. What if you have a do you have a question in there? No. OK. All right. Maybe, Kevin, do we have questions in the chat or are we just going to shake the hands?

01:42:43:11 - 01:43:07:19

Unknown

Yeah. Let's take a question from the chat and then we'll go to you next, Marilyn. And the question is, do you expect Valero to appeal the hearing board decision or is the hearing board ratifying a plea deal? And so, you know, we're expecting that Valero will comply with the stipulated order that that comes from our our hearing

01:43:07:19 - 01:43:23:20

Unknown

board. The hearing board is an independent body. So they have to look at the merits of what's been proposed. They will kind of rule on whether to accept it or not. And that's where the public gets to comment and weigh in on this.

01:43:24:15 - 01:43:42:06

Unknown

John, do you want to talk a little bit more about that process? I think you covered it pretty well. I think that there is a stipulation here and agreement. And so we're we're asking the hearing board to approve it as soon as possible and the public can weigh in.

01:43:42:06 - 01:44:15:06

Unknown

And on the last question, I'll just point out that there's a three year statute of limitations on what was relevant regarding the penalties. OK, and as promised, Maryland, whenever you're ready. Thank you. And my in listening tonight, I feel that the district has kind of, you know, was a come to Jesus thing recognizing the seriousness of this

01:44:15:06 - 01:44:33:13

Unknown

Valera violation because it does involve a cover up if I understand the meaning of that word, because I go back to VIP, the Valero Improvement

Project in 2003, the city voted to improve, you know, permit that to allow that to go forward.

01:44:33:14 - 01:44:57:12

Unknown

A ten year, a ten year project maybe even lasted a little longer than a decade. They put a scrubber in. There was all kinds of regulatory hoops they must have had to jump through that this meant. And Valero at the cap meeting said cited some really minor regulation that they said if I'm remembering correctly went back to

01:44:57:12 - 01:45:16:17

Unknown

something like 1982. And so it was though that was something that they never would have worried about. Well, that's what they said to the cap meeting. What did they what have they said to the city? The city has an MLA or whatever they want to call it, whether to improve communication with Valero.

01:45:17:01 - 01:45:40:15

Unknown

Valero has been delivering information to our fire department, which delivers information to our city council. We have been without proper information for so long. I feel that the district is now living up to its regulatory responsibility to be an enforcer because you've got some great rules now they need to be enforced because this is very peculiar.

01:45:40:15 - 01:45:55:02

Unknown

So I see you've risen to the the, you know, risen to the claws really here to do your duty, to provide the kind of assurance to the public that you are for public health and safety in every community.

01:45:55:06 - 01:46:09:19

Unknown

I don't know if this is going on this kind of cover up going on in Rodeo, Chevron, etc. It's as though each one is a five item from the, you know, a feudal five. We don't know which refinery called Valero in 2019.

01:46:09:19 - 01:46:23:12

Unknown

Trying to find out, Valero didn't tell us that at the cap meeting, who was the refinery that called? Did they have a similar problem? Is Richmond dealing with this is is a rodeo dealing with this? What's going on behind the scenes?

01:46:23:18 - 01:46:46:01

Unknown

This should not be so futile. We should know about. From the regulators what is going on as a cumulative impacts to air quality in this Bay Area region. I am really frustrated that it is siloed and that we have been silenced for how many years when we have responded diligently to each year.

01:46:46:17 - 01:47:04:18

Unknown

You know, we want a settlement agreement with Valero when they didn't even answer our questions and just said, OK, what do you want? You know, that's how the Good Neighbor Steering Committee got money to get for Christ's sake, a community based air monitoring independent air monitoring station that may be able to tell us a little more.

01:47:04:21 - 01:47:23:07

Unknown

And by the way, we have no monitoring at our port area, at the tanker dock or the petcoke facility, so we don't know how much petcoke is in our air on any given day. And I have been told by the Air District that the only way you can since is not regulated, that we have to see an

01:47:23:07 - 01:47:36:12

Unknown

opaque cloud against a backlit behind with back lit against the Sun in order to report it and have it be investigated by the district. I mean, we have an asphalt plant that we don't know much about. Never talked about.

01:47:36:17 - 01:47:54:07

Unknown

We have the petcoke facility and we have a tanker dock with pipelines, seven pipelines going down to Army Point, and we never hear anything about monitoring for fugitive emissions from those pipelines. And we're talking the state wants us to put density housing out there.

01:47:54:10 - 01:48:20:11

Unknown

We have a project that's been being discussed by our city council for 140 900, excuse me, 124 condo units, which would include some affordable housing. I mean, really, really under these conditions, no. We're talking about community health and safety here, and I'm so glad you guys are on this because it's hugely complex and it does involve a

01:48:20:11 - 01:48:38:05

Unknown

cut. I feel so insulted because I go there with serious questions to those camp meetings. I'm the only one to ask questions. And I feel ripped off. And this is about public trust, and I've been doing this for 20 years on Valero.

01:48:39:04 - 01:48:51:24

Unknown

Because I care about community health and safety. Well, Marilyn, thank you so much for your comment, and the reason we had Town Hall is that we want to hear people's frustration and give people a place that to share this information.

01:48:52:02 - 01:49:15:05

Unknown

And I want to add one thing you mentioned 10,000 tons of doses or be text, let's say. No, you said 10,000 tons of cumulative emissions as a result of this violation for six years. Well, then you said 180 138 tons of what I call be taxed the benzene plus, guess what?

01:49:15:06 - 01:49:41:24

Unknown

We're all the other emissions then. Of hydrocarbons. Survivor paychecks. Yeah, so I hear one of the first things I want to acknowledge is I understand how frustrating this this can be. I want to acknowledge, you know, your feelings here and I want to I want to say a couple of things about some of the statements that you

01:49:41:24 - 01:50:00:03

Unknown

made there. You know, the idea that that Valero would present that because the district adopted a regulation in 1982, it's not valid is ridiculous. Our regulations are there to protect the public and they need to be complied with.

01:50:00:15 - 01:50:19:15

Unknown

And we are here tonight to tell you that we will ensure that that compliance happens. Valero also stating that that because one of their good neighbor refineries told them they started to look into this seems, I think, highly unlikely when in 2019 they got a notice of violation from the air district correctness.

01:50:20:22 - 01:50:42:02

Unknown

So, you know, relative to the emissions themselves, the B-2s compounds are the ones that have the toxic emissions and you have your numbers, right? It's a it's 138 tons of those compounds over the over those years and then 10,000 tons of of organics.

01:50:42:02 - 01:50:58:15

Unknown

And I'd asked Pam or Carol to kind of talk or any of the other stuff who know a little bit more about what's in there to characterize what is the makeup of those? And if we if we can't get that, we'll definitely come back and give you that information.

01:50:58:15 - 01:51:12:03

Unknown

But this anybody know offhand what the what was in the organics area? I'm not saying I'm not seeing a lot of nothing yet. So we will come back to you and explain what that what what precisely was in Carroll came up mute.

01:51:12:08 - 01:51:26:01

Unknown

Carol, Carol, I was just going to say, I think it's better, Damien, if we go back in and see what the source test data said, because I don't have that in front of me right now. So as you can tell, it's it's complicated.

01:51:26:01 - 01:51:36:12

Unknown

We don't mean to frustrate you, but not having all the answers, but we will try and get back to you with that before this hearing. So you're informed about that. Thank you very much, and I apologize for my tone.

01:51:36:20 - 01:51:50:21

Unknown

I can't help it right now. No, thank you. And you have no reason to apologize when we're talking about issues that involve the health and safety of our community. These are important things, and thank you for sharing your thoughts and your feelings with us today on that.

01:51:51:13 - 01:52:23:14

Unknown

And so I going to go with the next question from Ken. Ken, whenever you're ready. Oh, thank you. Thank you. I think one thing I wanted to bring up here is if we look at what, what, what happened with this case, the whole description, a start it was some another refinery reported this problem and then that's why

01:52:23:23 - 01:52:47:24

Unknown

we kind of put all the focus here and this is totally bye bye by an accident. This cannot be the way which we carry our business in the future. So we have to find out a systematic way to make sure this type of thing does not happen because even we are looking at only one component at one

01:52:47:24 - 01:53:12:22

Unknown

refinery. How? How do we know everything else is OK? So just I appreciate the Air District start to paying attention to this specific case, but I think we need to look at this problem in the market much more system point of view like how can we make sure this type of thing will be taken care of?

01:53:13:12 - 01:53:38:14

Unknown

And I think when we I think Damien, no. Like, I have been always advocating for enforcement and monitoring. And I think when we say the reason why, I mean, so there's a tremendous disconnect between. The enforcement, because when we hear this story, the enforcement started by the air district already.

01:53:39:15 - 01:54:08:17

Unknown

Except this is a problem. And however, I mean, from the community's point of view, we have so many people reporting things. But somehow it doesn't turn into a saying which the Earth does pay attention. So I think that is one area which we really need to improve, but also happy to be after Marilyn because she also mentioned

01:54:09:19 - 01:54:31:22

Unknown

. Exactly that, the reason why that is I can see the enforcement does not happen is because we don't have monitoring, as Damian mentioned, like you have your inspector at the plant every day. And how can that I mean, how can it so so what are they doing there?

01:54:31:23 - 01:54:58:11

Unknown

Like I see is like, we don't have the tool to I mean, we cannot rely on self-reporting to do enforcement. So we have to to have, I mean, from the industry or communities, communities point of view, we have to have a way to to to to to to say, OK, there is something which is not right and

01:54:58:11 - 01:55:16:04

Unknown

it doesn't have to be like 50 years out. I mean, 500,000 equipment. I think just like, for example, if we look at. Purple air. OK, compare with the 100,000 people and monitor for the air. We don't need. That level.

01:55:17:03 - 01:55:40:10

Unknown

I mean, at the first step. OK, so but we need something which is simple, like less expensive and more available to the community so we can use those things. And then if we find out we identify a hotspot, then we can engage the air district and you can use much more expensive equipment to detect.

01:55:40:18 - 01:56:08:23

Unknown

So I think the host that area connecting between community complain and the enforcement, I think currently we really need to to look at it much more carefully. And also how this inspector goes, for example, I don't know exactly how refinery inspection is done, but I I, for example, I I know somewhat in like in Vallejo, the inspector

01:56:08:23 - 01:56:31:15

Unknown

inspect a dry dock by looking at their paper document like, OK, how do we know by, for example, like, OK, they say they are going to use this much paint and this is how much they have used. And and basically, the inspector used that paper record as like, OK, yeah, so they are not exceeding their their limits

01:56:31:24 - 01:56:55:11

Unknown

. But from the community, we have a different, completely different experience. So you cannot just by looking at a paper record and say, Oh, everything is fine. So I think, Inspector, I mean, what is the process we have to to to to cause I mean that we need to review what whatever is happening right now and figure out

01:56:55:16 - 01:57:17:07

Unknown

why things even we have people. Visiting the plant every day, and you still don't find it, so there is must be something we need to to change. So that's that's another thing. OK, so the third one? Another one is, Can can we can we stop there?

01:57:17:07 - 01:57:32:15

Unknown

You've got a big laundry list there, and I'd like to address some of it and then we can get to the rest of the questions, if you don't mind. Sure, sure. So, you know, I think we at the Air District realized that that our system isn't perfect.

01:57:33:13 - 01:57:47:11

Unknown

We do rely on facilities like Valero to come forward and report their emissions they're required to by law. That's what they are required to do. This facility failed to do that. The complexity of these facilities, I think, is staggering.

01:57:48:09 - 01:58:09:04

Unknown

Thousands of miles of piping at the changes, you know, as refinery turnarounds happen every five years, we have inspectors there every day and they are actively looking at piping. They're measuring it with instrumentation. We have folks from Jerry Sharp in there doing source tests.

01:58:09:04 - 01:58:30:02

Unknown

We're reviewing sources from other companies. We've got fence line monitoring. We've done airplane overflights of these facilities. We have a team in rural development. We are having folks in our legal and in our enforcement teams. All these folks are trying to stay on top of these facilities.

01:58:30:02 - 01:58:43:16

Unknown

But you know, we realize that that we've seen more noncompliance at these facilities over the last number of years. So we're taking a couple of additional steps. We've informed our board of directors that we want additional staffing in this area.

01:58:44:22 - 01:59:00:01

Unknown

We're looking to beef up both our enforcement and engineering sets of staff, and we want to have a conversation with our communities about how we can better monitor, you know, these incidents and these things that are really causing harm to the community.

01:59:00:12 - 01:59:20:02

Unknown

We've gone forward and proposed legislation to up the fines for this. And we've also talked to our board of directors at going back and looking at our existing rules that are on the books to strengthen them. And it is

our intention to also adopt additional rules on top of that in order for the whole system to work

01:59:20:24 - 01:59:40:20

Unknown

. We need our facilities to be effectively deterred from doing things like this in the future. That's all part of it. So we recognize that there are faults in our process. We recognize that we need to be more public about what we're doing, and it's our intention to let folks know what we're doing.

01:59:40:21 - 01:59:56:13

Unknown

And those are some of the steps that we're taking tonight. I think it's it's it's it's easy to just say, well, you know, you should find it faster. You should do better. I think we acknowledge that that is the case.

01:59:57:08 - 02:00:11:15

Unknown

But you know, when you've got a partner at these facilities who are supposed to comply with the law and are not doing so, I think that that is something that we really need to take seriously. So can do you want to go on with the rest of your question?

02:00:11:16 - 02:00:36:02

Unknown

The third part, please? Yes. After after hearing what you say, I think there is opportunity for community and agency cooperation, for example, from the from the from the enforcement or enforcement part or monitoring part. I think you have to understand the community really wanted to do the monitor.

02:00:36:02 - 02:00:58:06

Unknown

I mean, for example, you don't need to if if you if we develop some kind of protocol, which you enable the community engagement to do the monitoring, you don't have to send inspector very often what we call inspector may coming in like a couple of hours later or the next day, which which it doesn't help.

02:00:58:09 - 02:01:16:20

Unknown

OK, so but but you have to understand we in the community. I mean, this is where where we live and and we are highly motivated. I think you need to take advantage. Just look at the people here. They have spent like 20 years like working on.

02:01:17:02 - 02:01:36:22

Unknown

So, you know, the energy is there and so how we can work together to to to monitor and to to improve the situation instead of you say, Oh, we, we ask the board to have more or to have more money to to hire more inspectors.

02:01:36:22 - 02:01:57:16

Unknown

I think we should also look at it how we, the agency and the community can work together to protect the community. OK, so that is one point which after I hear what you say, the other one is I think Jerry also mentioned like because some of the emission is like higher up from the chimney.

02:01:57:23 - 02:02:16:22

Unknown

So and so it. It was not detected on the different lower level. What I want to say is from. We are in Vallejo, so a lot of time that we are downwind. So even though Valero is not in our city, but we are, we are impacted by their their release.

02:02:16:23 - 02:02:32:11

Unknown

OK, thank you. That's all I have to say. Well, thanks again for those points. That's something that I think we want to have an open and open conversation with our communities about how do we monitor and how do we go about doing that.

02:02:32:11 - 02:02:51:12

Unknown

So we'll take that back and we'll see if we can figure out a mechanism to start that engagement. And for those questions, Ken, and next, we have Sam and then we'll go back to Steven, but I did want to say if Alex is still there and has a question, we'll go at to listen next just because it

02:02:51:12 - 02:03:05:02

Unknown

is your first question. So Sam, whenever you're ready. OK, exactly. Judy Sullivan, it's I'm using my husband's computer because mine pooped out my duty. Okay, yeah. I just wanted to say that and this is my bin, my rallying call.

02:03:05:02 - 02:03:18:05

Unknown

Since I've been involved with this one thing on this zoom. Most of the people on this Zoom have been activists on this issue for many years. And I sometimes think how you presented it as though you were talking to people who didn't, you know, didn't have a clue.

02:03:18:05 - 02:03:40:01

Unknown

And we do. And so what we've been asking from the very beginning from the state, from you, from Valero is especially from you, though from the big day is we consider you are stewards and we consider it a sacred responsibility that you watch over our air.

02:03:40:23 - 02:03:56:16

Unknown

And I've been seeing a lot of not. Pressing Valero on the Don, the fines, and I know that you don't set the fines, that's not your but you could go to the state and work on that. We've gone to the state and talked to them about it.

02:03:56:16 - 02:04:13:01

Unknown

You could do because it's what's being done isn't working and and I'd like to see you step up and I think you are starting to step up with the enforcement and I hope that you do this every single time.

02:04:13:23 - 02:04:30:21

Unknown

And the other thing I'm concerned about is when we're not notified that there's been. That's a relief, and we're out doing our thing. I'm out gardening almost every day, you know, I'm out kayaking, I'm doing whatever. Sometimes I can tell that the sky is off and pick up.

02:04:30:21 - 02:04:43:03

Unknown

Something's going on with Blair. I'll make a call. But sometimes I don't know. And I would like to know ahead of time I'd like our city to be. I'd like you to notify our city, our city, to notify us in real time.

02:04:43:14 - 02:04:56:09

Unknown

I don't want to find out about this the next day or two weeks later or three months later, because I live outside a lot. We're in California. We're outdoor people. We leave our windows open. Know things like that.

02:04:56:10 - 02:05:12:06

Unknown

If we could, you could let us know. That would be a big help. And there's some disconnect about what I perceive as your responsibility to our communities, our Bay Area communities that interferes with our ability to be healthy.

02:05:12:20 - 02:05:27:12

Unknown

And we're all pretty health conscious and we're very conscious people. And like I say, the people on this call, I know most of the we work together. You know, this isn't new to us. And so kind of when you start your meeting, it's like you're talking to people who are just coming on for the first time.

02:05:27:12 - 02:05:43:06

Unknown

That's that's not what you have here. It's a very active community. And I would just like you to approach it from that point and our. Just. I want to say stand up, do your job, I know you guys are trying really hard, I really appreciate it.

02:05:43:06 - 02:05:55:15

Unknown

When I heard that a message from Jack, I thought, Yeah, Jack is standing, you know, I felt a different stance from him. I felt really good. But now that I'm here, I'm not really feeling all that much different than it's been in any other media I've been to to tell you the truth.

02:05:56:12 - 02:06:12:16

Unknown

And so I guess because we've been dealing with this for so long, it is like we want to see results. And so I'm just asking you to keep on plugging on and where there are holes, fill them where they're voids and give us a reason to feel confident.

02:06:13:15 - 02:06:25:20

Unknown

And and your your job and. I don't know what else to say, I mean, I just it's frustrating for all of us. We care what we care about the collective. It's not just I'm not just talking about me at all.

02:06:25:23 - 02:06:48:24

Unknown

You know, I just I really believe in the collective. I'm trying to protect the collective. But we need your help. And because we don't enforce the rules and we just keep on pushing for them and seeking for answers to these, like the PM 2.5, you know who's to check that out and what kind of monitoring do you

02:06:48:24 - 02:07:00:15

Unknown

have? A can can do that. We see it all. We see it on the ground. And it's always visible. I mean, it's dirty. It's all right. And the air gets into our lungs. Small particles builds up over time.

02:07:01:00 - 02:07:13:08

Unknown

Well, we need protection from that. Some refineries are going to one floor at one in Florida. They have covered the covered area where they deal with their pet coke. There's technology to take care of this. Nobody's pushing Valero for it.

02:07:14:13 - 02:07:28:11

Unknown

And yes, that would cost them money. But other refineries have been known to do it and maybe they have their districts that push it. I don't know. I don't know how that can maybe make that happen. But our community hasn't been able to get them to move on that.

02:07:28:18 - 02:07:45:02

Unknown

And it's a concern that I have. So I don't I don't I don't have a serious immune condition myself. But I know people who do men and women who we have known people and people in town whose kids have asthma, you know, that has occurred in this area.

02:07:45:03 - 02:08:08:02

Unknown

Well, part of the reason is our air pollution. And so you look at the American Lung Association numbers. You know, I look at that annually. We don't get a good grade in this county and a lot of it is because our refineries and the refineries that hit us from other areas, like some kind of refineries from

02:08:08:02 - 02:08:23:13

Unknown

other towns that we get there, it depends on the time of year. So I just I hope that you. I want you to think that feel strongly about it. We do. And that's what I want. So I appreciate that.

02:08:23:16 - 02:08:38:07

Unknown

Please keep trying hard and not do what you can and make them pay what they are. And I don't really it's not about the money to me, it's like it's about having responsibility. You guys have a responsibility. I'd like to see it go up higher.

02:08:38:20 - 02:08:55:00

Unknown

Valero has a responsibility to us and and our community has a responsibility to answer a lot of layers of our leadership involved. And I know as volunteers, we work our hearts out. I mean, we don't get paid a dime for it and we count on you guys.

02:08:55:01 - 02:09:06:18

Unknown

And I know we pressured you and have written you stacks of letters, you know, full of facts and figures. And I mean, we, you know, we do our homework and we just want to know that you've really got our back.

02:09:07:23 - 02:09:18:18

Unknown

And I'm hoping that there is going to be an improvement. I like what Jack Broadbent had to say. I've talked to him before and we just want to see the proof of pudding and not wait too long to see it.

02:09:19:19 - 02:09:42:02

Unknown

So that's it. Thank you for trying. Thank you for hanging in there. Well, thank you, Judy. You know, I can see and we can feel the emotion from the members of the community tonight. You know, when we start to pitch these presentations, we never know what the makeup of our audience is going to be.

02:09:42:06 - 02:09:57:23

Unknown

And I'm sorry that frustrated some people tonight because we did really start with our building blocks of work, a whale watching. If you knew more that you knew our community better, we've been to that. You've done

this with us before and you would know we have this very strong group in a few minutes from the other meetings

02:09:57:23 - 02:10:13:04

Unknown

. You would know this or if you looked at those things, you would know that this group is, you know, we're not, we're not beginners. Everybody here has done this many for a long time. So I mean, you know, if you would just look at this community and get to know the community better and read our letters, you

02:10:13:04 - 02:10:26:04

Unknown

would know that we know we do. But you know what we always have to do on these calls is for the person who comes on here who knows nothing about this. They also have to be educated so that they can reach the same level that you are.

02:10:26:11 - 02:10:45:18

Unknown

And that's all I'm trying to explain. You had mentioned about, you know, notifications in real time as being a gap. And we know that in other counties, there are ordinances that have been adopted by those counties and there have been some changes in state law.

02:10:46:14 - 02:11:09:07

Unknown

So we are looking to talk to our partners in Solano County to see how we can get better at notifying our residents and whose responsibility or due to. Damien, I think you accidentally made it yourself. That might be for the best, maybe.

02:11:10:03 - 02:11:28:12

Unknown

But but what are the other things that that that I did want to say about kind of what we've got planned? Maybe Jerry can talk a little bit about some of the compounds and some of the things that we'll be looking for in your community when we do stand up that monitor.

02:11:29:04 - 02:11:53:11

Unknown

Jerry, if you wouldn't mind talking about what compounds and what type of monitoring will do. Once we get that monitor all. Yeah, I expect a little bit. It hasn't been completely finalized, but at least for the moment, we're anticipating that we're going to be measuring latex benzene talanoa and that opens in xylene.

02:11:54:07 - 02:12:18:05

Unknown

So to edge to us ozone and to black carbon and particulate. So speciation, which would be ultra fine particulate PM 2.5 and PM10, that's for the community monitor that we're actually looking to to put at the fire museum if once we get the lease approved from the City Council.

02:12:18:16 - 02:12:37:05

Unknown

Good. Thank you. Thank you for your comment and for your questions, Judy. And thank you for the feedback on the format in the future. We may want to think about how can we have maybe two different formats those that know everything and want to jump right into the weeds that our experts, which are in every community, but

02:12:37:06 - 02:12:49:06

Unknown

also one that reaches out to everybody. So we do appreciate the input. And at the end, we'll have a survey and present all of the feedback because we are trying to design these that you all feel heard and that these are efficient for you.

02:12:49:07 - 02:13:05:03

Unknown

So we appreciate all of that. So next, I wanted to go to Stephen and then Marilyn and then Nancy. So Steven. Oh, I'm sorry, you're on mute. Thanks, but wasn't there someone who hadn't spoken yet, who was going to speak?

02:13:05:03 - 02:13:23:24

Unknown

She was, but I think that she is not on the call anymore. OK, so you're stuck with me. OK, I'll try to keep it that short again. Thanks for your patience. Joel, I appreciate what you're saying about this three year statute of limitations, but in some ways it sounds like it buried the lead here.

02:13:24:08 - 02:13:46:17

Unknown

What does that mean? Does that mean that it's only that that only the violations within the last three years can be pursued in terms of fines? Or does it in fact go back to 2003? I'm hoping that it goes back to 2003 because no one was notified of the violation.

02:13:47:01 - 02:14:08:06

Unknown

Then it would seem as though the period for statute of limitations doesn't start, particularly since the violation included. Not acting on a Valero, not acting on its duty to inform you, folks and the public of this violation. So what do you mean with yourself limitations here?

02:14:09:06 - 02:14:31:16

Unknown

Rather than give you a legal lecture on statute of limitations which would take another couple hours or more, I'll tell you that the district can take into account the length of time of the violation. So the fact that it was going back to 2003 or even longer than that beforehand or, you know, whatever that's taken into account

02:14:31:16 - 02:14:49:05

Unknown

so we can figure that out. But the statute of limitations, you know, applies in a court setting and also in our determination of appropriate penalties. So it is a three year look back, period when we look at assessing penalties.

02:14:49:13 - 02:15:10:19

Unknown

So when we go on to the next question, because I know there's other people waiting and other and other things, or perhaps you might have another question. I do have another question to be frank, I didn't really understand your answer, but perhaps you folks, you just when you issue some kind of a written statement that supplies answers

02:15:10:20 - 02:15:26:14

Unknown

to these basic questions, such as what happened for three years before you finally revealed this information to the public and including this matter, which it sounds could be crucial for determining whether and to what extent Valero is going to be penalized for this.

02:15:27:14 - 02:15:45:02

Unknown

But I don't want to drag us through it. It just sounds that that's very, very important in terms of what Valero might be helped with the extent to which whoever might be held accountable. So I guess my suggestion is to issue a statement clarifying some of the questions or responding to some of the questions in writing that

02:15:45:03 - 02:16:05:09

Unknown

were posed today and not saying I did want to ask, though, was the the the, you know, this question of a certain amount to find \$25,000 a day, potentially for negligence? Correct me if I'm wrong on this, but we're talking about something worse than negligence here.

02:16:05:13 - 02:16:32:15

Unknown

This is not a matter of Valero somehow being sloppy in its own inspection or monitoring or maintenance procedures. It knowingly was spewing these carcinogenic and otherwise dangerous substances into the air for above limits for six years. So again, not to you, folks can't and aren't able to specify what the limits of the fine might be at this

02:16:32:15 - 02:16:50:15

Unknown

point, I guess. But it sounds like if if that that \$25,000 a day adding up to at least adding up to \$146 million over 16 years is more of a flaw than even the ceiling for what might be fairly new, obviously are fine for them.

02:16:50:22 - 02:17:10:15

Unknown

So correct me if I'm wrong, if I'm misunderstanding the standard that will be applied to Valero's conduct here. My question is, is it something

in excess or worse than negligence that that describes their conduct? So Steven, I think you've asked the same question, a couple of different ways, and I think we're going back to the same answer

02:17:10:15 - 02:17:36:14

Unknown

, which is, you know, we're looking to prosecute this case to the fullest. And there are elements of it that are still open and ongoing. There is a standard for negligence that we have to have proof for. So in as part of our ongoing investigation, we are looking at that and those factors will be brought into play as

02:17:36:14 - 02:17:53:18

Unknown

we assess the entire penalty for this particular, this particular violation. And that includes, you know, the ongoing conversations that we're having with our partners. So, OK, thank you very much for that. Damien and Damien, just one final point regarding the conversation we've had today.

02:17:54:03 - 02:18:11:06

Unknown

I hope in the future you at least reconsider using a term like partner when you refer to Valero. There's nothing wrong with treating the organization, the firm and its engineers and professionals and the people that work for it with respect to trying to work with them constructively where you can.

02:18:11:12 - 02:18:29:03

Unknown

But in the face of violations like this, I think we've moved well past the point of you're considering in your roles. Valero, a partner, it's an order. It's a firm who's whose operations are being monitored, subject to permits and other appropriate language.

02:18:29:03 - 02:18:51:02

Unknown

I'm talking not just about language here, but maybe a frame of mind that that I urge you to reconsider going forward. But thanks a lot for everything that you and the others have said today. Well, Steven, you know, just to address that point, you know, partner is is a term that that I use when I'm answering questions

02:18:51:02 - 02:19:08:02

Unknown

under pressure. But the reality of the situation is is. As part of our compliance program, there is a component of it that does rely on these facilities facilities to be open and honest about what they're amazing, where they're omitting it from.

02:19:08:07 - 02:19:30:08

Unknown

And in this case, we did not get that open and honest answer. And you know, I want everybody to go away from this meeting tonight understanding

that we intend to hold Valero accountable for that action. We intend to do that in a transparent fashion, and we encourage all of you to come to our hearing board and let

02:19:30:08 - 02:19:49:22

Unknown

the hearing board know what you think about that, that type of behavior, because we find it unacceptable. Thank you. Thank you for those questions, Stephen, and there's nothing more frustrating than trying to get straight answers for our enforcement case that's under ongoing investigation under financial enforcement.

02:19:49:23 - 02:20:01:08

Unknown

You know, for anybody you're asking, these are really complex issues and thank you for those questions to help us disentangle them for everybody. And Marilyn, if it's OK with you, I wanted to give Nancy a chance to ask a question because it's her first time.

02:20:01:16 - 02:20:20:19

Unknown

And then we'll go to you next. So, Nancy, whenever you're ready. You know myself, I think the tragedy here is my question. Boleos monitors in general, just say, you know my background, I am part of the Benicia Community Monitoring Program.

02:20:21:02 - 02:20:45:10

Unknown

I'm on the board and we have our station up and running, and we have state of the art monitors that will be monitoring air in not just Valero, but the whole, you know, much of the Benicia community. And my concern is, number one, how old are the monitors that blur the fence line?

02:20:45:10 - 02:21:00:21

Unknown

I'm talking about potentially monitors and also the ones that are on the top of the stacks. How old are those monitors and how how are they being, you know, how and how are they being calibrated? How often are they being calibrated?

02:21:01:07 - 02:21:22:14

Unknown

And is there a new technology that would actually require that they replace monitors that are out of date? So that makes any sense and also makes perfect sense. Yeah, so there's there's the the what is that? I think so.

02:21:23:22 - 02:21:38:13

Unknown

No. But there's a monitor that they're supposed to have on the fence line and they haven't done it. And now they're going to get a monitor that hasn't been it's acceptable, but it's not reliable, is my understanding. OK?

02:21:38:24 - 02:21:53:02

Unknown

And so it's that kind of stuff that goes on that I only know about it because I'm part of a big camp group and because the people that we're talking to, people that assess monitoring all over the world.

02:21:53:02 - 02:22:08:07

Unknown

So that's my question. And that is in general, we have five refined reasons we all know. How are we how are we really assessing the ability of their monitors to pick up what they're supposed to be picking up?

02:22:09:03 - 02:22:28:14

Unknown

Excellent, excellent questions. So let's start and talk about what the requirements for monitoring are. A lot of the requirements and methods are set in our rules, and they require that that source tests are done to make sure that the monitoring is accurate.

02:22:29:08 - 02:22:49:11

Unknown

They also require that these monitors are calibrated and kept in compliance with specs. I'm going to have Jerry and then who are on here. I talk a little bit more about systems and the things that we have in place, but one of the things that we are doing and one of the things that our board is tasked

02:22:49:11 - 02:23:05:14

Unknown

us to do is to is to look at our monitoring, look at our rules and make sure that that we are understanding what steps we need to take to protect our communities and what additional monitoring may be necessary and what changes are needed to those rules.

02:23:06:03 - 02:23:22:16

Unknown

So that's something that that we've talked to our board about. We're in the process of figuring out how we're going to staff that and what priority the board wants to put on it. But Jerry and Ben, do you want to talk about calibration, the monitors that are in the facilities and how we look at those?

02:23:25:11 - 02:23:54:21

Unknown

Sure, I can I can address all of the continuous emission monitoring systems, which are the systems that are installed on the stacks for the stacks that require to measure different types of pollutant emissions have to meet promulgated Kiwi QC standards, either either our QC standards or federal QC standards if they happen to fall under a federal standard

02:23:54:21 - 02:24:21:14

Unknown

of some kind. That includes daily calibrations. Includes quarterly audits, includes relative accuracy tests, audits that are that are conducted annually. And what that is is when you go out there and you take source testing instrumentation and you measure side by side with the the on site analyzer, the continuous monitoring system to make sure that it reads accurately

02:24:22:20 - 02:24:45:22

Unknown

and all of this. All of these QC QC tests that are performed have to be maintained at the facility for us to audit or reported to us directly. They're reported to they're required to report to us on a monthly emission statements, which give us a highlight of everything that they've done.

02:24:46:21 - 02:25:06:19

Unknown

And any time that there's an excess that is picked up by them or they have to send us the excess emission reports that we then evaluate and see if the violation actually occurred. They're required by the standards to maintain their systems and good operating order, which most of the time means that they are replacing components on a

02:25:06:19 - 02:25:26:02

Unknown

regular basis. And all of the changes that they make to it and all the instrumentation that they put in there have to be approved by my department. The source test section prior to installation. So we check out all the components that they're planning on putting into the end as a continuous emission monitoring system and the design of

02:25:26:02 - 02:25:41:16

Unknown

the system. And and and we check it very closely and we go out and perform our own audits, which are called the field actually tests where we test side by side with these systems to verify that they are actually measuring accurately.

02:25:43:19 - 02:26:01:18

Unknown

In addition to that, some of the some of the there is parametric monitoring that's actually done at the facilities and parametric monitoring, as is where they have to monitor a certain parameter, like a process device like temperature, like pressure, things like that.

02:26:02:06 - 02:26:18:23

Unknown

All of those have to be calibrated to certain standards, typically manufacturers standards, but it's something that we actually audit as well, and that ensures that the systems are operating the way they're supposed to be operating within the permit conditions that have been set for them.

02:26:21:04 - 02:26:41:10

Unknown

And you had questions about other monitoring as well. Is that true, Nancy? Well, there's I is it the Pentagon I can't remember Maryland would know. And so it can't be because we've talked about this. There is one monitor that they are required to put on the line to monitor a particular chemical.

02:26:41:20 - 02:26:53:16

Unknown

And it has not. Yeah. And it was my understanding they had a time limit when they were supposed to put it on and they still haven't done it. And that's the concern. You know, you're talking about hydrogen sulfide.

02:26:53:19 - 02:27:08:07

Unknown

Yes, that's yeah. Because part of the reason that we were taking so long on hydrogen sulfide is because we wanted to be an open path, integrated measurement rather than just a series of point monitors along the fence line, which would have gaps.

02:27:08:08 - 02:27:30:18

Unknown

And then, you know, they'd have to install a lot of them. So we were trying to drive the technology, and we've actually spent the last few years working with the manufacturers and contractors and the facilities to try to drive that technology so we can get the better detection limits because prior, you know, before the detection limits on

02:27:30:18 - 02:27:50:04

Unknown

those systems were so high that they wouldn't be impactful and it wouldn't be useful. And recently, last year, there was a study conducted at one of the Bay Area refineries where a system was proven out that showed that you could get detection detections down 15 parts per billion or less.

02:27:51:00 - 02:28:12:00

Unknown

And based on that study and the published results of that study, we went ahead and and so put out the requirement for all the refineries to to then install a system that could at least be equivalent to that standard because we tend to be technology neutral or manufacturer neutral.

02:28:12:10 - 02:28:33:21

Unknown

We couldn't just say, put in this one, we have to say, OK, it has to be at least as good as this one. And so right now, the refineries are in the process of evaluating systems and either putting in the system that proved that it could do it or showing that the system that they want to use

02:28:33:21 - 02:28:50:23

Unknown

is going to be equivalent to that. And we haven't they haven't shown equivalence yet, but some of them are trying to conduct some short term studies to do that. But regardless, we've given them a deadline of January first of 2023.

02:28:51:06 - 02:29:11:08

Unknown

They have to have an open path to US monitoring system in place that is reporting data. So the clock is ticking, and it has been triggered by the study that was conducted out of P 66. Right. So we're going to evaluate their study results and see if they can come up with something that is comparable.

02:29:11:20 - 02:29:30:06

Unknown

If they can, then then we will go ahead and approve it based on what they give to us and whether or not we can make a determination if it's equivalent, if they cannot, then then we're going to basically put in the requirement that they have to use the system that is available out there.

02:29:30:15 - 02:29:48:04

Unknown

And Valero does have an edge to us monitor installed. It's not the system that was proved out at P 66. They don't report the data because we hadn't triggered the requirement, but in either case, the system that they have installed.

02:29:48:04 - 02:30:01:06

Unknown

If it can meet the requirements, it will have to be reporting data by by January first, or they will have to replace it with a monitor that can meet those reform. And you, Jerry, and thank you, Nancy, for your questions.

02:30:01:07 - 02:30:22:13

Unknown

Sure. And now I wanted to go to Marilyn and then Kathy, and then we'll transition to the next part of our agenda. Marilyn, whenever you're ready. Oh, and you're still on mute. I promise someday we won't have to say that again.

02:30:22:24 - 02:30:47:00

Unknown

Oh, dear. A few points related to the. I've got something else popped up on my screen, it doesn't matter. Related to what was just said, I don't think it should have taken four years to get to this point and that we have another year to wait before we have a reliable data that's verifiable coming from an age

02:30:47:00 - 02:31:13:21

Unknown

to us. A fenceline monitoring system that was installed as far back, I don't know, between 2019 and 2020. And so that seems like a very long time to allow for corrections to be made or compliance. But my other the

reason I had raised my hand in the first place was first of all, I appreciated Ken's comments about

02:31:14:02 - 02:31:46:05

Unknown

the systemic problems about communication using the community, people in the community as a resource to the district because, for instance, in the last three times of incidents very recently, the incident about quote unquote oil falling from the sky that happened, that probably affected because I asked at the cap meeting how many households were affected, how many properties

02:31:46:05 - 02:32:14:16

Unknown

and Benatia, well, they didn't at first want to say that. But finally, I said, just give me a ballpark, OK? 200 houses affected by oil falling out of the sky that was on gardens, children's toys, cars, solar systems, you name it, or even fake grass was mentioned as a problem cleaning fake grass Valero did not contact just

02:32:14:16 - 02:32:30:23

Unknown

go out of its way to contact people immediately when they knew there was a problem. They waited for people to call them. Furthermore, the only way I learned about these things is because I'm listening to KQED while I'm doing chores in the morning and I hear a report from Mr. Goldberg.

02:32:30:23 - 02:32:45:24

Unknown

I think that's his name, and I'm very grateful to him that he makes a report he did today about this hearing. And so if the district is calling KQED to help them know that something's going on, I appreciate that.

02:32:46:05 - 02:33:07:11

Unknown

But it's a little shocking to learn about things like the abatement order from KQED that should have gone from the district immediately to our city, not to Valero. I mean, Valero is the violator. This should be information given to the city so that immediately our city reports to the community.

02:33:07:21 - 02:33:25:08

Unknown

I shouldn't be hearing that only from KQED is the first time I hear it when I'm active. Not only Good Neighbor Steering Committee, but I'm on the bekennt board as well, so it just doesn't make any sense. It's this way of communicating.

02:33:25:15 - 02:33:47:23

Unknown

Regulators are taking a passive approach to communication with immediately affected communities. This is why you don't have the public's trust. Because it's too damn passive. Your own website is so complicated that if you try to I when I try to communicate to our public.

02:33:49:10 - 02:34:06:22

Unknown

You know how what an effort that is, and now you're asking us, for instance, to write comments to the hearing board, know you've recorded this meeting, you have all our comments you record that are what we have already given to you very explicitly.

02:34:07:03 - 02:34:24:08

Unknown

You can synthesize it, but you have taken our record of comments. It's your job to take the time because you're paid to do it, to give that that list of comments to the hearing board. I can't take more time out of my days to write out more comments.

02:34:24:08 - 02:34:40:15

Unknown

And by the way, I commented on the Marathon Air for their biofuels conversion project and also P60 66 conversion project. I haven't heard a word. I have not even heard a response for response to comments ones that's coming out.

02:34:41:00 - 02:35:02:24

Unknown

I think the district should be on top of that. This is hugely important. And the idea that hydrogen sulfide monitors are not going to be in place active and with verifiable data before January 2023, when these conversion projects may be a source of hydrogen that we, you know, we're learning about hydrogen sulfide, we're learning about that.

02:35:02:24 - 02:35:22:23

Unknown

And I know that hydrogen sulfide is an emission from our asphalt plant and we have people living right up the fence line that the the the buffer fence line with the asphalt plant. And, you know, this is unacceptable, I want I don't want the district to be so passive about communication.

02:35:23:06 - 02:35:35:12

Unknown

It's really it's it's sad, it's really sad, and I've driven into community vacuum the meetings all the way from Benatia, where I have to be there at 9:30 in the morning for a meeting. I can't do that anymore.

02:35:37:09 - 02:35:54:16

Unknown

You know, you have to take our comment if you're going to go out to the public, I remember when you started doing these kind of public workshops, I've gone to them in Richmond. I've gone to other meetings. But you need to collect what we say at these meetings and deliver it to the people where it makes a

02:35:54:16 - 02:36:18:00

Unknown

difference, whether it's the board, the hearing board, whoever you make use of what we say to you. Thank you, Marilyn. one thing I think we can do Marilyn, we are recording this tonight and we will make sure that this goes to our hearing board members and will recommend that they watch the entire proceedings so that they get

02:36:18:07 - 02:36:32:09

Unknown

the tone and tenor of what the community wants here. So we thank you very much. We will do that. You know, the topic of communication and how we get better at that is something that's come up multiple times tonight.

02:36:32:24 - 02:36:55:19

Unknown

The topic of use in the community as a resource has come up on multiple times tonight. So those are some takeaways that will be taken with us as an organization outside of this particular incident to see how we can work with the community on how we can get better at monitoring and then work with the city

02:36:55:19 - 02:37:13:03

Unknown

, counties and others to see how we can get better about communication in this space. So. And we've had the county supervisors on here. You have a county supervisor represented on our board. That's another conversation we'll be having with our director.

02:37:14:02 - 02:37:31:06

Unknown

So we're going to make sure that we are trying to fill that gap. And we do appreciate that comment. Thank you. And I just want to say exactly that, which is that these town halls make us better. We get a lot of staff here.

02:37:31:06 - 02:37:45:22

Unknown

They hear you. And so thank you for sharing that input. This matters more than just with refineries, but in all the work that we do. Transparency, accountability, clear communication and an active stance are very important. So thank you for all those comments.

02:37:45:22 - 02:37:56:04

Unknown

So I think we have three more comments and then we'll hold it there just to move on to the next part of our agenda so that we can get to the remaining portions of that we wanted to cover for you today.

02:37:57:05 - 02:38:13:00

Unknown

And so next, I wanted to go to Kathy. I am assuming the next part of the agenda is about the hearing board. OK, so I had questions about that, but I would like to echo a little bit about what Marilyn said.

02:38:13:20 - 02:38:32:10

Unknown

I do think the communication could be better. I mean, the our local newspaper, you know, I sent in a notice about these hearings to them, which wasn't very well worded to tell you the truth. They did publish the article about the initial press release, but there is no I don't know if the district ever sent anything about

02:38:32:20 - 02:38:55:18

Unknown

this community hearing into the Blair Vallejo Times Herald or the Benatia Herald. In any event, it wasn't published in the Herald until I sent something it. So I think there really needs to be much more outreach. And, you know, do you guys post things on social media where their next door postings?

02:38:56:05 - 02:39:14:14

Unknown

A lot of people read those kinds of things. I do want to say, I appreciate you continuing this meeting on way past the closing time. So thank you very much for doing that. I would like to. Now I know you didn't want to get into the statute of limitations, but I'd be interested to see if the statute

02:39:14:14 - 02:39:30:16

Unknown

starts running at the point of discovery or, you know, when the violations started and. I think most of my questions actually have to do with the hearing board. Thanks. Thank you, Kathy, and we'll cover those in the upcoming section.

02:39:30:17 - 02:39:46:10

Unknown

I will say we we shared a press release with local news, including Indonesia, but I think the point about social media and thinking about teams in nontraditional outreach measures is something we can definitely take away with us. So thank you for that comment.

02:39:46:19 - 02:40:07:18

Unknown

Thanks. And we'll get to the hearing board section right after this. So I think we have one more question from Ken and then we'll move on to the next portion of our agenda. OK, thank you very much. The one thing I wanted to bring on is earlier when Gerry was explaining how the accuracy of the equipment and

02:40:10:16 - 02:40:30:08

Unknown

in the end, in the chimney or in the flute, everything sounds so perfect. OK, so if if if we didn't know there's a problem, then when we listen to that we thought, OK, yeah, the air district basically, I mean, covered everything and very carefully and everything.

02:40:30:16 - 02:40:51:13

Unknown

So. So basically, there is a major disconnect there. I don't know what won't happen. OK? If, for example, if we have all this highly calibrated and high accuracy equipment in the flutes, then how come on this specific flute?

02:40:51:13 - 02:41:11:00

Unknown

We didn't see anything so. So I don't know, where's the problem? But there is a disconnect. So that's what I want to bring it up. Thank you. That is a fair point, I think we've talked enough tonight about how the facility had the duty to come forward and report this to us.

02:41:11:19 - 02:41:34:01

Unknown

And I've spoken a little bit about some of the resources that we intend to bring to this issue. But we as an organization know that we need to to get better at identifying issues like this. And I think the commitment is there on our side to try and bring the resources and then to continue this conversation we're

02:41:34:01 - 02:41:51:10

Unknown

having about using our community. You know, we talk a lot, I think, in our organization about our partnerships and how we value the information and the feedback that we get from community. And that is one of the most important tools for our inspectors.

02:41:52:11 - 02:42:13:11

Unknown

It really is important for us to have engaged community members. We're going to partner with us to point this in the right direction. So you have you all have given us a lot to think about tonight and, you know, through the Community Advisory Commission that that that stands a member of.

02:42:13:16 - 02:42:37:06

Unknown

I know that we're going to be continuing to have these discussions and we definitely want to continue the discussion with this community about how we can fill in some of those gaps. So I just want to make sure that you all know that we're hearing you and that we're serious about seeing how we can do and deal

02:42:37:06 - 02:42:55:09

Unknown

with some of this. It's going to take us time, I think. I don't I don't want to set any false expectations. We do need to do that staffing. We do need to look at some of our regulatory mechanisms and then we do need to think about some of the ideas and options you've given us tonight.

02:42:55:09 - 02:43:11:21

Unknown

So I appreciate everybody's questions and comments. And I just need to jump in here. I'm so sorry. We have to do all sorts of contingency

planning, but our next presenters computer is going to automatically restart in ten minutes.

02:43:11:21 - 02:43:25:07

Unknown

So we're kind of under a deadline to make sure that we carve out enough space for turns into a pumpkin. And so, Ken, we'll stick around at the end if you have any follow up questions and I don't mean to cut you off, but I just don't want to lose Joe before it's too late.

02:43:25:07 - 02:43:41:17

Unknown

So I think we're going to turn it over to Joel real quick for this next question. Thank you so much. It's fascinating to hear all of these questions and comments on this matter I've been working on for quite some time.

02:43:42:01 - 02:44:04:05

Unknown

I wanted to explain how our Air District Hearing Board works. It's basically a quasi judicial body that decides air quality disputes, and it operates under the hearing board rules that are available on the district website. It is a complicated website if you go to it and you search for a hearing board rules that should come up.

02:44:05:08 - 02:44:24:20

Unknown

Also, the hearing board is governed by California Health and Safety Code sections. 40 800 4865. Now all California codes are available on the web. Also at Allege Info Dot K-Cup Ali G I n EFO Dot K Dot gov.

02:44:25:11 - 02:44:48:07

Unknown

The hearing board has five members, as Andre Soto mentioned, and there's currently one vacancy. So the hearing board members are engineer, a lawyer, a medical professional and two members of the public. one of the public seats is the vacant seat that no employees or officers of the air district can be members of the Air District Board members

02:44:48:07 - 02:45:12:10

Unknown

of the hearing board. The hearing board acts like an administrative law board of judges, hearing appeals of air district permit decisions, issuing variances and orders of abatement both stipulated and contested abatement orders. Now, appeals and variances normally would be sought from the hearing board by facilities or individuals.

02:45:13:15 - 02:45:27:08

Unknown

The hearing board's approval of a proposed stipulated order of abatement, as in this case would be sought jointly by a facility and the district. A contested order of abatement would be sought by the district and opposed by a facility.

02:45:28:16 - 02:45:49:00

Unknown

It's important to know what the hearing board can and cannot do in this case. The hearing board can approve, change or disapprove the parties stipulated order of abatement regarding the Valero Venetia Refinery hydrogen vent matter. The hearing board has limited powers.

02:45:49:15 - 02:46:05:01

Unknown

The hearing board can issue an abatement order to require a facility to comply with state, local or district regulation or laws. But the hearing board cannot issue an abatement order to bring the facility into compliance with any federal law or federal regulation.

02:46:06:17 - 02:46:26:00

Unknown

The hearing board can only issue an order to bring a facility such as the Valero Benicia refinery into compliance with district or state law. The hearing board cannot impose financial penalties or fines on Valero or any other facility or person because these fines are outside of the hearing board's legal authorities.

02:46:27:10 - 02:46:49:20

Unknown

For example, here the hearing board can approve the stipulated order of abatement, which will bring Valero into compliance with District Regulation 82301. Regulation 82301 is not a health standard, but as has been mentioned in imposes and emission limit of 15 per day of carbon at a concentration of 300 parts per million.

02:46:50:18 - 02:47:17:02

Unknown

So the hearing board can require compliance with that rig 82301 limit. The hearing board can hear relevant evidence, such as evidence related to boleros emissions from the refinery's hydrogen vents that exceed Regulation 82301 daily 15 pound limit. The hearing board, like courts, generally do not hear peripheral or irrelevant evidence.

02:47:18:16 - 02:47:42:12

Unknown

Within its legal framework, the hearing board hears both proposed stipulated, in other words, agreed abatement orders and contested abatement orders. The stipulated abatement orders proceed much faster than contested abatement orders because contested proceedings can get bogged down with conflicting witnesses, disputed evidence and thing and things like that.

02:47:43:16 - 02:48:04:03

Unknown

The hearing board has power to subpoena witnesses and take evidence. The hearing board can also take written and oral testimony from the public. Normally, the hearing board, under its rules, takes public comments and testimony after the party's opening statements and presentation of

evidence through witnesses or exhibits and before the parties closing statements.

02:48:05:18 - 02:48:26:14

Unknown

The hearing board currently is operating only virtually all virtually, so the March 15th hearing board hearing will be all virtual. It's the hearing board hearing is a town hall and we're sorry. It's not a town hall. It's more like a courtroom or court trial.

02:48:26:21 - 02:48:54:04

Unknown

So it's not as free flowing as this with a lot of questions and comments. But there is an opportunity for public participation. The upcoming Valero Refinery Hearing Board case on March 15. At nine, 30 8:00 a.m. will feature witnesses from both sides, and the district has submitted a separate statement to the hearing board with evidence of the excess

02:48:54:04 - 02:49:11:03

Unknown

emissions as well as their stipulated order of abatement. The that's separate statement Is it a link that I put in the chair at? I believe it was 7370 6:00 p.m. So you can click that link and see the district statement to the hearing board.

02:49:11:10 - 02:49:26:13

Unknown

That has a lot of the figures that we've been discussing about excess emissions and more of the background. The district intends to have the hearing board approved the stipulated order of abatement at that hearing or as soon as possible thereafter.

02:49:27:05 - 02:49:45:10

Unknown

In that way, the permanent fix of the excess emissions violation will proceed ahead ASAP. The hearing board has the power to alter, approve or reject the stipulated order of abatement at that hearing. And also the hearing board could ask the parties to submit a revised stipulated order of abatement.

02:49:46:08 - 02:50:08:06

Unknown

So the hearing board conducts the hearing board members conduct their deliberations in public, unlike judges who deliberate behind closed doors. The district has used the hearing board in prior years. There are many cases that have come before the hearing board in the last, even the last five years, but now the district is using the hearing board more

02:50:08:07 - 02:50:36:04

Unknown

often. And so we welcome your your participation in this town hall like us briefing, as well as at the hearing board hearing on March 15th and for hearings thereafter as well. So that is a little nutshell of what the

hearing board does, and I hope that you proceed with the process and this briefing.

02:50:36:05 - 02:50:56:01

Unknown

Thank you. Thank you, Jill. And so at this point, if folks have questions about the hearing process just so that we can answer them as quickly as possible, if you want to type them in the chat function, we'll just answer them in the order that they come in if there are multiple questions that have the same.

02:50:59:13 - 02:51:27:21

Unknown

Route will probably group that Premiere. So first of all, Stephen said, thanks to the presentation that explained a lot. And. You know, Kathy, if it's easier, you can feel free to just ask the question, sorry, I know, I just think that I realize it might just be simpler just to give you the microphone.

02:51:31:04 - 02:51:48:03

Unknown

I'm a little bit I'm recovering from shoulder surgery, so it's a little hard for me to type, one question I had was are the parties allowed to ask for a recusal of any of the hearing board members? If they think there's any prejudice on their part.

02:51:48:24 - 02:52:06:06

Unknown

Well, I have 20 seconds left to answer that. The short answer is, I don't know. You could make that as a as a comment, but not that I know of it would be another answer. And then her next question, and we might lose Joe, but somebody might know the answer.

02:52:06:13 - 02:52:21:01

Unknown

Good luck with their computer. Thanks for hanging in there. And so let's see, we had a question on here with the hearing board's meeting on Valero's violations take all day. I think that's something that one of our other staff can answer.

02:52:21:02 - 02:52:37:20

Unknown

Damien, I think it's likely to take up a good portion of the day. There'll be witnesses called from the facility and they'll be presentation of evidence and then Air District witnesses will also be interviewed. So it's probably going to take up, you know, at least a good portion of the morning.

02:52:40:01 - 02:52:55:11

Unknown

Inky Damien and then Supervisor Monica Brown said she will put this information in her newsletter tomorrow. Thank you so much, Supervisor Brown. And then we had a question from undressed Soto. Well, the hearing board be presented with any trade secrets.

02:52:58:07 - 02:53:18:11

Unknown

So in the in the open part of the meeting, everything that we have will be non-trade secret, I would have to check with our attorneys and I wish Joel was on here. I don't know whether we have the ability to go into closed session to present them with trade secret information and risk.

02:53:19:07 - 02:53:39:02

Unknown

But let's see if we can, if we can. Maybe somebody else on the on the call here knows I think, Ah, I'm and I'm not seeing our support attorney here either, so I get it. I wish I could answer that question for you, but I know in the public, in the in the portion of the meeting and

02:53:39:02 - 02:53:49:17

Unknown

the documents that are public that are currently published on the website, there won't be any trade secret information contained in that. And we can have a follow up email with you tomorrow and just with an answer from one of our attorneys.

02:53:50:14 - 02:54:06:09

Unknown

And then I did see a message from Steven in the chat. If the abatement order for Valero is stipulated, doesn't that mean both sides agreed? And if that's the case, why the need for witnesses evidence, et cetera? I'm sorry if misunderstanding, but it is a very complicated process.

02:54:06:12 - 02:54:26:14

Unknown

Thank you for the question, Steven. So Steven, the hearing board are the ones with the power here. They are the ones that that will ratify and agree to the stipulated order or hear that evidence and then decide that that possibly additional requirements are needed.

02:54:26:14 - 02:54:52:06

Unknown

And that's why it's important that the public weighs in so that the hearing could consider evidence from everybody. So we, as staff, may think that this is, you know, the best manner and the quickest way we can get these emissions cleaned up with the hearing board does get to question the staff and the witnesses about that particular

02:54:53:00 - 02:55:13:09

Unknown

portion of the agreement. So ultimately the decision making powers with them. And Marilyn, before your question, there is a question in the chat I just wanted to give Supervisor Brown a response. When will the agenda be posted? The agenda for the meeting itself.

02:55:14:04 - 02:55:34:14

Unknown

Well, we'll have to check back. But the other statements and supporting evidence and some of the documents related to the case are already posted on our web site Supervisor Brown. So we'll send you everything that we have that's going to be available and we have your contact information and we'll be sharing a slide with that website before

02:55:34:14 - 02:56:07:17

Unknown

the end of this meeting as well. Marilyn. Oh, I'm sorry, you're on mute again. A question about who sits on the hearing board, what level of expertise and experience they have with technical information because I'm I just can speak from my experience at a camp meeting where I won't name any names, of course.

02:56:08:14 - 02:56:29:05

Unknown

But it's really true that most citizens who will participate and volunteered to be a part of something like that from a broad spectrum of the community trust, the refinery trust, what is being said, and I heard how Valero discusses abatement order.

02:56:29:13 - 02:56:56:08

Unknown

It was very sound at all. Very rational. I didn't. They spoke clearly. Judge Cellino, Kim, Ronen. They presented the case. They disagreed with the 71% that you said the emissions have only been. Mitigated to 71%, they said it's more like 98%.

02:56:57:08 - 02:57:19:08

Unknown

So they were contesting that, but they were very reasonable. So my question is, and no matter what question I pitched to them, they had a ready answer. So I don't see how and I don't. I'm just a layperson, I'm no expert, but I've just been at it long enough to know some of the language, some of the

02:57:19:08 - 02:57:44:19

Unknown

things to ask. My question is, to what degree did the people on this hearing board who have no idea about Valero in particular, have any reason to judge what's being said? So the requirements for the members of the hearing board are laid down, I believe in state law and some of the requirements is that that it's a

02:57:44:19 - 02:58:01:21

Unknown

make up of different disciplines and engineering is one of those disciplines. I believe a medical doctor is one of those disciplines. And then there are members of the public added to that. So the folks on there have a grounding.

02:58:02:15 - 02:58:20:00

Unknown

And certainly one of the folks on there currently was a former air district engineer. And that's got a good feeling for kind of Valero and the emissions here. You know, future members that we're currently recruiting for will still be required to meet those standards.

02:58:20:00 - 02:58:39:02

Unknown

So, you know, and then then there's our legal team and our engineering and our air district witnesses who will lay out the case and go through the evidence. And we're hoping from that that that those folks will be able to get a balanced picture of of what our case is here.

02:58:40:24 - 02:58:56:22

Unknown

Does that explain? And, you know, in the hearing itself, the hearing board may request additional time to look at this. So it all depends on what their comfort level is with what's being presented and the questions that they have.

02:58:57:01 - 02:59:14:09

Unknown

This may this may take more time. It is a bit. Or do they really ask, how seriously do they take this charge in a in a in a full day long meeting from nine, 30 to five to ask really particular questions?

02:59:14:10 - 02:59:34:15

Unknown

Because when I saw how Valero could answer these questions so completely, straightforwardly, rationally and got, I mean, I'm I was the only one, really. Steve Young, our mayor, asked questions to the best of the ability that he could, but nobody else asked any.

02:59:35:00 - 02:59:51:14

Unknown

And so I just don't know whether I would. Well, I don't know how I can believe, you know, it makes me very nervous to think that the judgment will be passed by people who do not know Valero don't know how it Valero is going to testify.

02:59:52:12 - 03:00:14:00

Unknown

They're going to do a very good job. Well, we'd like to present their side. We'd like to think that we'll do a very good job of presenting our side and present. OK. So if we hear stuff that we believe is incorrect or things that we think may mislead the hearing board, we will try to to correct

03:00:14:00 - 03:00:31:04

Unknown

that through our questioning and through the evidentiary record that we would present if that makes sense to folks. Thank you. Okay. And ends, though, even before I get to you, I did see a question in the chat that I've actually seen come up a couple of times and just sort of but also from others.

03:00:31:04 - 03:00:57:07

Unknown

Just why do we have to wait until the turn around? When is the next scheduled turn? Why isn't it possible for the plan to come into compliance sooner? Well, Joel is back so he can answer some of the undresses other questions, I think about confidential business information, but relative to refinery turnarounds, because the turnarounds themselves have the

03:00:57:07 - 03:01:18:17

Unknown

ability to influence the price of gasoline and the stock market and other things, they're a very closely guarded secret by the facility, by the state of California and by the federal government. So what we've put into the abatement order is that this repair needs to be done as soon as feasible at Valero.

03:01:20:00 - 03:01:34:21

Unknown

I kind of explain that in my opening statement that it's an integrated facility that means that each of the upstream units processes feed for the downstream units at taking the facility offline to create a fix at this point.

03:01:35:24 - 03:01:49:21

Unknown

You know, there's a danger that the emissions from that bringing the facility down now would exceed the risk and exceed the emissions far exceed kind of the emissions from the event that we're trying to, that we're trying to fix.

03:01:50:20 - 03:02:02:20

Unknown

But you know, things happen at these facilities all the time. I think you're all well aware of that. And by including that as soon as feasible language and by no later than the turn around, we're hoping to get this cleaned up as quickly as possible.

03:02:05:01 - 03:02:30:17

Unknown

Q, Damian, and our next question. Stephen. Yeah, hi, thanks, a Damien, I appreciate your answer to my question. I guess I'm confused again. So please bear with me the just in terms of how the process works when an agreement is stipulated, there's a document that you know, both sides have both both the staff and whoever, the violator

03:02:30:17 - 03:02:47:16

Unknown

or alleged violator or the applicant or whatever have agreed to. So that would be if to the extent that that's changed at all, it might be because there's community input and or questions from the hearing board members heading towards.

03:02:49:06 - 03:03:05:23

Unknown

We need this clarified. We need we want to see this change. And that in turn, could generate further discussions between you folks between the staff and the the other party involved about whether to go along with that or not.

03:03:05:24 - 03:03:25:18

Unknown

Is that kind of how the process works? I'll let you answer that. Not really, because the the the uh, the operative part of this stipulated abatement order is the part that says get it done as as soon as feasible.

03:03:26:06 - 03:03:49:24

Unknown

So the other parts are kind of down in the weeds details. And so I can tell you that the districts committed to getting it done as soon as possible. And we have been we've been negotiating and analyzing and investigating this for a couple of years now, and we want to get it done yesterday.

03:03:50:04 - 03:04:09:24

Unknown

So I so I don't think there's really much help in fine tuning or changing little parts of the stipulated abatement order because the the guts of it are as soon as feasible, really? OK, thanks, Joe. I appreciate it.

03:04:09:24 - 03:04:29:07

Unknown

But maybe we're talking about different things. It sounds like you might have been talking about specifically the Valero abatement order. I'm just talking about the process more generally. I mean, how often does does community input or appeal board member input lead to revisiting what's already a stipulated agreement?

03:04:30:14 - 03:04:46:23

Unknown

I'm not sure what I let folks know is that the decision making power is with the hearing board and they have the ability to look at those orders and do make changes if they so decide because we don't have the ability that that's their power, right?

03:04:47:18 - 03:05:09:07

Unknown

So we know that in other jurisdictions like South Coast, where the hearing board has been used quite a bit more than ours, that communities frequently weigh in and those and those hearing board members do consider that input and I can cite specific cases for you.

03:05:09:12 - 03:05:30:00

Unknown

But I know that that input has had impact in those cases. So we, on the other hand, have not made as much use of our hearing board, but we are expecting that they will file. They will follow kind of a similar process

to hearing boards throughout all of the other districts here in California.

03:05:31:06 - 03:05:52:13

Unknown

OK, thanks. Thanks for your question, Steve, and then Kathy, and then we'll go ahead and move on to the closing portion of this agenda. In. I wanted to go back a little bit to what Damian said about the turnarounds.

03:05:53:08 - 03:06:17:23

Unknown

That's always a big concern because within that, as far as I know, is when we have the biggest emission releases. Is that true or not? And it's always been a concern of mine that we should be that Valero should notify the community when they're doing a turnaround or at least a couple of days before I have a

03:06:17:23 - 03:06:33:10

Unknown

grandson that's going to be going to the school right there from the playground he plays in, we can see the smokestacks. I'd like to be able to tell my daughter, Hey, you know, for the next couple of days, you probably don't want to spend too much time in the playground or for however long it's going to take

03:06:33:10 - 03:06:59:24

Unknown

them, or however long those emissions are going to last. And that's the kind of thing that could be very helpful for the community. Would the hearing board be able to require that they alert people to that? I don't know, because that is a really complicated area of kind of legislation and trade secret law.

03:07:00:22 - 03:07:15:23

Unknown

So what I do know is, you know, when we when we talk about the dates for turnaround, we're not talking about a day or two beforehand, we would expect that the facility would be notifying the community and its neighbors if they're going to have major activity like that.

03:07:17:02 - 03:07:40:18

Unknown

What we're talking about is, no, I don't think I don't think we do get notified about turnarounds at all. Well, you know, maybe that's a conversation we can have, and let's take that as a note. But you know, what we're talking about is is more, you know, announcing turnarounds weeks, months, years in advance because then folks can

03:07:40:18 - 03:07:56:06

Unknown

speculate on the stock market. And there's there's a whole bunch of federal and state law that's that's associated with that. That's not in the control of the air district, right? Right. Yeah. But like a week in advance notice or even two weeks would be really helpful.

03:07:56:18 - 03:08:10:12

Unknown

You know, so you don't plan your kid's birthday party in the park right next to the refinery when they're starting to turn around. So again, I'm not sure about what the state and federal requirements are around the actual noticing of that.

03:08:10:20 - 03:08:34:19

Unknown

But let us look into it and see what we can figure out. Thank you. There was. OK. We'll we'll leave it there because I think folks are anxious to conclude here. And while we've enjoyed answering your questions, I think we're we're we're setting a new record for being over time here.

03:08:34:19 - 03:08:53:18

Unknown

So and we appreciate it. We all we all appreciate it. Yeah. And before I pass it back to Josh, my colleague to clothes would bring us to the closing process. And we do want to just genuinely thank you all for staying with us this late because you're coming in as concerned members of the community.

03:08:53:18 - 03:09:06:21

Unknown

And so we appreciate you taking time to meet with us and we hope to continue this conversation with you moving forward. And so with this, I just want to turn it to Josh and move it to the final portion of the agenda.

03:09:07:18 - 03:09:21:24

Unknown

Thank you, Kevin. And yes, I just want to reiterate what Kevin's saying. Thank you all for staying so late. I think we are approaching a record, Damien. So here at the Air District, we're really, really excited about the new direction that we're taking.

03:09:22:18 - 03:09:49:02

Unknown

And the next two folks that will be speaking with you kind of represent that change personified. So first, I'd like to introduce you to some piece of party shoes, our new environmental justice and community engagement officer Summer. Thanks, Josh, and thanks, everyone, so much for your patience and your willingness to engage with us through this process.

03:09:49:03 - 03:10:12:16

Unknown

It is new for us. We are learning and we appreciate you being with us and for posing some really trenchant questions. You know, some of the principles of environmental justice are the same principles that apply to good public participation more broadly, which is transparency, accountability and the community speaks for itself.

03:10:13:02 - 03:10:39:06

Unknown

And so the goals of this workshop, public, the community briefing and, you know, and the hearing board process and making that a more public facing process, an engaged process. And that's really what we're trying to achieve is honoring those basic principles, and we hope we answer all of your questions today.

03:10:40:10 - 03:11:05:17

Unknown

That was one goal. Another goal is to make sure that folks who choose to participate in the hearing board proceeding can do so meaningfully and with the information they need to help the hearing board make their decision. So with that, once again, we thank you and we look forward to continued engagement with you all.

03:11:06:18 - 03:11:27:06

Unknown

Thank you very much. Thank you so much. So again, this is not a perfect process, I mean, we are virtual. We're doing the best that we can. The community engagement office really strives to make this a great experience for the audience members and to make it efficient and serve you based on what you're asking for it.

03:11:27:06 - 03:11:42:07

Unknown

That's why we include these interactive pieces at the start of the meeting, and we're accommodating and going over long over time just to make sure you feel like this is a transparent process and all of your questions are answered.

03:11:42:23 - 03:12:06:20

Unknown

So with that, I like to move on and introduce Veronica Eddy. Veronica Eddy is our senior deputy executive officer of policy and Equity. Veronica. Hi, Josh. Thank you for the handoff. And I just want to say thank you and Kevin for facilitating this.

03:12:08:03 - 03:12:28:01

Unknown

So, you know, I thank you all for being here before. And I have to tell you, the last almost four hours that we've been together, you all have instructed us, believe me, internally, we've been thinking about this and, you know, trying to plot the path forward.

03:12:28:01 - 03:12:46:19

Unknown

But sometimes when you're inside of an organization, it's really hard to see the simple things that that we could have done and that we need to do the next time. So, you know, hearing you talk about or the health officer, talk about exposure and hearing you talk about morale, I think it was you who said you learned

03:12:46:20 - 03:13:10:18

Unknown

about the violation on KQED. That shouldn't have happened, and we didn't intend for it to happen that way. But sometimes when you're in the middle of something, you don't see the right thing that should have been done. So I really appreciate you all for your openness, being here for four hours and teaching us so that the next

03:13:10:18 - 03:13:25:10

Unknown

community has the benefit of what you all have shared with us. So I want to thank you. I also think, you know, Damien and the staff, Joel, who who have been here for four hours and helping to put this on.

03:13:26:22 - 03:13:40:10

Unknown

We look forward to continuing with you and partnering with you. Certainly more close, more closely. Some of you I mentioned that I am aware of your work, but I've never met you before. Marilyn, you're one of those people.

03:13:40:17 - 03:13:55:17

Unknown

So it's nice to be in a room with you, and we're really looking forward to partnering with you going forward. So thank you. Josh, I don't know if I was supposed to say the last word, so I'll hand it back to you just in case.

03:13:55:22 - 03:14:15:14

Unknown

That was perfect timing. Okay, so can we pull up our last slide or one of the last slides? So as I mentioned before, we're striving to serve you. We want to polish our process. So for those of you who are still on the call with us, we really like for you to participate in this last poll here

03:14:18:23 - 03:14:42:10

Unknown

. And I won't waste time reading it out, but hopefully it looks like we're getting some participation. Thank you very much. Looks like you can only choose one. Why can you only choose one? That's a good question. I think that's something that's another feedback item that'll take public holidays.

03:14:46:21 - 03:15:03:06

Unknown

Thank you, Marilyn. And perfect timing for you to speak out, Marilyn, because I really heard you in terms of putting comments that you already believe here in this forum and wanting those to carry over to the hearing board will be doing so.

03:15:04:07 - 03:15:18:12

Unknown

Yes. Let's see if we can actually do that, right? Thank you for that comment. I will be great. OK. So is there a way to keep the pole running, perhaps, and then move on to the next slide? It's not possible.

03:15:22:17 - 03:15:40:24

Unknown

And if the polls obstructing your view, you can click the top of it and kind of just move it over to the side. This last slide here references the next steps. Right? So first of all, we have materials that are available via these links.

03:15:42:01 - 03:16:06:18

Unknown

I don't know. Maybe is it possible for us to put these links in the chart so they're clickable? The first link I already put in the chat at 7:06 p.m.. OK, excellent. And the hearing board webpage and Ali was the one who was kind of browsing the page and walking you through the clipboard to my page.

03:16:07:08 - 03:16:26:13

Unknown

I could put them. Here's the hearing board one again. Excellent. And to loop back around earlier, I mentioned that we want to keep the channel of communication open and flowing, so to that aim. Zuma has placed her email here.

03:16:26:14 - 03:16:50:14

Unknown

She's our environmental justice and community engagement officer, so feel free to email her with any follow up questions. Burning questions that may emerge after this workshop or just to continue the discussion or get clarity. Feel free. And maybe we can place as.

03:16:52:12 - 03:17:12:07

Unknown

You know, in the chat as well. Just in case it makes it easier for people to get in there, no great. OK. And on behalf of my esteemed colleague, Kevin OHP, my facilitator. I'm Joshua Abraham. It was a pleasure being with you all today and hearing from you.

03:17:13:20 - 03:17:29:00

Unknown

It's it's a amazing opportunity to really listen and learn from the public. Kevin. Yeah, I don't need to say any more words, thank you all so much for joining us, and we look forward to seeing you and have a great rest of your evening.

03:17:29:07 - 03:17:39:11

Unknown

Thank you for this adventure. Thank you all. Thank you and good night. Thank you. Thank you. Goodnight. You're right.