



# City of Benicia – Valero Cooperation Agreement **ANNUAL REPORT** **2021**

## **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 20/21

## 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 Aerocet 831 particulate matter air monitors) to the City of Benicia Fire Department. The portable air monitors have a fair market value of \$48,342.00.

### **FY 20/21 Update**

The Benicia Fire Department continued to utilize these monitors on a regular basis. The Department updated various standard operating guidelines for their use, and crews became more familiar with their operation. Examples of usage include routine odor complaints, generalized air quality concerns, and emergency response to various hazardous materials incidents. During the Summer and Fall of 2020, the City of Benicia was severely impacted by wildfire smoke due to numerous large fires burning in our region. As a result, fire crews deployed the Aerocet 831 particulate matter air monitors on a daily basis, sometimes for weeks at a time. The data collected from the monitors assisted in making decisions regarding public notifications and shelter recommendations.

## 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 20/21 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 20/21 Update**

- 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 20/21 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. Over the last 12 months, there were 8 Level-1 notifications (7 from Valero), 6 Level-2 notifications (5 from Valero), and zero (0) Level-3 notifications. The notifications are included on the [Notifications](#) page of the [Public Information Bank](#). Following are the notifications received:

**Level 1**

01/07/21: Flaring or potential for flaring  
 02/19/21: Flaring or potential for flaring  
 02/20/21: H2S Release  
 02/23/21: Odor from Phillips Refinery  
 03/10/21: Flaring or potential for flaring  
 03/18-19/21: Flaring or potential for flaring  
 03/31/21: Diesel Additive Release  
 05/31/21: Flaring or potential for flaring

**Level 2**

08/21/20: Exceeded the reportable quantity for SO2 (Sulfur Dioxide)  
 11/21/20: Exceeded the reportable quantity for SO2 (Sulfur Dioxide)  
 12/04/20: Anhydrous Ammonia release Linde Inc. (formerly Praxair Inc.)  
 12/05/20: Exceeded the reportable quantity for SO2 (Sulfur Dioxide)  
 01/21/21: Effluent line leak at Valero wastewater treatment plant  
 03/09/21: Unknown type oil in Sulphur Springs Creek

## 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 20/21 Update**

There were no major incidents in FY 20/21 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 20/21 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 20/21 Update**

In July of 2019, Valero staff met with a Benicia Fire Division Chief to review and update the Emergency Procedures Manual. Minor adjustments were made to reflect changes in Benicia Fire Department apparatus numbering.

## 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 20/21 Update**

Neither EOC was activated for an incident meeting these conditions in FY 20/21.

## **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 20/21 Update**

Although both EOCs had trainings scheduled, they were canceled due to ongoing COVID restrictions. As these restrictions begin to lift, EOC training exercises will be scheduled.

### **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 20/21 Update**

Although both EOCs had trainings scheduled, they were canceled due to ongoing COVID restrictions. As these restrictions begin to lift, EOC training exercises will be scheduled.

### **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 20/21 Update**

Scheduled training was canceled due to ongoing COVID restrictions. As these restrictions begin to lift, Joint field training will resume.

## 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 20/21 Update**

The Valero Community Advisory Panel meets quarterly. A Benicia Fire Department Chief Officer has been invited and has attended each quarterly meeting over the last year: July 14, 2020, September 8, 2020, December 8, 2020, March 9, 2021, and June 8, 2021.

## 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 20/21 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. In late July 2020, Benicia Fire Division Chief Jason Fein retired. The Liaison position was subsequently filled by Fire Division Chief Jed Matcham.

## 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 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 20/21 Update**

On June 8, 2021 Valero paid the City \$291,738.00 for Fiscal Year 2021/2022.  
On May 27, 2020 Valero paid the City \$281,058.00 for Fiscal Year 2020/2021.  
On July 9, 2019 Valero paid the City \$278,000.00 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 20/21 Update**

Based on the agreement's CPI language, the second-year payment increased by \$3,058.00 to reflect a 1.1% CPI.

Note: The third year (21/22) payment has been made and was increased by \$10,680 to reflect a 3.8% CPI.

# CONCLUSION

## Summary

This second 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. Finally, we worked to increase community awareness of available information by improving the City's incident notification procedures. We developed specific community incident notices based on detailed triggers from notifications received from Valero.

## 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 two years. In this next year of the agreement, we hope that COVID-19 precautions will be less necessary and allow all Emergency Response Training exercises, including joint field training, to be completed.

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.