



# City of Benicia – Valero Cooperation Agreement ANNUAL REPORT 2023

## Benicia Fire Department

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# OVERVIEW

## Agreement Summary

To ensure a safe and healthy community and to reduce the probability of accidental releases of hazardous substances, the City of Benicia and Valero Refinery entered into the **City of Benicia – Valero Cooperation Agreement** on June 26, 2019. The primary goals of the agreement were to:

- Improve communication, coordination, and cooperation between the City and Valero
- Enhance emergency preparedness
- Increase the efficacy of the City's response to accidental releases of hazardous substances
- Increase public notification and awareness, including access to reports and inspection results

This report is designed to provide confirmation that both parties continue to meet each component of the City of Benicia – Valero Cooperation Agreement, as well as to provide updates on any additional action items completed to achieve its primary goals.

# AGREEMENT UPDATE – FISCAL YEAR 22/23

## Portable Air Monitors

Valero donated six portable air monitors (two (2) ChemPro100i handheld gas and vapor detectors, two (2) PpbRae 3000 air monitors, and two (2) Aerocet 831 particulate matter air monitors) to the City of Benicia Fire Department. The portable air monitors had a fair market value of \$48,342.00.

### **FY 22/23 Update**

The Benicia Fire Department continued to utilize these monitors on a regular basis. Examples of usage include routine odor complaints, generalized air quality concerns, and emergency response to various hazardous materials incidents. Crews continue to train annually with the portable air monitors to maintain familiarization with the equipment and with the standard operating guidelines for their use. During the Summer and Fall of 2022, the City of Benicia was again impacted by wildfire smoke due to numerous large fires burning in our region. Fire crews deployed the Aerocet 831 particulate matter air monitors on a regular basis. The data collected from the monitors assisted in making decisions regarding public notifications and shelter recommendations. In addition, the Benicia Fire Department this year has used the air monitors on several larger scale incidents to ensure the continued health of students and community members in schools and public buildings following concerns of unidentified odors.

## Risk Management Plan

Valero shall provide a copy of the Risk Management Plan (RMP) to the Benicia Fire Department by September 30<sup>th</sup>, 2019. The City shall be entitled to make any non-confidential elements of the RMP available to the public for review on the City's [Public Information Bank website](#).

### **FY 22/23 Update**

On September 20, 2019, Valero provided the RMP to the Benicia Fire Department and the document was uploaded to the [Public Information Bank website](#). The plan remains unchanged for the current FY.

## Process Safety Performance Indicators Report

Valero shall provide a copy of the Process Safety Performance Indicators Report (PSPI) to the Benicia Fire Department by June 30<sup>th</sup> of every year covering the period from January 1 to December 31 of the prior year. The City shall be entitled to post the PSPI, making it available to the public for review on the City's [Public Information Bank website](#).

## FY 22/23 Update

- The 2022 PSPI Report was received on June 12, 2023 and posted on the [Public Information Bank website](#).
- The 2021 PSPI Report was received on June 22, 2022 and posted on the [Public Information Bank website](#).
- The 2020 PSPI Report was received on June 3, 2021 and posted on the [Public Information Bank website](#).
- The 2019 PSPI Report was received on June 26, 2020 and posted on the [Public Information Bank website](#).
- The 2018 PSPI Report was received in July 2019 (shortly after finalizing the agreement) and was subsequently posted on the [Public Information Bank website](#).

## Hazardous Materials Incident Notification Policy

Valero shall comply with the immediate notification and follow-up reporting requirements of the City of Benicia [Hazardous Materials Incident Notification Policy](#).

### FY 22/23 Update

As part of the agreement, the City developed a comprehensive policy on notification requirements and procedures relating to hazardous materials releases and spills. This policy was modeled after the Contra Costa policy with a few improvements. The refinery continues to communicate with the Benicia Fire Department regarding refinery incidents that prompt an activation level. Since the adoption of the City of Benicia – Valero Cooperation Agreement, incident information has been posted for public review on the [Notifications](#) page of the [Public Information Bank](#).

Last year, a more comprehensive Incident Notification System was implemented as a response to residents requesting alerts anytime an incident was added to the Notifications page. The Incident Notification System notifies residents via text and/or email about new incidents. To receive Incident Notifications, residents can visit the [Public Information Bank](#) and enter their email and/or phone number under "Incident Notifications." Information about new incidents is also posted to various social media platforms including [Nextdoor](#), [Facebook](#), [Instagram](#), and [Twitter](#).

Over the last 12 months, there were 8 Level-1 notifications, 2 Level-2 notifications, and zero Level-3 notifications. Following are the notifications received:

### Level 1

- 07/21/22: Valero Benicia Notification of Flaring
- 09/20/22: Valero Benicia Notification of Possible Flaring
- 11/10/22: Valero Benicia Notification of Flaring
- 01/03/23: Valero Benicia Notification of Flaring

01/28/23: Valero Benicia Notification of Possible Flaring  
02/18/23: Notification of Continuing Odor in Hillcrest neighborhood  
03/06/23: Valero Benicia Notification of Flaring  
03/18/23: Valero Benicia Notification of Flaring

### **Level 2**

07/21/22: Valero Benicia Refinery released SO<sub>2</sub> (Sulfur Dioxide) in excess of the reportable quantities  
11/07/22 Valero Benicia Refinery released SO<sub>2</sub> (Sulfur Dioxide) in excess of the reportable quantities

## **Incident Investigation Reports**

Valero shall provide a copy of any report made, pursuant to 19 CCR § 2762.9, to the Benicia Fire Department on or before the date on which Valero provides such Investigation Reports to the Solano County Unified Program Agency. The City shall be entitled to post any and all non-confidential Investigation Reports to the [Public Information Bank website](#).

### **FY 22/23 Update**

**There were no major incidents in FY 22/23 which required an incident Investigation report.**

## **Public Information Bank**

The City shall be entitled to collect related public information and provide access to the Risk Management Plan, Process Safety Report, Policy, and Investigation Reports described in the agreement in a publicly accessible location (the “Public Information Bank”).

### **FY 22/23 Update**

Soon after the agreement was signed, Fire Department staff developed the [Public Information Bank website](#). The goal was to give Benicia residents and visitors new access to various documents such as safety plans, investigation reports, planning documents, and notification reports. It was developed to be a single, easy to locate search repository of information. By providing transparent access to this information, our goal is to have a better-informed public. Numerous documents were initially incorporated into the site, and over the last 12 months the site has been updated regularly.

## **Valero Emergency Procedures Manual**

Valero shall review the Valero Emergency Procedures Manual annually. Valero shall solicit comments on the Valero Emergency Procedures Manual from the Chief of the Benicia Fire Department in connection with each review and update.

### **FY 22/23 Update**

In March of 2022, Valero staff met with a Benicia Fire Division Chief to review and update the Emergency Procedures Manual. No significant adjustments were needed.

## **Emergency Operations Center (EOC) Coordination**

Whenever the City notifies Valero that the City EOC has been activated for an emergency that may impact the Refinery, Valero shall immediately dispatch a representative to the City EOC to assist and coordinate the City's and/or Valero's response to the emergency. Whenever Valero activates their Emergency Operations Center for an incident that may have off-Refinery impacts, Valero shall immediately contact the Benicia Fire Department and provide detailed information regarding the emergency; and accept a City emergency response staff person to fill a liaison position within the Valero EOC during the emergency.

### **FY 22/23 Update**

On March 29, 2023, the City's raw water transmission line was affected in a landslide off of Lopes Road. The City's primary raw water source transitioned to Lake Herman. The City EOC was activated, and Valero was notified due to potential effects on Valero operations. Valero assisted and coordinated response with the City over the next several months.

## **Emergency Response Training**

### **Valero EOC Training**

Not less than one time per calendar year, Valero shall conduct Emergency Operations Center training at the Valero EOC. Valero shall invite the Benicia Fire Department to attend and participate in the training.

### **FY 22/23 Update**

On March 15, 2023, Valero hosted an oil spill training exercise in conjunction with the United States Coast Guard and Benicia Fire Department, in which they also incorporated their annual EOC training.

### **City EOC Training**

Not less than one time per calendar year, the City shall conduct Emergency Operations Center training at the City EOC. The City shall invite Valero staff to attend and participate in the training.

### **FY 22/23 Update**

On May 12, 2022 and June 16, 2022, the City conducted an evacuation and EOC training exercise. Valero emergency response staff were invited and participated in the exercise.

## Joint Field Training

In addition to the training described above, not less than one time per calendar year the City and Valero shall attend and participate in a joint field training of emergency response crews in a simulated refinery incident.

### **FY 22/23 Update**

On March 15, 2023, Valero hosted an oil spill training exercise in conjunction with the United States Coast Guard and Benicia Fire Department, in which they also incorporated their annual EOC training.

On December 1<sup>st</sup>, 2<sup>nd</sup>, 6<sup>th</sup>, and 7<sup>th</sup>, 2023, Valero hosted a Flammable Liquid Live Fire Firefighting training with Benicia Fire Department participation. The evolutions includes: hose teams making liquid captures, valve block-outs, and related fire control tactics.

On January 20, 2023, Benicia Fire Department participated in a joint Flammable Tank Fire Training with Valero staff.

## Valero Community Advisory Panel

Valero shall allow attendance by the Benicia Fire Chief or Division Chief to any meetings of the Valero Community Advisory Panel.

### **FY 22/23 Update**

The Valero Community Advisory Panel met every other month. A Benicia Fire Department Chief Officer has been invited to and has attended each meeting over the last year: August 9, 2022, October 11, 2022, December 13, 2022, February 13, 2023, April 11, 2023, and June 13, 2023.

## Benicia Fire Department Public Liaison for Hazardous Materials

Valero will work in cooperation with the Public Liaison to respond to reasonable requests for information regarding hazardous materials and health concerns within a reasonable amount of time.

### **FY 22/23 Update**

Over the last 12 months, the Refinery has provided consistent and appropriate communication with the Benicia Fire Department Fire Chief and Public Liaison for Hazardous Materials. We continue to see a significant improvement in communication and in our general working relationship compared to years past.

## Valero Funding of Liaison Position

Within thirty (30) days of the Effective Date of the Agreement, and each succeeding July 1, Valero shall pay the City of Benicia \$278,000.00 (*adjusted to CPI*) to reimburse the City for the actual cost of hiring and retaining one additional City of Benicia Division Fire Chief to manage the items in the Agreement, including serving as the Public Liaison for Hazardous Materials.

### FY 22/23 Update

**On July 1, 2023, Valero paid the City \$319,191 for Fiscal Year 2023/2024.**

On July 21, 2022, Valero paid the City \$306,325 for Fiscal Year 2022/2023.

On June 8, 2021, Valero paid the City \$291,738 for Fiscal Year 2021/2022.

On May 27, 2020, Valero paid the City \$281,058 for Fiscal Year 2020/2021.

On July 9, 2019, Valero paid the City \$278,000 for Fiscal Year 2019/2020.

## Annual CPI Adjustment

The Liaison Service Fee shall be increased annually on July 1st by an amount equal to the CPI over the prior year.

### FY 22/23 Update

Based on the agreement's CPI language, the second year (20/21) payment increased by \$3,058.00 to reflect a 1.1% CPI. The third year (21/22) payment increased by \$10,680 to reflect a 3.8% CPI. The fourth year (22/23) payment increased by \$14,587 to reflect a 5.0% CPI.

Note: The fifth year (23/24) payment increased by \$12,866 to reflect a 4.2% CPI.

# CONCLUSION

## Summary

This fourth year of the City of Benicia – Valero Cooperation Agreement has proven to be another success. The Agreement has:

- Increased the overall safety of our community through an improved working relationship between the City and Valero
- Augmented emergency preparedness for both parties
- Heightened the City's ability to respond to accidental hazardous substance releases
- Improved transparency and community access to information

These goals were met by the timely completion of concrete action items by both the Benicia Fire Department and Valero Refinery. This year we continued to work on increasing community awareness of available information through system updates, enhancing our emergency preparedness through coordinated trainings, and worked hard in prevention and mitigation of any potential hazards.

## Next Steps

Throughout the coming year, the Benicia Fire Department will continue to build on the momentum of the City of Benicia – Valero Cooperation Agreement’s first four years. In this next year of the agreement, we will utilize the Incident Notification System to bolster communications with the community. Additionally, although not included in the City of Benicia – Valero Cooperation Agreement, we will continue working with Valero to implement additional fence line air monitoring along the northwest boarder of the refinery property.

The City’s working relationship with Valero has improved greatly, and we hope to take advantage of that positive direction to ensure a safe and healthy community.