From: Nixon, Donald
To: Helmlinger, Andrew
Subject: RE: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI
Date: Tuesday, December 05, 2017 5:14:00 PM

Hi Andrew;

The second CD is blank.

The order is:

First document set with accompanying letter dated 8/25/17, indicating that additional information would be provided later, and included a CD with first set of information;

Duplicate information sent on thumb drive, with the same information, but with bates stamps, along with letter of explanation dated 11/3/17; and

A blank CD with a letter dated 11/3/17, which referenced EPA's 10/2/17 clarification and asserting CBI and an enclosed CD with Attachments:
VAL-EPA-0008004-806
VAL-EPA-807 through 819; etc. for a total of what appears to be 8 document sets.

I believe that the second CD was intended to provide the last set of documents.

Thanks,

Don Nixon, CHMM, CSP
Chemical Engineer
Chemical Accident Prevention Program
EPA Region IX, SFD-9-3, Superfund Division
Emergency Prevention & Preparedness Section
75 Hawthorne Street
San Francisco, CA 94105
415-972-3123

From: Helmlinger, Andrew
Sent: Tuesday, December 05, 2017 4:40 PM
To: Bourbon, Elizabeth <Elizabeth.Bourbon@valero.com>
Cc: Nixon, Donald <Nixon.Donald@epa.gov>
Subject: RE: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI

Elizabeth,

Use or lose, we have the same thing causing trouble. I've copied Don here to see if he ever received the document batch you describe. My assumption is no, but with your description perhaps he can see if it was misdirected within the office. If you can get copies and resend, we appreciate that. If we can confirm in the meantime that we have the documents, we'll let you know post-haste.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Bourbon, Elizabeth [mailto:Elizabeth.Bourbon@valero.com]
Sent: Tuesday, December 5, 2017 3:51 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Subject: RE: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI

Hi, Andrew! I am so sorry – we have "use it or lose it" vacation, so I took some time off and am still catching up on email. I may have misunderstood your request – if so, my apologies! I believe the second set of documents was sent directly from the refinery and included a large number of P&IDs as well as the investigation report. Can you confirm? – and if that's correct, I'll see if my paralegal can access the documents from here tomorrow morning and put them on a thumb drive.

From: Helmlinger, Andrew [mailto:Helmlinger.Andrew@epa.gov]
Sent: Friday, December 01, 2017 3:16 PM
To: Bourbon, Elizabeth <Elizabeth.Bourbon@valero.com>
Cc: Cuffel, Donald <Don.Cuffel@valero.com>; Nixon, Donald <Nixon.Donald@epa.gov>
Subject: RE: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI

Elizabeth,
Thank you for forwarding the thumb drive. With apologies for what ever confusion or lack of clarity I am causing on our end, it seems the documents on the thumb drive
Included the substantiation letter supporting the first submission to EPA's information request, and the first set of documents Bates stamped. What we are hoping to obtain receipt (or re-receipt) on is the second set of documents, which is what we understood to be on the provided CD that was blank. Rereading your original post, perhaps our understanding was mistaken. If what I'm requesting is not clear, perhaps we can speak on Monday. Thank you for helping us figure this out.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904

f: (415) 947-3570

From: Bourbon, Elizabeth [mailto:Elizabeth.Bourbon@valero.com]
Sent: Tuesday, November 28, 2017 8:28 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Cuffel, Donald <Don.Cuffel@valero.com>; Nixon, Donald <Nixon.Donald@epa.gov>
Subject: RE: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI

?! Thanks for letting us know! Will check with our folks and re-send.

From: Helmlinger, Andrew [mailto:Helmlinger.Andrew@epa.gov]
Sent: Tuesday, November 28, 2017 10:26 AM
To: Bourbon, Elizabeth <Elizabeth.Bourbon@valero.com>
Cc: Cuffel, Donald <Don.Cuffel@valero.com>; Nixon, Donald <Nixon.Donald@epa.gov>
Subject: RE: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI

Elizabeth,

You may know that EPA has been fairly occupied attending to catastrophe responses, including the recent hurricanes and the Northern California wildfires. As a consequence, Mr. Nixon was only just able to start a review of the documents recently provide on CD, but he found that the provided CD was blank. May we ask that you resend the documents, perhaps on a thumb drive or other storage device? We would like to continue our review in the near term, so I ask you to please resend the documents at your earliest convenience.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Bourbon, Elizabeth [mailto:Elizabeth.Bourbon@valero.com]
Sent: Friday, November 3, 2017 7:20 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Cuffel, Donald <Don.Cuffel@valero.com>; Ronan, Kimberly A <Kim.Ronan@valero.com>
Subject: Valero Benicia Refinery - CBI Substantiation and Supplemental Response to RFI

Good morning, Andrew! In accordance with EPA's September 15, 2017 request and our subsequent discussions and correspondence, attached please find a letter substantiating the confidentiality of documents produced to EPA on August 25, 2017. To facilitate your review, a compact disc containing a Bates-labeled version of our August 25, 2017 production has been overnighted to you and should be delivered to your office today. The Bates-labeled documents include the attachment numbers identified in the original August 25, 2017 production for ease of reference.

Meanwhile, the Benicia Refinery is sending the supplemental document production under separate cover to the attention of Don Nixon. The package is scheduled to be picked up from the refinery by courier at 10:00 am this morning and should also arrive at EPA today. As you and I discussed yesterday afternoon, much of the information included in today's production also is confidential business information. Based on your indication that the scope of the FOIA request received by EPA likely would include this supplemental production, I will follow up with separate correspondence by November 10 to substantiate the confidentiality of the documents being provided to EPA today.

Please feel free to contact me if you have any questions or if you require additional information.

Regards,

Elizabeth Bourbon