



## **BENICIA PLANNING COMMISSION SPECIAL MEETINGS MINUTES**

**City Hall Council Chambers  
Tuesday, September 29, 2015  
6:30 P.M.**

### **I. OPENING OF MEETING**

#### **A. Pledge of Allegiance**

#### **B. Roll Call of Commissioners**

Present: Commissioners Birdseye, Cohen-Grossman, Oakes,  
Radtke, Young and Chair Dean

Absent: Commissioner Sherry

Staff Present: Christina Ratcliffe, Community Development Director  
Amy Million, Principal Planner  
Dorothy Dickson-Dodds, Recording Secretary  
Frank Hartig, Police Lieutenant  
Mark Boehme, Contract Attorney  
Jana Scott, ESA  
Cory Barringhaus, ESA

#### **C. Reference to Fundamental Rights of Public**

### **II. ADOPTION OF AGENDA**

On motion of Commissioner Young, seconded by Commissioner Oakes the agenda was adopted, by the following vote:

Ayes: Commissioners Birdseye, Cohen-Grossman, Oakes, Radtke, Young  
and Chair Dean

Noes: None

Absent: Commissioner Sherry

Abstain: None

### **III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN – None.**

**B. PUBLIC COMMENT** – Andre Soto, Benicia resident, commented on CEQA and praised the technical and political process that CEQA allows.

**IV. CONSENT CALENDAR**

**V. REGULAR AGENDA ITEMS**

**A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REVISED DRAFT ENVIRONMENTAL IMPACT REPORT (RDEIR) FOR THE VALERO CRUDE BY RAIL PROJECT**

Application No. 12PLN-00063 Use Permit

Project Address: 3400 East Second Street; APN: 0080-110-480

Ms. Million presented a brief history and overview of the RDEIR process. She explained that comments will be taken on the RDEIR, focusing on the recirculated draft EIR. The next steps include comments provided at this meeting and also written comments received by October 30, 2015. The Commission will also hear a use permit for the project.

Mr. Barringhaus, presented a summary of the RDEIR.

The Commission emphasized that the RDEIR will be discussed tonight; other issues can be discussed at a later date. Chair Dean reviewed the meeting procedures and the Commission's expectations.

Public Comment Open:

Mr. Cuffel, Valero Environmental Department Manager, presented an overview of the project. He explained Valero's intentions with the use permit to allow the refinery to receive crude oil by rail.

Mr. Flynn, Valero CEQA attorney, discussed the different aspects of the DEIR and RDEIR.

Marilyn Bardet and Andre Soto commented on behalf of Benicians for a Safe and Healthy Community. Ms. Bardet stated the organization's opposition to the RDEIR and the use permit for the rail uploading racks and the dangers, conflicting information in the DEIR, and particular land risks not included in the RDEIR. Mr. Soto commented on the environmental impacts of the project not included on the DEIR or RDEIR and expressed his opposition.

Christine Caulder, Benicia resident, voiced her fear of the project and expressed her concern in regards to an emergency situation at her child's school.

Mark Altgelt, Vallejo resident, commented on the dangers of CO2 in the atmosphere and in the environment, and expressed his opposition.

Pat Toth-Smith, Benicia resident, commented on her opposition and the impact on the Donner Pass Route called out in the RDEIR, stating potential hazards of this route.

Ben, Vallejo resident, voiced his support of the Valero's project, stating that it would create jobs for cement workers and construction workers.

Ethan Buckner, San Francisco resident, commented on the dangers of a disaster and a worst case scenario found in the RDEIR. He asked the Commission to not approve the RDEIR.

Danny Bernardini, Vallejo resident, voiced his support of the Valero project and the noted the numerous public meetings (regional and state) that have been held on the topic of transporting crude by rail.

Grant Cooke, Benicia business owner and resident, stated his opposition to the RDEIR because of the dangers of transporting crude by rail.

Liisa Stark, representing Union Pacific Railroad, spoke about UPRR operations, how the railroad works with hazmat response resources, strict regulations UPRR adheres to and training they provide to their employees.

Jim Kirchhoffer, Benicia resident, commented on his opposition to the RDEIR and asked the Commission to not approve the project.

Roger Straw, Benicia resident, in opposition of the project, commented on the health risks involved, water impacts, and tank car design. In addition to his comments, he provided the Commission with written comment.

Kevin Coleman, Napa resident, representing the National Brotherhood of Electrical Workers, stated his support of the project, Valero's safety record, the project's reduction of the greenhouse gases and added that the project would increase jobs,

Ken Miller, representing Local Union 378, voiced his support of the project, and stating that safety was not an issue, and asked the Commission to approve the project.

James MacDonald, Pittsburg resident, commented on the United States Constitution.

Dan Broadwater, Electricians Union, commented on preemption, his personal experience with Valero's safety at the Refinery and noted his support of the project.

Dan Bundy, Benicia resident, encouraged the Commission to consider public safety in their decision.

Teresa Ritts, Benicia resident, commented on the public safety issues and stated that she opposes the project.

Maria Teresa Matthews, Benicia resident, commented on her support and urged the Commission to consider this project because it is best for Benicia.

Joseph Rizzi commented on the issues of rail car safety, and stated his support of crude by rail.

Dale Cross, Benicia resident, noted his support of the project and accepts the RDEIR, adding that he believes it will create jobs and tax revenue; it is environmentally safe and will have little impact on the citizens of Benicia.

Judith Sullivan, Benicia resident, commented on derailments in California and possible accidents; she expressed her concern in regards to public places such as parks and schools and the possible associated health risks and is not in favor of the RDEIR.

Lisa Crowley, Benicia resident, environmental health professional and former Union Pacific consultant, commented on the superb safety at the Benicia refinery. The refinery provides a significant amount of support to Benicia. She voiced her support of the RDEIR.

Dwayne Weiler, Benicia resident and refinery employee, in support of the RDEIR and the project, commented on Valero's stellar safety record and that the refinery is a good neighbor.

Anina Hutchison, Benicia resident, commented on her opposition to the project, citing her fear of possible accidents.

Craig Snider, Benicia resident, commented on possible dangers of derailments, the hazards of noise and traffic jams, and the future of Benicia. He suggested in place of off-loading crude oil that it and be brought in by pipelines.

Chair Dean called for a 10 minute break at 8:40 p.m.

Chair Dean resumed the meeting at 8:52 p.m.

Tom Lam, Valero Project Engineer, stated the purpose of the project, that Valero takes safety very seriously and urged the Commission to support the project.

Constance Buetel, 1501 Shannon Court, commented on the greenhouse gas emission levels in Benicia, the City's Climate Action Plan and that the RDEIR states the refinery will emit higher levels greenhouse gas. She commented on health risks, the City's commitment to sustainability and urged the Commission to deny the project.

Nathan Stout, Vallejo resident, commented on current projects in the City of Vallejo, stated his opposition to the project and encouraged standing up to large corporations.

Kathy Kerridge, Benicia resident, in opposition, commented that the RDEIR does not address the threat to students along the rail route. She stated her concern with possible fires and derailments.

Lori Matthews, process and safety manager at Valero Refinery, stated that she appreciates what Valero is doing in terms of safety. She expressed her support of the RDEIR and noted its thoroughness. .

Diana Walsh, Benicia resident, commented on her fear and anxiety with the project due to possible increased risks. She asked the Commission to deny the project.

Hadieh Elias, Benicia resident, expressed opposition to the project.

Greg Yuhas, Benicia resident, commented on the CEQA guidelines stating that the Draft EIR meets the CEQA requirements.

Giovanna Sensi-Isolani, Benicia business owner, stated she did not understand the new issues addressed in the RDEIR; she expressed her fear of air pollution and the hazards that the City of Benicia will have no control over. She expressed opposition to the project.

Joe Bateman, Valero Fire Chief, spoke in regard to Valero Fire Department's relationship with the City of Benicia's Fire Department, stating it was strong. The department is well-staffed, they participate in training with City of Benicia's Fire Department. He commented on his support for the project.

Steven Weissberg, Benicia resident, commented on the challenging regulations and indirect influences in making the wrong choice. He stated that he is against the project.

Adelle Poenisch, Berkeley resident, commented on Benicia's decision and other cities following suit, and dependence on fossil fuel. She stated her opposition to the project.

Chris Howe, Valero, stated that a few of his comments were already stated and out of respect for the Commission's time he would submit his comments in writing.

Ken Matsumura, commented on his appreciation for the City of Benicia, and that he is opposed to the project due to the impact on Benicia and the country. He urged the Commission to vote against the project.

Madeline Koster, Benicia resident, in opposition, commented on the air quality, Valero's water use and questioned if she would be able to sell her house.

Reverend Will McGarvey, Benicia resident and pastor of Pittsburgh Presbyterian Church, commented on the health disparities of those who live downwind of the refineries.

Rebekah Ramos, Benicia resident, in opposition, commented on preemption, the misleading Valero advertising campaigns, economic impacts, health issues and greenhouse gas emissions. She commented on the city being too dependent on Valero, and questioned Valero's lowered property tax.

Jack Russell, Benicia business owner, commented on his disappointment with the traffic analysis in the Revised DEIR stating that the traffic study that he felt was too localized. He also noted that trains blocked his driveway along Bayshore Road, and that the RDEIR does not address that. He commented on possibilities of shipping oil overseas.

Jon Van Landshoot, Benicia resident, in opposition, commented on significant and unavoidable hazards in regards to the train tracks, health issues and our children's future.

Katherine Black, Benicians for a Safe and Healthy Community, commented on significant and unavoidable hazards; she commented against the project and that others agreed but feared retaliation from Valero. She urged the Commission to not approve the project.

Donna Rose, Benicia resident, asked the Commission to vote against the project.

Chris Howe, Valero Refinery, announced that he was holding about a dozen speaker cards, half of which were people who were here that have elected to leave and speak tomorrow. He noted that they could submit their comments in writing.

Public Comment was closed at 10:05 p.m.

Commissioners stated they had questions regarding specific items and details in the report that would be discussed at a later date.

Commissioner Young commented on the significant global greenhouse gases, and would like to see more documentation on that, the safety of the Donner Pass route, he questioned the 8-car derailment example used in the RDEIR, and the possibility of receiving crude oil by barge as an alternative.

Commissioner Cohen-Grossman, commented on the number of cars that would be brought in for this proposal. She said it would be helpful to know prior to the Commission making a decision. She commented on the process of refining, certain parameters, asked what type crude oil is needed.

Commissioner Oakes commented on having better reference to specific terms stated throughout the RDEIR.

Commissioner Radtke, requested less acronyms be used or references provided.

**VI. COMMUNICATIONS FROM STAFF**

Ms. Million stated there will be a regular Planning Commission next Thursday, October 8, 2015. The public hearing is now closed tonight for the RDEIR and there will not be any other special meetings on the RDEIR.

**VII. COMMUNICATIONS FROM COMMISSIONERS**

**VIII. ADJOURNMENT**

Chair Dean adjourned the meeting at 10:30 P.M.