

February 12, 2024

Public Records Coordinator
Bay Area Air Quality Management District
375 Beale St, Suite 600
San Francisco, CA 94105

Re: Martinez Refining Company LLC's Records Submitted In Support of Alternative Emissions Monitoring System

Dear Public Records Coordinator:

Pursuant to the Bay Area Air Quality Management District's (the "Air District") Records Management and Access Policy (the "Policy"), this letter provides substantiation for the information redacted from records provided to BAAQMD in support of an alternative emissions monitoring system ("AEMS") pursuant to Air District Regulation 6, Rule 5-503.2.

Trade Secret Information

The Policy provides that the "Air District will not disclose trade secret information exempted from disclosure under Section 7924.510 of the Public Records Act or other provision of law as provided in this Section VI." Policy at Section VI.A. Section 7924.510 of the Public Records Act ("PRA") provides that, "trade secrets" generally are not considered "public records" under the PRA and must be withheld from disclosure. Cal. Gov. Code § 7924.510(c); see also Cal. Evid. Code § 1060 (trade secrets privileged from disclosure). "Trade secrets" are defined to "include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that . . . is not patented . . . is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article or trade or a service having commercial value [and] . . . gives its user an opportunity to obtain a business advantage over competitors who do not know or use it." Cal. Gov. Code § 7924.510(f).

The information redacted from the "Public Copy" version of the records provided to the Air District in support of MRC's proposed AEMS, as identified in the attached Exhibit A, is trade secret and not subject to disclosure under the PRA. The information redacted is proprietary process information which discloses how MRC operates its Fluidized Catalytic Cracking Unit, the release of which would put MRC at a severe

competitive disadvantage by allowing competitors to learn how MRC operates a critical piece of refining equipment. This information is maintained as trade secret and business confidential in the ordinary course of MRC's business and is not ordinarily shared outside MRC unless compelled to be produced by law. The Air District acquired this information from MRC in confidence in the course of their duties. Moreover, in providing these records to the Air District, MRC has consistently indicated their status of trade secret and/or confidential business information by conspicuously labeling the information as "Trade Secret" and/or "Confidential Business Information" (such labels have been removed for the Public Copy of the documents). Thus, the Air District must decline producing any information related to MRC's trade secrets and/or business confidential information. This includes, but is not limited to, the entirety of the information redacted from those records as described in the attached Exhibit A.

Similarly, the PRA also excludes from disclosure "plant production data . . . that are obtained in confidence from any person." Cal. Gov. Code § 7927.300. Most or all of the information described above would qualify for exclusion from disclosure obligation as "official information" – *i.e.*, "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed to the public prior to the time the claim of privilege is made." *See* Cal. Evid. Code § 1040(a); Cal. Gov. Code § 7927.705 (exempting from PRA disclosure any records privileged from disclosure under state law).

Indemnity Statement

MRC hereby agrees that it will indemnify the Air District for any legal claims, penalties, damages, or other liability incurred by the Air District as a direct result of withholding any of the information which MRC claims as trade secret and/or confidential business information in response to a PRA request. MRC requests that the Air District inform MRC if a requester of such information insists on disclosure of MRC's trade secret and/or confidential business information so that MRC may take appropriate action.

Personal/Private Information

Also redacted from the records provided in support of the AEMS is personal/private information. This information, generally names of individuals conducting source testing at MRC's Martinez Refinery, are inessential to understanding the documents in which such names are contained, and disclosing the names of those individuals would be an "unwarranted invasion of privacy." Cal. Gov. Code § 7927.700. Moreover, the public interest in not disclosing these individual's names (because the individual's identities are unimportant to understanding the documents, and disclosing their names may bring about various forms of unwarranted scrutiny of these individuals) outweighs the public interest in disclosure, and should not be disclosed. Cal. Gov. Code. § 7922.000. Such personal/private information has been redacted from the documents and locations as described in Exhibit A.

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MRC requests that the Air District promptly inform MRC if a requester of any of the above information insists on disclosure of MRC's trade secret or other information so that MRC may take appropriate action. Such information should be provided to Nam Van, Refinery Attorney, at nam.van@pbfenergy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bevan Lewis", is positioned above the printed name.

Bevan Lewis
Senior Operations Manager
Martinez Refining Company LLC

Exhibit A

FILE NAME	TRADE SECRETS	PERSONAL INFORMATION
PUBLIC COPY All COB 1 data sheet red.pdf	N/A	All
PUBLIC COPY All COB 2 data sheet red.pdf	N/A	All
PUBLIC COPY 2022_Sept & Oct Draft MRC COB 2 and 3 Engineering Report red.pdf	14,22-39, 384, 387, 391, 395, 399, 403, 407, 411, 415, 419, 422, 426, 430, 434, 438, 442, 446, 450, 468-472	2,11, 12, 45-228, 230-382, 455, 459, 474, 478-480, 484-486, 490-492, 496-498, 502-504, 508-510, 514-516, 520-522, 526-28, 532-34, 538-540, 544-546, 550-552, 556-558, 562-564, 568-570, 574-576, 580-81, 592-96, 598, 600-54, 659, 662, 664-66, 672
PUBLIC COPY 2023-09-22 MRC AEMS Description.pdf	N/A	N/A
PUBLIC COPY 2023-09-28 MRC Reg 6-5 Alternative Emission Monitoring System Proposal Technical Writeup.pdf	5--9	N/A
PUBLIC COPY 2023-10-17 Additional Questions-Information Request - MRC Responses.pdf	N/A	N/A
PUBLIC COPY 2023-10-17 MRC Reg. 6-5 AEMS Supplemental Technical Write-Up.pdf	3--8	N/A
PUBLIC COPY 2023-11-10 BAAQMD AEMS Technical Comments.pdf	2	N/A
PUBLIC COPY 2024-01-09 MRC Responses to BAAQMD Technical Writeup.pdf	2	N/A
PUBLIC COPY 14676report052422-signed.pdf	NA	1, 14
PUBLIC COPY All Data for AQMD.pdf	N/A	1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 16, 17
PUBLIC COPY All lab reports red.pdf	N/A	1, 5, 6, 7, 13-15, 19-21, 25-27, 31-33, 37-39, 43-45, 49-51, 55-57, 61-63, 67-69, 73-75, 79-81, 85-87, 91-93, 97-99, 103-105, 109-111, 115-117, 121-123, 127-129, 133-135, 140-142, 146-48, 152-154, 158-160, 164-66, 170-72, 176-178, 182-84, 188-190, 194-96, 200-202, 206-208, 212-214,218-220, 224-226,230-232, 236-238, 242-244, 248-250,254-256, 260-61
PUBLIC COPY DRAFT July 2022 COB 1 Engineeringpdf	18-21, 128, 132, 137, 142, 160-61	7, 8, 27-83, 85-126, 147, 151, 163-67, 181-83, 194-95, 197-99, 201-211, 218-220, 226
PUBLIC COPY Jan - Feb 2022 COB 1 & 2 DRAFT....pdf	10-15, 17-22, 25, 34-38, 40-44, 46-49, 51-56, 58-63, 65-69, 71-74, 76-81, 83-84, 1146-1150	2, 24, 88, 91-94, 96-113, 115-132, 134-51, 153-170, 172-195, 197-220, 222-245, 247-270, 272-295, 297-320, 322-345, 347-370, 372-395, 397-420, 422-443, 445-468, 470-493, 495-518, 520-543, 545-568, 570-593, 596-787, 789-950, 1133, 1137, 1153, 1157-59, 1165-1167,1171-1173, 1177-1179,1183-1185, 1189-1191, 1195-97, 1201-03,1207-09,1213-15,1219-1221,1225-27,1231-33, 1237-1239,1243-1245, 1249-1251,1255-57, 1261-63, 1267-69, 1273-1275,1279-1281,1285-86, 1288, 1293-95, 1299-1301, 1305-07, 1311-1313, 1317-1319, 1323-25, 1329-1331, 1335-37, 1341-43, 1347-1349, 1353-1355, 1359-1361, 1365-67, 1371-73,1377-79, 1383-1385, 1389-1391, 1395-1397, 1401-1403,1407-1409,1413-1414, 1416, 1429, 1440-1443, 1446-1450, 1452-1580, 1590, 1592-1598, 1609
PUBLIC COPY Operational Data Jan_Feb 2022.pdf	1	N/A
PUBLIC COPY parameters to consider in validati....pdf	N/A	1,2
PUBLIC COPY Report draft Section 4 Tables.pdf	N/A	N/A
PUBLIC COPY revised PM calcs including ion res....pdf	N/A	N/A
PUBLIC COPY Stack test summary 2023 version fo..pdf	5--11	N/A
PUBLIC COPY Additional Questions-Information Request	N/A	N/A
PUBLIC COPY BAAQMD Data Analysis R1	N/A	N/A