Valero Crude by Rail Project
Public Comments received Revised DEIR Public Review Period
October 17-23, 2015

Commenter	Date Received
Agencies	
Sacramento Metro AQMD	19-Oct-15
Town of Truckee	19-Oct-15
California Governor's Office of Planning and Research	21-Oct-15
Individuals	
Duayne Weiler	19-Oct-15
Ellen Frazen	19-Oct-15
Veronnica Cox	19-Oct-15
Elaine Brandt	19-Oct-15
Cathy Bennett	19-Oct-15
Lisa Dadgar	19-Oct-15
Madonna Anglin	19-Oct-15
Miriam Amari	19-Oct-15
Paul Sanchez	19-Oct-15
Carol Blaney	19-Oct-15
Christina Fong	19-Oct-15
FS Grassia	19-Oct-15
Paul & Lois Leimone	19-Oct-15
Edie Bruce	19-Oct-15
Ruby Wallis	19-Oct-15
Rhonda Kazmierski	19-Oct-15
Janet Petermann	19-Oct-15
Vinny Tounalom	19-Oct-15
Brenda Haig	19-Oct-15
Joe Ginsburg	19-Oct-15
Alec Bostock	19-Oct-15
Russell Grindle	19-Oct-15
Diane Kent	19-Oct-15
Catherine Gould	19-Oct-15
Judy Moran	19-Oct-15
Bartlomiej Tomczak	19-Oct-15
Mary Haley	19-Oct-15
Rod Repp	19-Oct-15
Patricia Vazquez	19-Oct-15
Alicia Moreno	19-Oct-15
Anne Klein	19-Oct-15
Dianne Miller	19-Oct-15
Louise Sellon	19-Oct-15
Doug A Boyum	19-Oct-15

Stoni Tomson	19-Oct-15
Denise East	19-Oct-15
Paula Warner	19-Oct-15
Antoinette Gonzales	19-Oct-15
Lena Williams	19-Oct-15
Neil Angelo	19-Oct-15
William D	19-Oct-15
Joan Scott	19-Oct-15
Val Fernandez	19-Oct-15
Else Fergo	19-Oct-15
Nancy Williamson	19-Oct-15
Guy Graham	19-Oct-15
Stephanie Christoff	19-Oct-15
Ed & Linda Yarbrough	19-Oct-15
Nancy Zebracki	20-Oct-15
Hal Trufan	20-Oct-15
Laurie Demeter	20-Oct-15
Antje Struthmann	20-Oct-15
Steve Weigner	20-Oct-15
Kathy Sabatini	20-Oct-15
Desiree La Bar	20-Oct-15
Elyce Klein	20-Oct-15
Louise Sellon	20-Oct-15
Debora Delgado	20-Oct-15
Nancy Parker	20-Oct-15
Chris Ness	20-Oct-15
Sara Gibson	20-Oct-15
Elisabeth Bechmann	20-Oct-15
Julia Dashe	20-Oct-15
Elizabeth Lansenky	20-Oct-15
Eileen Wunderlich	20-Oct-15
Cate Leger	20-Oct-15
James Brian Mac Donald	20-Oct-15
Sierra Lupoi	21-Oct-15
Adrian Wagner	21-Oct-15
Roland d'amour	21-Oct-15
Adele Poenisch	21-Oct-15
Diana Ray	21-Oct-15
Edward Bendix	21-Oct-15
David Jenkins	21-Oct-15
Paula DeFelice	21-Oct-15
Errol Bisutti	22-Oct-15
Ellen Sweeny	22-Oct-15
Nicholas Barry	22-Oct-15
William Lee	22-Oct-15

Charmaine Breitengross	22-Oct-15
Julia Spivey	22-Oct-15
Kathy Colon	22-Oct-15
Marianne Verhagen	22-Oct-15
Diana Dee	22-Oct-15
Monika Huber	22-Oct-15
Daniel Figueroa	22-Oct-15
Nita Patrick	22-Oct-15
Cheryl Fox	22-Oct-15
Delayne Auerbach	22-Oct-15
Rebecca Gibson	22-Oct-15
Francis S.	22-Oct-15
Cecile Lemay	22-Oct-15
Gary Ransom	22-Oct-15
Daryl & Bonnie Rosta	22-Oct-15
Judith Lotz	22-Oct-15
Jessica Larsen	22-Oct-15
Theresa Kardos	22-Oct-15
Deb Brown	22-Oct-15
Dat Tran	22-Oct-15
Conniewd Wedding	22-Oct-15
Elisa Elsa Harmath	22-Oct-15
Yvonne Quilenderino	22-Oct-15
Elisa Elsa Harmath	22-Oct-15
Otmar Neuhoefer	25-Oct-15
Francesca P.	22-Oct-15
Richard Peine	22-Oct-15
Jennifer Toth	22-Oct-15
Linette Schreiber	22-Oct-15
Chris Arnell	22-Oct-15
Alan L. & Sylvia T. Thompson	23-Oct-15
Patricia Samson	23-Oct-15
Jessica Beaudry	23-Oct-15
Robert Gerosa	23-Oct-15
Edward O'Connor	23-Oct-15
Apryl Mefford-Hemauer	23-Oct-15
Debbie Burack	23-Oct-15
Melinda Weisser-Lee	23-Oct-15
Thomas Petersen	23-Oct-15
Elizabeth Lauder	23-Oct-15
Bronwen Walters	23-Oct-15
Harmen Eijzenga	23-Oct-15
M S	23-Oct-15
Stacey Fortner	23-Oct-15
Arlene Zuckerman	23-Oct-15

Irina Golda Lamadrid	23-Oct-15
Dennis Lowry	23-Oct-15
Derek Fan	23-Oct-15

Amy Million

From: Paul Philley <PPhilley@airquality.org>
Sent: Monday, October 19, 2015 8:12 AM
To: Amy Million
Cc: LARRY ROBINSON
Subject: Vallero Crude by Rail

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COMMUNITY DEVELOPMENT

Ms. Million,

Appendix A: Page A-4, lists the SMAQMD threshold of significance as 82 lb/day for ROG and NOx. The correct threshold is 65 lbs/day. This error repeated throughout (Page A-5, A-9, etc). Please correct in the FEIR.

Thanks,

Paul Philley, AICP
Associate Air Quality Planner/Analyst
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, CA 95814
pphilley@airquality.org
916-874-4882

Town Council

Alicia Barr, Mayor

Joan deRyk Jones, Vice Mayor

Carolyn Wallace Dee, Council Member
Patrick Flora, Council Member
Morgan Goodwin, Council Member

TOWN OF TRUCKEE
Established 1863 Incorporated 1993

Department Heads

Tony Lashbrook, Town Manager
Andy Morris, Town Attorney
Adam McGill, Chief of Police
John McLaughlin, Community Development Director
Kim Szczurek, Administrative Services Director
Judy Price, Town Clerk
Alex Terrazas, Assistant Town Manager
Daniel Wilkins, Public Works Director/Town Engineer

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October 13, 2015

Amy Million, Principal Planner
City of Benicia, Community Development Department
250 East L Street
Benicia, CA 94510

RE: Use Permit Application No. 12PLN-00063 (SCH# 2013052074); Valero Benicia Crude by Rail Project; Applicant: Valero Benicia Refinery.

Dear Ms. Million:

Thank you for the opportunity to review and comment on the Valero Crude by Rail Project Revised Draft Environmental Impact Report dated August 2015. Prior to receiving the Revised Draft Environmental Impact Report (Revised DEIR) Notice of Availability on September 4, 2015, the Town of Truckee had not received notification of the proposed Use Permit application submittal, Draft Environmental Impact Report (DEIR) Notice of Availability, Draft Environmental Impact Report or any other notification. It is our understanding that this lack of notification to some affected cities was likely due to the initial project focus toward on-site impacts. We appreciate the City of Benicia's willingness to discuss and analyze potential off-site impacts associated with crude oil transport by rail through "upline" routes including along the Capitol Corridor. We also appreciate the thorough analysis included in the Revised Draft EIR specific to safety, hazards and air quality. However, the Town has some additional areas of concern we believe should be address in the Final EIR.

The Town of Truckee is a small historic mountain town community of approximately 16,800 people at an elevation range of 5,540 feet to nearly 7,500 feet. Truckee is in the eastern part of Nevada County, approximately 12 miles north of Lake Tahoe, 30 miles west of Reno, Nevada and 100 miles northeast of Sacramento. The Truckee River flows through the eastern half of our community, including Downtown and parallels or is crossed by several sections of Union Pacific Railroad tracks. In addition, Truckee is home to Donner Lake, a freshwater lake located between Interstate 80 and Schallenberger Ridge. Union Pacific rail lines cross Schallenberger Ridge less than 1.5 miles down the hillside to Donner Lake.

According to Revised Draft EIR Section 2.3, for the route from Roseville to Nevada via Truckee, 96.5% of the Union Pacific rail lines are classified as Class 3. Class 3 track is stated as being less tolerant to high train speeds and is used less than Class 4 or higher tracks for long-haul freight service. The portion of the Capitol Corridor route that crosses the Sierra Nevada—particularly from Verdi, Nevada through Truckee, CA to Auburn CA is prone to highly unpredictable weather

Tahoe/Truckee
All-America City
2012

10183 Truckee Airport Road, Truckee, CA 96161-3306
www.townoftruckee.com
Administration: 530-582-7700 / Fax: 530-582-7710 / *email: truckee@townoftruckee.com*
Community Development: 530-582-7820 / Fax: 530-582-7889 / *email: cdd@townoftruckee.com*
Animal Services/Vehicle Abatement: 530-582-7830 / Fax: 530-582-7889 / *email: animalservices@townoftruckee.com*
Police Department: 530-550-2328 / Fax: 530-550-2326 / *email: policedepartment@townoftruckee.com*
Printed on recycled paper.

including severe snow and hail storms with significant accumulation. Neither the Draft EIR nor the Revised EIR discuss the potential hazards of crude oil transport in high mountain, volatile/unpredictable, weather conditions. We believe that the risk assumptions and conclusions made, including the reliance on the "Petroleum Crude Oil Unit Train Transportation Risk Analysis: Benicia Project" dated July 15, 2015, fail to provide full disclosure of safety, hazard and water quality impacts associated with derailment and/or release in high mountain conditions. Based on our experience with floods, wildland fires, avalanches, snow and hail storms, it is highly likely that one or more of these events would happen at a time of crude oil transport by rail through Truckee. With Union Pacific Railroad's assertion of preemption, The Town of Truckee has no guarantee that crude oil trains associated with the requested Use Permit by Valero will be routed to alternative routes even during times of known inclement weather.

Any derailment or release in Truckee—due to existing rail line proximity to the Truckee River and Donner Lake—would have significant impacts to drinking water and recreational facilities with unknown mitigation measures. In addition, due to Truckee's high wildland fire potential—including the potential for dry lighting—potential impacts are likely to stretch beyond Truckee to Lake Tahoe, a major economic generator and significant natural landmark for the State of California. We respectfully request that our concerns be addressed in the Final EIR to ensure the City of Benicia decision-makers have the best available information before taking action on Valero's requested Use Permit.

Again, we thank you for the opportunity to provide comments on the proposed Revised Draft EIR. If you have any questions regarding this letter, please contact Denyelle Nishimori, Planning Manager, at the Community Development Department, Planning Division at 530-582-2934 or by e-mail at dnishimori@townoftruckee.com.

Sincerely,

Alicia Barr
Mayor, Town of Truckee

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

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OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

October 16, 2015

Amy Million
City of Benicia
250 E. L Street
Benicia, CA 94510

Subject: Valero Crude by Rail
SCH#: 2013052074

Dear Amy Million:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 14, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2013052074
Project Title Valero Crude by Rail
Lead Agency Benicia, City of

Type EIR Draft EIR

Description Note: Revised

The proposed project would allow the Valero Benicia Refinery (Refinery) access to additional North American-sourced crude oil for delivery to the Refinery by railroad. The project would involve the installation and modification of Refinery non-process equipment that would allow the Refinery to receive a portion of its crude oil deliveries by railcar replacing equal quantities of crude currently being delivered to the Refinery by marine vessel. Valero intends to replace up to 70,000 barrels per day of the crude oil currently supplied to the Refinery by marine vessel with an equivalent amount of crude oil transported by railcars.

Lead Agency Contact

Name Amy Million
Agency City of Benicia
Phone (707) 746-4280 **Fax**
email
Address 250 E. L Street
City Benicia **State** CA **Zip** 94510

Project Location

County Solano
City Benicia
Region
Lat / Long
Cross Streets 3400 East Second Street / Rose Drive
Parcel No. 0080110480
Township **Range** **Section** **Base**

Proximity to:

Highways I-680, 780
Airports No
Railways UPRR
Waterways Carquinez Strait
Schools Robert Semple ES
Land Use GP: General Industrial and Waterfront Industrial/Z: IG (General Industrial) and IW (Water Related Industrial)

Project Issues Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

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Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Date Received 08/31/2015 *Start of Review* 08/31/2015 *End of Review* 10/14/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

October 16, 2015

Brad Kilger, Benicia City Manager

Amy Million, Principal Planner

I am writing to support the Crude by Rail project that Valero has before the Planning Commission. The RDEIR lists numerous procedures and standards put in place to properly mitigate risk of transporting crude by rail. I believe the RDEIR overstates the significance of risk! Valero has a stellar safety record because of the standards and procedures they have in place and have been developed in the past that they currently follow. I would venture to say one is safer inside the refinery gates than outside on the city streets and freeways. (How can I say that?) I spent 30 years working in the refinery, learning and operating half of the refinery units as a technician in the field and then the last half of my career as Operations Supervisor, overseeing all of refinery field operations at one time. That includes the ship that ties up to the dock to off load crude oil to the finished products that leave the refinery and the operating units in between. This all takes a major safety effort with each section of the refinery developing their safety procedures for operation, shutdown and startup of their units. These procedures are reviewed and approved by the Safety Department head who reports to the refinery manager. It is all about understanding how things operate and mitigating risk. Risk is associated with everything in life. I believe Valero will continue to uphold the highest standards of safety in building and operating this project. I believe they will continue to strive to be the top rated refinery in the nation. I urge you to approve Valero's crude by rail project.

Thank you,

Duayne Weiler

Benicia Resident.

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CITY OF BENICIA
COMMUNITY DEVELOPMENT

cc. Lucy Ma, Valero Refinery

Amy Million

From: Ellen Franzen <ellen_franzen@yahoo.com>
Sent: Friday, October 16, 2015 8:07 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Ellen Franzen
970 Jones Street
Berkeley, CA 94710
US

Amy Million

From: Veronica Cox <tajimagoo@gmail.com>
Sent: Friday, October 16, 2015 5:13 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Veronica Cox
5893 Quarry Rd.
Canastota, NY 13032
US

Amy Million

From: Elaine Brandt <ebrandt@ca.rr.com>
Sent: Friday, October 16, 2015 4:55 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Elaine Brandt
1922 Penmar Ave. #4
Venice CA, CA 90291
US

Amy Million

From: Cathy Bennett <2cathybennett@gmail.com>
Sent: Friday, October 16, 2015 11:21 PM
To: Amy Million
Subject: opposition to Valero crude by rail proposal

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CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear members,

I am VERY opposed to the prospect of Valero Refinery assuming responsibility for the safety and wellbeing of our Benicia community. Quite frankly,

I don't trust Valero to have our community's best interests, especially when it competes with their profit margins. They will always spin the facts and the story

to manipulate the public into believing Valero is best for Benicia. It is NOT good for Benicia, or for the rest of California where their proposed oil trains will be running .

PLEASE do not accept Valero's proposal and false –promises . Benicia will suffer greatly, as will our citizens with added pollutants & health / safety hazards. I myself would not choose to live in an area with so much risk, and so many verified health related factors as Benicia now has. I will sell and move away if I am left with Valero as my Lord and Master.

Think San Bruno, and it's devastation at the hands of PG&E. (another "too big to fail" industry that cares more about their profit margins than the community it serves.)

NO THANK YOU!!!! NO to Valero and their reckless plans to profit at the state of Ca expense, and all it's citizens who are clueless to the dangers being imposed upon them.

NO to Valero, crude by rail.

Cathy Bennett

904 West 9th St

Benicia CA 94510

Amy Million

From: Lisa Dadgar <molittlekeys_22@yahoo.com>
Sent: Saturday, October 17, 2015 8:01 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Lisa Dadgar
4554 Wildcat Lane
Concord, CA 94521
USA

Amy Million

From: Brad Kilger
Sent: Saturday, October 17, 2015 10:11 AM
To: Amy Million
Subject: Fwd: Please do NOT approve CBR project

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OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Sent from the Samsung Galaxy Rugby Pro, an AT&T LTE smartphone

-------- Original message --------
From: Madonna Anglin <madonna7@sbcglobal.net>
Date: 10/17/2015 9:22 AM (GMT-08:00)
To: Brad Kilger <BKilger@ci.benicia.ca.us>
Subject: Please do NOT approve CBR project

Mayor Kilger,

Please do NOT approve CBR project or any similar projects until the railroad track meets DOT minimum standards to support those heavy train cars. We don't want to take that risk in California – it's too dangerous

Thank you,

Madonna Anglin

Amy Million

From: Miriam Amari <mimi@amariart.com>
Sent: Saturday, October 17, 2015 11:15 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Miriam Amari
213 Upper Byrdcliffe Road
NY, NY 12498
US

Amy Million

From: Paul Sanchez <pyokoyama9251960@yahoo.com>
Sent: Saturday, October 17, 2015 12:41 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely, Paul Sanchez

Paul Sanchez
89 Dean Road Apt. A
Sacramento, CA 95815
US

Amy Million

From: Carol Blaney <clblaney@yahoo.com>
Sent: Saturday, October 17, 2015 2:31 PM
To: Amy Million
Subject: RE: Public comment on Valero crude-by-rail project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Principal Planner, Benicia Community Development Department Amy Million,

Dear Mrs. Million,

I am writing to express deep concern over Valero's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" that could devastate my community.

Bringing oil trains into Benicia will create unacceptable increases in toxic air pollution for communities all along the rail route and near the refinery. The EIR identifies several significant and unavoidable air impacts from toxins and known carcinogens including increased pollution from NOx, sulfur dioxide, PM 2.5, and benzene.

According to the EIR, the cumulative risk of spills, explosions, and fires along the UPRR mainline "would be significant for all of the tank car designs," including the not-yet-built DOT-117 cars. Such a disaster could result in significant loss of life, long-term economic loss, and contamination of our precious wetlands and waterways.This level of risk is also unacceptable.

The EIR also assumes the "worst case" scenario is a spill of 8 tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Québec in July 2013 spilled over 1.6 million gallons of crude, or about 60 tanker cars. The EIR must assume a worst case scenario that reflects existing data on recent spills. Without an accurate worst case scenario analysis, this project can not be approved.

The revised EIR identifies "significant and unavoidable" climate impacts that conflict with California's existing climate law mandating the state move to an 80% reduction of greenhouse gas by 2050. At a time when wildfires are raging and the drought is more dire than ever, it is imperative we invest in safe, clean energy rather than extreme oil infrastructure.

In addition, analysis of census data demonstrates that a vast majority of people who will be impacted by this project live in EPA-designated environmental justice communities - primarily low-income and communities of color. Approving this project will only add to a legacy of environmental racism in communities living along the rail routes.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Carol Blaney
P.O. Box 1706
Redlands, California 92373

<http://click.actionnetwork.org/mpss/o/3gA/kLwXAA/t.1rc/ij6VsbLhTqKyJAgrTWPSQw/o.gif>

Amy Million

From: Christina Fong <christina@ogreogress.com>
Sent: Saturday, October 17, 2015 2:54 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Christina Fong
56 Monroe Center NW #4
Grand Rapids, MI 49503
US

Amy Million

From: F S Grassia <spiffyorgz@shibashake.com>
Sent: Saturday, October 17, 2015 8:56 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,
F S Grassia

F S Grassia
2912 Von Doolen Ct
Pinole, CA 94564
US

Amy Million

From: Paul Leimone <paulleimone@gmail.com>
Sent: Saturday, October 17, 2015 9:01 PM
To: Amy Million
Subject: Crude by rail

As a retired fire fighter I support crude by rail. There are already a lot of toxic and volitile chemicals being trasported by rail everyday. Transporting crude oil by rail is not going to be as hazardous as shipping propane, butane and other toxic chemicals.
I feel it is much more important to use crude from this country or Canada because it keeps money here and doesn't send it to countries that have a religious belief system that wants to eliminate our way of life.

Thank you,

Paul and Lois Leimone
675 Daffodil Drive
Benicia, CA

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Amy Million

From: Edie Bruce <sheshell2@comcast.net>
Sent: Saturday, October 17, 2015 9:45 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Edie Bruce
1116 King dr
El Cerrito, CA 94530
United States

Amy Million

From: Linda Wallis <beniciaruby@yahoo.com>
Sent: Saturday, October 17, 2015 11:10 PM
To: Amy Million
Subject: Comment for the record - Valero Crude By Rail

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Amy.... I DO NOT WANT THOSE DANGEROUS TOXIC OIL TRAINS IN BENICIA. And also that crap being refined in Benicia. I have worked at Valero Refinery as a pipe welder. I know they don't fix anything until something goes wrong. It's all about the money. And also, Valero never hires local union members. They would rather hire contractors from out of state. Haven't you noticed the out of state welding rigs that drive around town with licence plates from Texas OK, and Oregon? I always talk to them. They take the money and drive back to the states they're from.
I know a friend who worked at Valero when it was built. He told me that he is suprised it hasn't blow up yet!!!!! It's an accident waiting to happen!! WHY SUBJECT THE PEOPLE TO WORSE AIR ETC.ETC.? The people of Benicia do not want this crap!!!
BTW: DON'T YOU KNOW THE TOXIC OIL THEY WANT TO REFINE WILL BE SOLD TO CHINA? ALSO, DID YOU KNOW THAT THE CHILDREN OF BENICIA HAVE FOUR TIMES THE NATIONAL AVERAGE OF ASTHMA?
Listen to the people Amy, and not Valero!!
Ruby Wallis retired pipe welder.

Sent from Yahoo Mail on Android <https://overview.mail.yahoo.com/mobile/?.src=Android>

Amy Million

From: Rhonda Kazmierski <r.k.kazmierski@gmail.com>
Sent: Sunday, October 18, 2015 12:08 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Rhonda Kazmierski
7244 Hwy. 225 N.
GA, GA 30705
US

Amy Million

From: Janet Petermann <deadkittys@web.de>
Sent: Sunday, October 18, 2015 4:11 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Janet Petermann
1312W 40St
Austin, TX 78756
US

Amy Million

From: Vinny Tounalom <Vinnytolin@yahoo.com>
Sent: Sunday, October 18, 2015 8:12 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Vinny Tounalom
11206 vista ridge ct
Fort smith, AR 72916
US

Amy Million

From: Brenda Haig <brendajoyce4@earthlink.net>
Sent: Sunday, October 18, 2015 10:12 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Brenda Haig
45 1/2 65th Place
Long Beach, CA 90803
US

Amy Million

From: Joe Ginsburg <jg.bluebottle@gmail.com>
Sent: Sunday, October 18, 2015 10:34 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Joe Ginsburg
12210 Densmore Ave. N.
Seattle, WA 98133
US

Amy Million

From: alecbostock@comcast.net
Sent: Sunday, October 18, 2015 12:13 PM
To: Amy Million; Brad Kilger
Cc: info@beniciaCBR.com
Subject: Valero Crude by Rail Supporter

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

This letter is in support of the Valero Crude by Rail Project. I support the project for a number of reasons. I will say, that transporting product and material by railroad has been safe and smooth for over 100-years. The men and women who work for the railroad have an impeccable safety record which shows that there first priority is safety. Here are the reasons why the Valero Crude by Rail Project should be approved for construction:

1. Eliminates the chances for an oil spill in the bay.
2. Eliminates buying crude oil from the middle east and supporting terrorism.
3. Eliminates a chance of a ship hitting one of the Bay Area bridges going up and down the bay.
4. It's a safer means of transportation by railroad instead of shipping.
5. Puts people to work.
6. Supports the local economy.
7. Buying and transporting domestic crude in the wave of the future by being independent here in the USA.
8. Valero will be the only refinery to run 100% domestic crude oil and not have to be relying on foreign crude.

These are just a few of the reasons why I and the community should support this project and not stand in the way. Please pass this along to the city of Benicia so a permit to construct can be issued so this project can get started. Have a safe and smooth day.

Thank You,
Alec Bostock = Valero Crude by Rail Supporter.

Amy Million

From: Russell Grindle <rgrindle@yahoo.com>
Sent: Sunday, October 18, 2015 12:23 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Russell Grindle
613 Whitehall Circle
California, CA 94533
US

Amy Million

From: Diane Kent <jdkent@aol.com>
Sent: Sunday, October 18, 2015 1:31 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Diane Kent
4123 E Blanche Drive
Phoenix, AZ 85032
US

Amy Million

From: Cathetine Gould <Drcg_cnc@sbcglobal.net>
Sent: Sunday, October 18, 2015 2:00 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Cathetine Gould
971 larmier
Oak view, CA 93022
US

Amy Million

From: Judy Moran <timstarjudy@aol.com>
Sent: Sunday, October 18, 2015 2:22 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Judy Moran
6109 N. Star Dr.
Panama City, FL 32404
US

Amy Million

From: Bartlomiej Tomczak <wom.bat@wp.pl>
Sent: Sunday, October 18, 2015 4:34 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Bartlomiej Tomczak
Targowa 37
Lodz, ot 90451
PL

Amy Million

From: Mary Haley <wadanehaley@yahoo.com>
Sent: Sunday, October 18, 2015 9:20 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Mary Haley
9308 Elberon Way
Elk Grove, CA 95758
US

Amy Million

From: Rod Repp <Jcr2510@icloud.com>
Sent: Sunday, October 18, 2015 9:30 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Rod Repp
4625 Monterey ave
B.P., CA 91706
US

Amy Million

From: Patricia Vazquez <patricia_vazquez77@yahoo.com.mx>
Sent: Sunday, October 18, 2015 9:51 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Patricia Vazquez
Taller 791 Ed. 7, apt. 402 - Col. Jardin Balbuena None, ot 15900 MX

Amy Million

From: Alicia Moreno <deirdreh@terra.com>
Sent: Monday, October 19, 2015 1:29 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Alicia Moreno
Canar
Granada, ot 18003
ES

Amy Million

From: Anne Klein <kleinx2@sbcglobal.net>
Sent: Monday, October 19, 2015 5:40 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Anne Klein
700 East L St
Benicia, CA 94510
US

Amy Million

From: Dianne Miller <dianne918@att.net>
Sent: Monday, October 19, 2015 7:35 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Dianne Miller
1440 Puterbaugh
San Diego, CA 92103
US

Amy Million

From: Louise Sellon <kimsellon@gmail.com>
Sent: Monday, October 19, 2015 3:41 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Louise Sellon
1253 Springfield Ave
New Providence, NJ 07974
US

Amy Million

From: Doug Boyum <dougboyum@sbcglobal.net>
Sent: Monday, October 19, 2015 10:28 AM
To: Amy Million; Brad Kilger
Cc: info@beniciaCBR.com
Subject: Valero Refinery Crude by Rail "RDEIR" updated in August 2015

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Amy,

After reviewing the 570 page Revised Draft Environmental Impact Report released on 8/31/15, for the proposed Valero Crude by Rail project, I would like to state that I, Douglas A. Boyum, a lifetime resident of the SF Bay Area who works near the Valero refinery in Benicia and who has family residing in the wonderful city of Benicia, support the proposed crude by rail project.

Thank You,

Doug A. Boyum

Amy Million

From: Stoni Tomson <Stoni.tomson@gmail.com>
Sent: Monday, October 19, 2015 9:37 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Stoni Tomson
6811 Central Ave
El Cerrito, CA 94530
US

Amy Million

From: Denise East <deast7@yahoo.com>
Sent: Monday, October 19, 2015 9:31 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Denise East
10635 Johnson Avenue
Cupertino, CA 95014
US

Amy Million

From: Paula Warner <luvkatzzz@yahoo.com>
Sent: Monday, October 19, 2015 1:32 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Paula Warner
2903 Dollar St.
Lakewood, CA 90712
US

Amy Million

From: Antoinette Gonzales <lolo.tonetone@yahoo.com>
Sent: Monday, October 19, 2015 2:40 PM
To: Amy Million
Subject: RE: Public comment on Valero crude-by-rail project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Principal Planner, Benicia Community Development Department Amy Million,

Dear Mrs. Million,

I am writing to express deep concern over Valero's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" that could devastate my community.

Bringing oil trains into Benicia will create unacceptable increases in toxic air pollution for communities all along the rail route and near the refinery. The EIR identifies several significant and unavoidable air impacts from toxins and known carcinogens including increased pollution from NOx, sulfur dioxide, PM 2.5, and benzene.

According to the EIR, the cumulative risk of spills, explosions, and fires along the UPRR mainline "would be significant for all of the tank car designs," including the not-yet-built DOT-117 cars. Such a disaster could result in significant loss of life, long-term economic loss, and contamination of our precious wetlands and waterways.This level of risk is also unacceptable.

The EIR also assumes the "worst case" scenario is a spill of 8 tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Québec in July 2013 spilled over 1.6 million gallons of crude, or about 60 tanker cars. The EIR must assume a worst case scenario that reflects existing data on recent spills. Without an accurate worst case scenario analysis, this project can not be approved.

The revised EIR identifies "significant and unavoidable" climate impacts that conflict with California's existing climate law mandating the state move to an 80% reduction of greenhouse gas by 2050. At a time when wildfires are raging and the drought is more dire than ever, it is imperative we invest in safe, clean energy rather than extreme oil infrastructure.

In addition, analysis of census data demonstrates that a vast majority of people who will be impacted by this project live in EPA-designated environmental justice communities - primarily low-income and communities of color. Approving this project will only add to a legacy of environmental racism in communities living along the rail routes.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Antoinette Gonzales
12669 Westbranch Way
Victorville, California 92392

<http://click.actionnetwork.org/mpss/o/6AA/kLwXAA/t.1re/UHbdoqKLQl6zzhjADYt_IA/o.gif>

Amy Million

From: Lena Williams <lwfriesian@hotmail.com>
Sent: Monday, October 19, 2015 2:43 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Lena Williams
358 Dutile Road
NH, NH 03220
US

Amy Million

From: Neil Angelo <eighthey@lycos.com>
Sent: Monday, October 19, 2015 2:57 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Neil Angelo
1217 Universal Road
Pennsylvania, PA 15235
US

Amy Million

From: William D <flydutchmotel@aol.com>
Sent: Monday, October 19, 2015 3:05 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

William D
1
Mantua, NJ 08051
US

Amy Million

From: Joan Scott <joanscott91006@aol.com>
Sent: Monday, October 19, 2015 3:06 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Joan Scott
5632 Cochin ave
arcadia, CA 91006
US

Amy Million

From: Val Fernandez <valfernandezglez@gmail.com>
Sent: Monday, October 19, 2015 3:32 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Val Fernandez
arroyo 24
santacatarina, ot 66190
MX

Amy Million

From: Else Fergo <annnoyd1@gmail.com>
Sent: Monday, October 19, 2015 3:26 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Else Fergo
Peter Bangs Vej 148,3. Tv
Frederiksberg, ot 2000
DK

Amy Million

From: Nancy Williamson <nancywnm@yahoo.com>
Sent: Monday, October 19, 2015 3:32 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Nancy Williamson
HC 71 Box 1367
New Mexico, NM 88041
US

Amy Million

From: Guy Graham <ggraham201@aol.com>
Sent: Monday, October 19, 2015 3:35 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Guy Graham
10huronave
Jersey City, NJ 07306
US

Amy Million

From: Stephanie Christoff <StephanieChristoff@yahoo.com>
Sent: Monday, October 19, 2015 4:15 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Stephanie Christoff
P.O. Box 8356
White Plains, NY 10602
US

Amy Million

From: Eddie Yarbrough <eyarbrough@att.net>
Sent: Monday, October 19, 2015 5:16 PM
To: Amy Million; Brad Kilger
Subject: Support for Valero Crude by Rail Project

RECEIVED
OCT 19 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Oct. 19, 2015

We strongly support the Valero Crude By Rail Project.

Valero needs the project to remain competitive in the refining business. It will to allow the refinery to refine more domestic crude. Refining domestic crude is critical to reducing our need to purchase foreign crude. Refining domestic crudes builds the U.S. economy and provides jobs for millions of Americans throughout our economy.

There are risks associated with everything we do. Crude by rail indeed has some risks. It is not as dangerous as many other activities that we do daily that are not nearly as important to our lives and economy. By any reasonable standard crude by rail is safe and will become more so with each passing day.

Valero has proven that it is a safe and responsible member of the Benicia community. Safety is their top priority. This project will be built and operated in the safest possible manner.

California needs this project to ensure a reliable supply of motor fuels and other petroleum products. Although there are some that think that there are other choices for motor fuels, they are wrong, especially for the next several decades. Attempts to quickly force alternatives on Californians would result in major hardships and economic damage far beyond any risk of transporting crude by rail

According to California Environmental Quality Act (CEQA) requirements, the RDEIR and economic analysis, the project will:

* Reduce total greenhouse gas emissions from marine transport up to 225,000 metric tons per year, helping California achieve its climate goals.

* Create 20 local, permanent well-paying jobs and require 120 skilled craftsman jobs.

* Not create health risks associated with project emissions.

* Meet or exceed all federal standards regarding rail procedure and safety.

* Operate under current air permits with the Bay Area Air Quality Management District (BAAQMD).

* Result in $1.6 million in annual funding to the Office of Oil Spill Prevention and Response for inland spill preparedness.
*
*

The project has been thoroughly reviewed and studied. It is time to approve it!

Sincerely,

Ed & Linda Yarbrough

*

Amy Million

From: nancy zebracki <zebracki1@aol.com>
Sent: Tuesday, October 20, 2015 8:43 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

nancy zebracki
8439 doncaster
sterling heights, MI 48312
US

Amy Million

From: Hal Trufan <htrufan@gmail.com>
Sent: Tuesday, October 20, 2015 8:36 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Hal Trufan
6808 Old Forge Dr
NC, NC 28226
US

Amy Million

From: Laurie Demeter <Lldemeter@yahoo.com>
Sent: Tuesday, October 20, 2015 6:57 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Laurie Demeter
7601 Preserve Trail
Concord, OH 44077
US

Amy Million

From: Antje Struthmann <antjefikruemel@optusnet.com.au>
Sent: Tuesday, October 20, 2015 12:44 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Projec

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Antje Struthmann
33 Sweetgum Street
Ashmore, KS 4214
AU

Amy Million

From: Steven Weigner <ulc@seanet.com>
Sent: Monday, October 19, 2015 10:00 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Steven Weigner
6716 46th Ave SW
Seattle, WA 98136
US

Amy Million

From: Kathy Sabatini <ksabatin53@yahoo.com>
Sent: Monday, October 19, 2015 9:54 PM
To: Amy Million
Subject: Protect Our Communities: Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am very concerned about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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An analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Kathy Sabatini
4728 Isabella
Fair Oaks, CA 95628
US

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

October 20, 2015

Hello,

I am writing as a Benicia resident to express my continued support for Valero's CBR project. This project will benefit our community in a variety of ways and I believe we need to approve it without continuing to delay. It only hurts our community.

The project will help ensure Valero's viability as a tremendous job provider and source of economic activity locally, for the county and statewide, where the industry directly or indirectly employs more than 300,000 people.

The DEIR found that the project will have many benefits. The recirculated DEIR affirmed those findings and highlighted that additional safety measures have been put into place – a win/win for Benicians. The project has complied with all Environmental Quality Act requirements and anyone who lives in Benicia knows what a responsible company and good neighbor Valero is. They are committed to safety and to this community.

Please take the necessary steps to approve this project so that our community can start to benefit from the CBR project's positive impacts.

Please join me in advocating for the swift approval of the CBR project.

Sincerely,
Desiree La Bar

Amy Million

From: Elyce Klein <elyceklein@gmail.com>
Sent: Tuesday, October 20, 2015 11:03 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Elyce Klein
1840 Sonoma Ave
Berkeley, CA 94707
US

Amy Million

From: Debora Delgado <robotina1024@hotmail.com>
Sent: Tuesday, October 20, 2015 11:09 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Debora Delgado
4481 Hidden Village Drive
Port Orange, FL 32127
US

Amy Million

From: Nancy Parker <redshirt2@hotmail.com>
Sent: Tuesday, October 20, 2015 11:36 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Nancy Parker
1512 MLK
Berkeley, CA 94709
US

Amy Million

From: chris ness <ephemeristheway@yahoo.ca>
Sent: Tuesday, October 20, 2015 12:33 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

chris ness
tarquin cres
ottawa, ON k2h8j7
CA

Amy Million

From: Sara Gibson <sara7gib@mac.com>
Sent: Tuesday, October 20, 2015 1:01 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Sara Gibson
2100 N Fremont Blvd
Flagstaff, AZ 86001
US

Amy Million

From: Elisabeth Bechmann <elisabeth.bechmann@kstp.at>
Sent: Tuesday, October 20, 2015 1:01 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Elisabeth Bechmann
Neugebäudeplatz
St. Pölten, ot 03100
AT

Amy Million

From: julia dashe <jdashe@mac.com>
Sent: Tuesday, October 20, 2015 2:14 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

julia dashe
439 49th st
oakland, CA 94609
US

Amy Million

From: Elizabeth Lasensky <elasensky@yahoo.com>
Sent: Tuesday, October 20, 2015 3:21 PM
To: Amy Million
Cc: Elizabeth Lasensky
Subject: Public comment on the Valero Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Amy Million
Principal Planner, Benicia Community Development Department
amillion@ci.benicia.ca.us

Dear Ms. Million:

Regarding the Valerio Refinery request for bringing oil trains into Benicia, please add the following comment to the public record:

The Valerio Refinery project will create relatively few jobs. Yet those jobs are being held up as a reason to support the refinery's request to bring oil trains along thousands of miles of tracks from their origins in North Dakota to the City of Benicia. Could the City of Benicia please explain why those relatively few jobs are so important and the jobs, health and lives of all the people who live, go to school, play and work along the thousands of miles of tracks are worth so little? Those of us uprail from the project will not see the benefits of those jobs but millions of us - and the environment- carry the risk.

Thank you,
Elizabeth Lasensky
187 Full Circle
Davis CA 95618
530-848-5436

Amy Million

From: Eileen Wunderlich <blackheadset@web.de>
Sent: Tuesday, October 20, 2015 3:14 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Eileen Wunderlich
1017 Washington Ave
Houston, TX 77002
US

Amy Million

From: cate leger <cate@greendwellings.com>
Sent: Tuesday, October 20, 2015 5:10 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 20 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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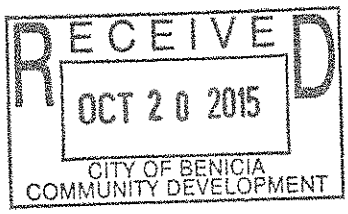
Sincerely,

cate leger
2320 McGee Ave
Berkeley, CA 94703

To: City of Benicia
Amy Million, principal planner
Community Development Department
250 East L Street
Benicia, California 94510
amikkion@ci.benicia.ca.us



Oct. 20, 2015

RE: Additional comments to: EIR, NEPA, Environmental Justice Studies and any local, state or federal agency involved in regulating **Valero crude by rail**. RDEIR has failed to address many of the concerns already submitted by concerned citizens. Respond in writing in accordance with the California Environmental Quality Act (CEQA) to all comments and questions. Failure to answer in writing and use of discriminatory State and Federal laws is a denial of citizens' right to participate in proceeding in a meaningful manner and a denial of due process.
CEQA 15088.5. (f) RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION
"In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues."

Document best viewed at: https://www.mediafire.com/?ajf3q7ook2cxaq1 209MB
CD of complete document with active links, support documents and videos given to city for the administrative record.

The only moral, ethical, patriotic and Constitutional option is to reject RDEIR.
The opportunities a decision maker gets to change the destiny of humanity are rare. To have the insight to grasp it when presented is even rarer. And the rarest opportunity of them all is to accomplish this with a simple yes or NO.

City of Benicia has failed to notify ***potential victims*** that may be affected by project. Department of Transportation (DOT) has deemed a danger zone of 1 mile radius around potential crude oil spill sites, approximately 12,436 people and 4 schools of ***potential victims in Benicia alone***. Contra Costa Water District has identified half a million ***potential victims***. Contra Costa fire department ***mutual aid will be too little too late.***

Louisiana federal court rules against BP; disregarding safety for cost is "gross negligence" and "reckless."
http://www.cnbc.com/id/101958656#

Pursuant to "Citizens for Ceres v The Superior Court of Stanislaus County (July 8, 2013) 217 Cal.App.4th 889" and the Freedom of Information Act, provide all correspondence between applicant, applicants advisors to the City of Benicia, City of Benicia advisers, Planning Commission, Planning Commission advisors, Benicia Fire Department and all elected and appointed officers therein for current proposal and all other correspondence about any other Valero projects.

To: City of Benicia Oct. 20, 2015
Amy Million, principal planner
Community Development Department
250 East L Street
Benicia, California 94510
amikkion@ci.benicia.ca.us

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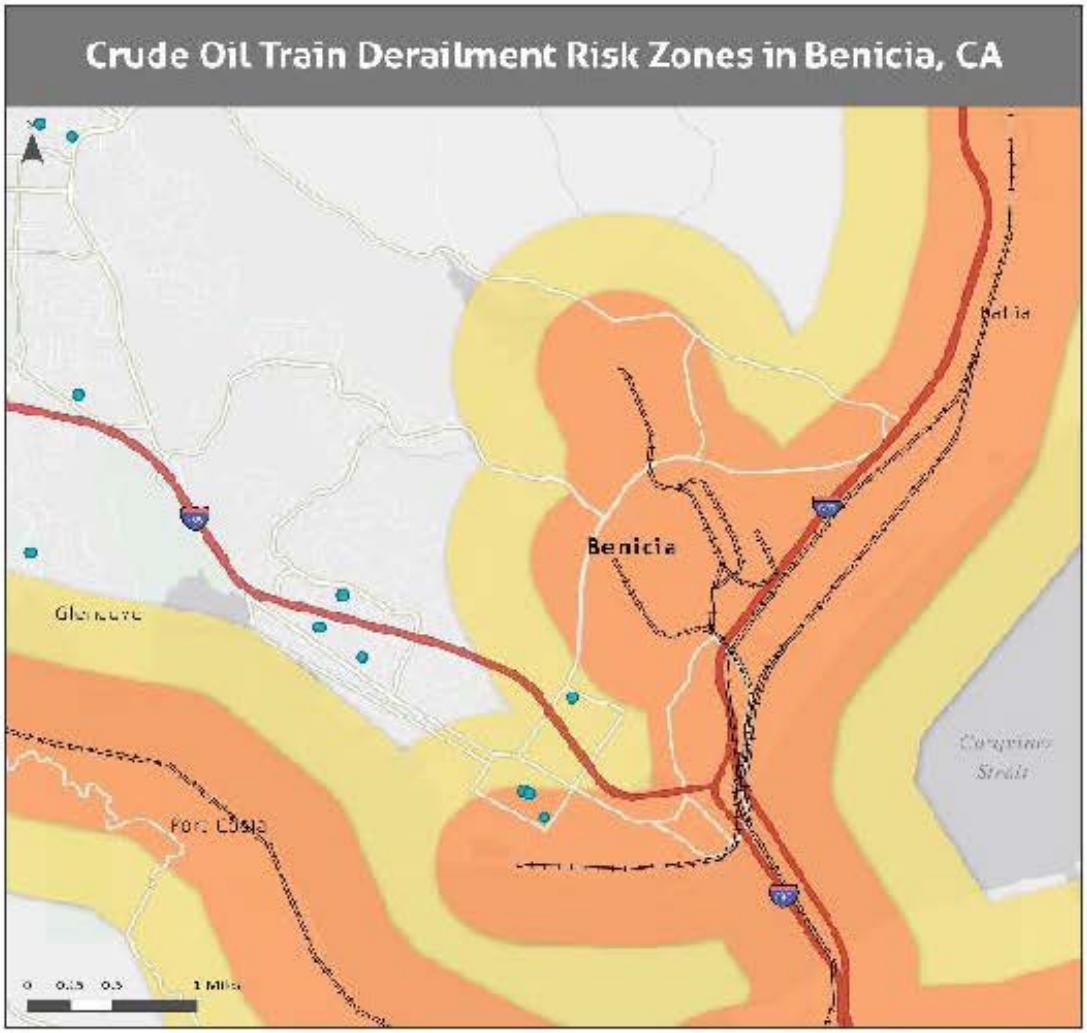

Benicia Population at Risk*

0.5 mile	5,308
1.0 mile	12,436

*The number of residents of the City of Benicia living within these impact zones

Legend

- Schools (K - 12)
- Active rail lines
- 0.5 mile US DOT Evacuation Zone for Crude Oil Train Derailments
- 1.0 mile US DOT Potential Impact Zone in case of Crude Oil Train Fire

Sources:

Population (2010): Estimates based on US Census 2010 Block Centroid Populations. Estimates were calculated within buffers located within US Census "Place" boundary (not shown).

Schools: http://portal.gis.ca.gov/geoportal/catalog/main/home.page

HMS Rail Lines: 2013 National Transportation Atlas Database http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_atlas_database/2013/polyline.html

Rail Line Buffers: Zones indicating risks around rail lines in the event of crude oil tanker car derailments, based on the US Department of Transportation Emergency Response Guidebook used throughout North America. This guidebook recommends a standard evacuation zone of 800 meters (0.5 miles) for accidents involving vehicles filled with flammable liquids and gases and an isolation area of 1600 meters (1 mile) in all directions for any vehicle filled with these materials if they are on fire. http://phmsa.dot.gov/staticfiles/PHMSA/Download/Publications/hazmat/ERG2012.pdf

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CEQA Is About Honesty and Integrity
Decision makers must be given all the facts to arrive at a just decision. Yet again the Revised Draft Environmental Impact Report (RDEIR) announces its intention not to supply such information.

Valero Acknowledges Their Intent to Use Discriminating Federal Law
Valero and city employees postulate the City of Benicia is powerless to control its destiny due to their misrepresenting the Tenth amendment, "Commerce Clause of the United States Constitution". At Planning Commission meetings Valero, the railroad and even staff (with their unprofessional one sided presentation) were quite "adamant" in their belief that any conditions placed on project will be summarily overturned. Unfortunately I have to agree with them not on Constitutional grounds but on it must be nice having friends in high places. There is nothing in the Constitution or in special interest reinterpretations that forbids after long and thoughtful consideration of all facts in hand, after giving Valero due process a rejection of project in its entirely. **With parameters of project out of your control the only just finding for the citizens of Benicia is to reject project.** Their argument is based on: DEIR, CHAPTER 1 Introduction 1.1 Purpose of this Document, page 1-5 "Acknowledging that, on the basis of federal preemption, neither the Refinery nor the City has authority to dictate or limit routes selected by UPRR (see DEIR Section 3.7, Federal Preemption of Railroad Regulation, DEIR Appendix L, and Revised DEIR Appendices G and H), it is possible that Project-related crude oil could reach the Refinery through Roseville using routes from southern California (see Figure 1-4, California Class I Rail System)." **The regulation of this faculty is reserved for the State of California by decree of the citizens of the United States of America. Federal regulation is in violation of the Tenth Amendment to the United States Constitution**. Is it acceptable for government employees to use the Nuremberg Defense "I am just doing my job?"
Definition of 'Nuremberg Defense' - Adversity.Net
www.adversity.net/Terms_Definitions/TERMS/Nuremberg_Defense.htm
The Nuremberg Defense is a legal ploy in which the defendant claims he/she was "only following orders" from a higher authority. The "Nuremberg Defense" is often used by U.S. companies and U.S. government entities to defend themselves against charges of reverse discrimination.

Imagine if:
Ralph Abernathy (1926–1990) clergyman, activist, Southern Christian Leadership Conference (SCLC)
Susan B. Anthony (1820–1906) Women's suffrage leader, speaker, inspiration
Ella Baker (1903–1986) SCLC activist, initiated Student Nonviolent Coordinating Committee (SNCC)
James Baldwin (1924–1987) essayist, novelist, public speaker, SNCC activist
Daisy Bates (1914–1999)
Dana Beal (1947–) pro-hemp activist, organizer, speaker, initiator
Jeremy Bentham (1748-1832) British philosopher, writer, and teacher on civil rights, inspiration
James Bevel (1936–2008) SCLC's main strategist, organizer, and Action leader
Claude Black (1916–2009)
Antoinette Brown Blackwell (1825-1921) - founded American Woman Suffrage Association with Lucy Stone in 1869
Julian Bond (1940–) activist, politician, scholar, lawyer, NAACP chairman
Lenny Bruce free speech advocate, comedian, satirist
Lucy Burns (1879–1966) women's suffrage/voting rights leader
Stokely Carmichael (1941–1998) SNCC and Black Panther activist
Carrie Chapman Catt (1859–1947) suffrage leader, president National American Woman Suffrage Association, founder League of Women Voters and International Alliance of Women
Cesar Chavez (1927–1993) Chicano activist, organizer, trade unionist
Claudette Colvin (1939–) Montgomery Bus Boycott pioneer, independent activist
Marvel Cooke (1903–2000), journalist, writer, trade unionist
Humberto "Bert" Corona (1918–2001) labor and civil rights leader
Dorothy Cotton (1930–) SCLC activist, organizer, and leader
Norris Wright Cuney (1846–1898), Texas politician
Eugene Debs (1855–1926) organizer, campaigner for the poor, women, dissenters, prisoners
Frederick Douglass (1818–1895) abolitionist, women's rights, writer, organizer
W. E. B. Du Bois (1868–1963) writer, scholar, founder of NAACP
Charles Evers (1922–) Civil Rights Movement activist
Medgar Evers (1925–1963) NAACP official
James Farmer (1920–1999) Congress of Racial Equality (CORE) leader and activist
Louis Farrakhan (1933–) Minister, National Representative of the Nation of Islam
James Forman (1928–2005) SNCC official and activist
Marie Foster (1917–2003) activist, local leader in Selma Voting Rights Movement
Betty Friedan (1921–2006) writer, activist, feminist
Mohandas Gandhi (1869–1948) activist, writer, philosopher, inspiration
William Lloyd Garrison (1805–1879) writer, organizer, feminist, initiator
Dick Gregory civil rights movement, free speech advocate, and comedian
Olympe de Gouges (1748–1793) women's rights pioneer, writer, beheaded after French Revolution
Prathia Hall (1940–2002) SNCC activist, civil rights movement speaker
Fannie Lou Hamer (1917–1977) activist in Mississippi movements
Harry Hay (1912–2002) leader in American LGBT rights movement, founder Mattachine Society
Lola Hendricks (1932–) activist, local leader in Birmingham Movement
Jack Herer (1939–2010) pro-hemp activist, speaker, organizer, author
Gordon Hirabayashi (1918–2012) Japanese-American civil rights hero
Myles Horton (1905–1990) teacher of nonviolence, pioneer activist, Highlander Folk School
T.R.M. Howard (1908–1976) founder of Mississippi's Regional Council of Negro Leadership
Julia Ward Howe (1818–1910) writer, organizer, suffragette

Dolores Huerta (1930–) labor and civil rights activist
John Peters Humphrey (1905–1995) author of Universal Declaration of Human Rights
Jesse Jackson (1941–) clergyman, activist, politician
Nellie Stone Johnson (1905–2002) labor and civil rights activist
Abby Kelley (1811–1887) abolitionist and suffragette
Coretta Scott King (1927–2006) SCLC leader, activist
Martin Luther King, Jr. (1929–1968) SCLC co-founder/president, activist, author, speaker, inspiration
James Lawson (1928–) teacher of nonviolence, activist
Bernard Lafayette (1940–) SCLC and SNCC activist and organizer
John Lewis (1940–) Nashville Student Movement, SNCC activist, organizer, speaker, politician
Joseph Lowery (1921–) SCLC leader and co-founder, activist
Clara Luper (1923–2011) sit-in movement leader, activist
James Madison (1751–1836) introduced and lobbied for the U.S. Bill of Rights
Nelson Mandela (1918–) South African statesman, leading figure in anti-apartheid movement
George Mason (1725–1792) wrote Virginia Declaration of Rights, influenced U.S. Bill of Rights
Rigoberta Menchú (1959) - Guatemalan indigenous rights leader, co-founder Nobel
James Meredith (1933–) independent student leader and self–starting activist
Mamie Till Bradley Mobley held open casket funeral for son, Emmett Till; speaker, activist
Charles Morgan, Jr. (1930–2009) attorney, established principle of "one man, one vote"
Harvey Milk (1930–1978) politician, gay rights activist
Bob Moses (1935–) leader, activist, and organizer
Diane Nash (1938–) SNCC and SCLC activist and organizer
Edgar Nixon (1899–1987) Montgomery Bus Boycott organizer, civil rights activist
James Orange (1942–2008) SCLC activist and organizer, trade unionist
Emmeline Pankhurst (1858-1928) British Suffragette Movement
Rosa Parks (1913–2005) NAACP official, activist, Montgomery Bus Boycott inspiration
Alice Paul (1885–1977) major women's suffrage/women's rights leader, strategist, and organizer
Thomas Paine (1737-1809) English-American activist, author, theorist, wrote Rights
Elizabeth Peratrovich (1911–1958) Alaska activist for native people
A. Philip Randolph (1889–1979) socialist, labor leader
Amelia Boynton Robinson (1911–) voting rights activist
Jo Ann Robinson (1912–1992) Montgomery Bus Boycott activist.
Eleanor Roosevelt (1884–1962) women's rights, human rights activist in United Nations
Bayard Rustin (1912–1987) civil rights activist
Al Sharpton (1954–) clergyman, activist, media
Charles Sherrod civil rights activist, SNCC leader
Judy Shepard (1952–) gay rights activist, public speaker
Kate Sheppard (1847–1934) New Zealand suffragist in first country to have universal suffrage
Fred Shuttlesworth (1922–2011) clergyman, activist, co-founder SCLC and Birmingham Movement
Elizabeth Cady Stanton (1815–1902) women's suffrage/women's rights leader
Gloria Steinem (1934–) writer, activist, feminist
Lucy Stone (1818–1893) women's suffrage/voting rights leader
Thich Quang Duc (1897–1963) Vietnamese monk, freedom of religion self-martyr
Desmond Tutu (1931–) South African anti-apartheid organizer, advocate, inspiration
Karl Heinrich Ulrichs (1825-1895) German writer, organizer, pioneer of the gay rights movement.
C.T. Vivian (1924–) American student civil rights leader, SNCC activist

Wyatt Tee Walker activist with NAACP, CORE, and SCLC
Ida B. Wells (1862–1931) journalist, women's suffrage/voting rights activist
Walter Francis White (1895–1955) NAACP executive secretary
Elie Wiesel (1928–Present) Jewish rights leader
Roy Wilkins (1901–1981) NAACP executive secretary/executive director
Frances Willard (1839–1898) women's rights, suffrage/voting rights leader
Hosea Williams (1926–2000) civil rights activist, SCLC organizer
Robert F. Williams (1925–1996) organizer
Victoria Woodhull (1838–1927) suffragette organizer, women's rights leader
Malcolm X (1925–1965) author, activist
Andrew Young (1932–) clergyman, SCLC activist and executive director
Whitney M. Young, Jr. (1921–1971) Exec. Director National Urban League, Presidential advisor
William Wilberforce (1759-1833) leader of English abolition movement
Alexander Fred MacDonald (1920-2006) union leader, civil rights activist, my father

Imagine if all these people said "Oh… let's go home ladies and gentlemen the law says its ok for them to violate The Constitution of The United States." **Use of discriminatory State and Federal laws is a denial of citizen's right to participate in this proceeding in a meaningful manner and a denial of due process under the law as granted to all Citizens of the United States of America by our Constitution and The Declaration of Independence.** Hg.org: Civil rights law deals with the protections and liberties enjoyed by the American people. These rights are designed to ensure that people are treated equally and without respect to their ethnicity, gender, or other such attributes. They also guard against overly intrusive conduct by the government. Government actors are not permitted to make decisions arbitrarily, or to deprive individuals of their lives or property without affording them **due process of law**.

States' Constitutional Tenth Amendment Regulatory Authority over Commerce
The Commerce Clause of the United States Constitution was designed to eliminate an intense rivalry between the groups of those States that had tremendous commercial advantage as a result of their proximity to a major harbor, and those States that were not near a harbor. That disparity was the source of constant economic battles among the States. **The Commerce Clause authorizes Congress to regulate commerce in order to ensure no State enjoyed an economical advantage over other States based on their access to a centralized shipping point.** Example of this was the inspection of fruit and vegetables before produce could enter State. Some States were making the process so lengthy the produce would rot before getting entry into the State. If a State wishes a higher level of safety on commerce it can do so, so long as regulations apply to all commerce within the state as well. It is when the shipping or intervening States can show an economical advantage does the Commerce Clause of the United States Constitution applies. The commerce clause of the Constitution is about State's rights not citizen's or railroad rights. Although the U.S. Constitution places some limits on State power, the States enjoy guaranteed rights by virtue of their reserved powers pursuant to the Tenth Amendment. Like many of our amendments the Tenth Amendment was to stop cooperation tyranny. A State has the inherent and reserved right to regulate its domestic commerce.

The Constitution recognizes State solventry over commerce therein. The project is on privately owned lands of Valero under State regulation. Federal regulations do not apply until goods from such facilities cross State lines, States take issue over other States regulation of goods shipped therein and such state regulation produces an economical advantage to regulating state. Valero is not a state (yet) and enjoys no such rights as such. At Planning Commission meeting staff and lawyers talked a lot about what the Planning Commission can't do, very little about what it can do and said nothing about States Constitutional Tenth Amendment Regulatory Authority over Commerce.
Powers not granted to the federal government by the Constitution, nor prohibited to the States, are reserved to the States. http://en.wikipedia.org/wiki/Tenth_Amendment_to_the_United_States_Constitution
Their goal was to prevent the growth of the type of government that the British had exercised over the colonies. http://tenthamendmentcenter.com/about/about-the-tenth-amendment/ **Federal authorities needed to get 7 State's permission to move by rail radioactive waste from Three Mile Island disaster to Idaho. What Constitutional Amendments since then have changed States authority?**

Declaration of Independence
IN CONGRESS, July 4, 1776.
The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their **Safety and Happiness**. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government.

Misrepresentations of CEQA's Intent

Applicant postulates; DEIR, "ES7: Issues to be resolved, including a choice among alternatives, and whether and how to mitigate potential significant impacts, also must be identified in an Executive Summary (CEQA Guidelines Section 15123). The main issue to be resolved in this EIR is which among the alternatives would meet most of the basic Project objectives with the least environmental impact. Balancing sometimes competing environmental values can be challenging because it rests on assumptions of relative value. Decision-makers may elect to balance relative values of environmental resources and, thereby, resolve the issues considered in this EIR with a different conclusion than the one summarized in Section ES-6 and discussed in Section 6.4.4, Environmentally Superior Alternative."

15123 clearly states brief summary shall contain (b1) mitigation and alternatives (b2) areas of controversy known to lead agency including raised by other agencies and the public (b3) Issues to be resolved including choice among alternatives (Valero is to state their choice of alternatives and mitigation). It says nothing about letting Valero choose what is or is not the main issue and it does not say lawmakers must choose between alternatives that Valero wants.

CEQA: section 15123

"15123. SUMMARY

(a) An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical.

(b) The summary shall identify:

(1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;

(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and

(3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

(c) The summary should normally not exceed 15 pages.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21061, Public Resources Code."

CEQA: Cost or Impedance of Project Objective in not a Factor in Alternatives

15126.6. CONSIDERATION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED PROJECT.

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project**, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.**

CEQA: Insignificant Finding for Environment may be Significant for Economic and Social Effects

"15131. ECONOMIC AND SOCIAL EFFECTS

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices.

Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant".

CEQA: Lead Agency to Select Alternatives for Discussion in EIR

CEQA guidelines 15126.6(a) "The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376".

DEIR Needs to be Circulated with Feasible Alternatives

The original plan called for the modification of crude oil tank. Specifications called for very expensive additions to tank of flanges so large pipes could be connected, only referring for their need as possible future refinery needs.(This has always bothered me: Why spend the money? Why make this statement?) In doing some research a came across a description of the Valero refinery, amongst other things it pointed out the refinery currently has docks for sea going ships and receives sweet California crude from the central valley via pipeline. This sweet crude supply by pipeline is expected to dry up. In Pittsburg, Ca a company called WesPac is trying to build a facility to use the very same rails, ships and pipelines. Their plans have taken many forms in an attempt to get it built. In one version crude by rail would be arriving 24 hours a day, in another hundreds of ships and barges would be used. Currently in Canada they are trying to ship crude to the west coast and the Pacific. Hundreds of these ships may be bound for Benicia and San Francisco Bay in the future to off load crude for shipment via pipeline or rail. If WesPac is willing to spend tens of millions on this type of project way would Valero not try to take advantage of its current position to capitalize on the tens of millions to be made as intermediary transporting crude by truck, pipe, ship, or rail. This is a real possibly which is financially lucrative for Valero. These alternative scenario needs to be including as possible project alternative. Draft EIR needs to be recirculated with alternatives and all relative studies prepared. I am not saying I support them.

Excerpt from **CEQA guidelines 15126.6(a) the lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives; NEPA Sec. 1503.4 (a)2. Response to comments. Develop and evaluate alternatives not previously given serious consideration by the agency.** I do not believe this discussion between City and the public ever took place. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Valero postulates the City of Benicia is powerless to control its destiny due to Commerce Clause of the United States Constitution. At 7/10/2014 Paining Commission meeting Valero was quite "adamant" in their belief that any conditions placed on project will be summarily overturned. Alternative 1 and 2 may be legally infeasible as applicant "adamantly" claims. DEIR must be recirculated with alternatives that are feasible so meaningful input and discussion by the People and a fair and just finding can be made.

CEQA 15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION
(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:
(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043)

Congress to Left Ban on Crude Oil Exports
US House of Representatives vote to remove crude export restrictions
http://www.tankstoragemag.com/display_news/9322/us_house_of_representatives_vote_to_remove_crude_export_restrictions/ Valero has been talking only about its need for crude but says nothing about future exports from facility. Once facility is built trains and ships could arrive 24 hours a day for crude shipment overseas.

CEQA: 15126.6 Considerations and Discussion of Alternatives to the Proposed Project
(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376).

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed (County of Inyo v. City of Los Angeles (1981) 124 Cal.App.3d 1).

(f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553; see Save Our Residential Environment v. City of West Hollywood (1992) 9 Cal.App.4th 1745, 1753, FN.

Project Does not Conform to the Mandate of State Legislature

Johnston-Baker-Randal-Boatwright Delta Protection Act of 1992

29701. The Legislature finds and declares that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the state to recognize, preserve, and protect those resources of the delta for the use and enjoyment of current and future generations.

29702. The Legislature further finds and declares that the basic goals of the state for the Delta are the following:

(a) Achieve the two co equal goals of providing more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

(b) Protect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.

29705. The Legislature further finds and declares that the delta's wildlife and wildlife habitats, including waterways, vegetated unlevered channel islands, wetlands, and riparian forests and vegetation corridors, are highly valuable, providing critical wintering habitat for waterfowl and other migratory birds using the Pacific Flyway, as well as certain plant species, various rare and endangered wildlife species of birds, mammals, and fish, and numerous amphibians, reptiles, and invertebrates, that these wildlife species and their habitat are valuable, unique, and irreplaceable resources of critical statewide significance, and that it is the policy of the state to preserve and protect these resources and their diversity for the enjoyment of current and future generations.

29706. The Legislature further finds and declares that the resource values of the delta have deteriorated, and that further deterioration threatens the maintenance and sustainability of the delta's ecology, fish and wildlife populations, recreational opportunities, and economic productivity.

29708. The Legislature further finds and declares that the cities, towns, and settlements within the delta are of significant historical, cultural, and economic value and that their continued protection is important to the economic and cultural vitality of the region.

CHAPTER 1. Policy [21000 - 21006] (Chapter 1 added by Stats. 1970, Ch. 1433.) 21000.
The Legislature finds and declares as follows:
(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.
(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.
(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.
(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.
(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.
(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian. (Amended by Stats. 1979, Ch. 947.)
The Legislature does not use the words significant or less than significant; avoidable or unavoidable but the word FURTHER, (as in any deterioration threatens). Applicant has already acknowledged negative effects they call Significant. This is more than what Californian State Legislators have mandated as fair or just for The Citizens and The Environment of The Great State of California. Local and State agencies do not have the legal authority to counterman Legislative intent.

Need for Lands Commission input on project

With the likelihood project will expend into a crude oil transfer facility using rail, ships, pipelines and trucks; analysis of delta accesses, affects on fishing and recreational use of delta needed. Project does not conform to: Senate Bill No. 551 CHAPTER 422 SEC. 3. (a) The trust lands shall be held by the trustee in trust for the benefit of all the people of the state for purposes consistent with the public trust doctrine, (3) "Public trust doctrine" means the common law doctrine, as enunciated by the court in National Audubon Society v. Superior Court (1983) 33 Cal. 3d 419, and other relevant judicial decisions, specifying the state's authority as sovereign to exercise a continuous supervision and control over the navigable waters of the state, the lands underlying those waters, and non-navigable tributaries to navigable waters, including the maritime or water dependent commerce, navigation, and fisheries, and the preservation of lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation.

Delta Protection Commission has Failed its Fiduciary Responsibilities

Per the Delta Protection Act of 1992, the California Delta Protection Commission (DPC) is required to review and approve proposed General Plan amendments *affecting land within the Primary Zone*, the rail right of ways runs through Primary and Secondary zones. Local governments must ensure that adopted General Plans, and any development approved or proposed under the General Plan, will be consistent with the DPC's Land Use and Resource Management Plan and will NOT:

- result in wetland or riparian loss
- result in degradation of water quality
- result in increased nonpoint source pollution
- result in the degradation or reduction of Pacific Flyway habitat
- result in reduced public access
- expose the public to increased flood hazard
- adversely impact agricultural lands or increase the potential for vandalism, trespassing, or the creation of public private nuisance on public or private land
- result in the degradation or impairment of levee integrity
- adverse impacts on navigation.

Ships, trains and pipelines run through DELTA PROTECTION COMMISSION areas of responsibility. A spill or air pollution from Valero will adversely affect the Delta. The commission has failed the citizens of California. When will commission exercise its responsible to the State and review this project and Benicia general plan?

Valero Acknowledges Proposal Is a New Use of Facilities
DRAFT EIR 1.1 Overview the Project would install a rail car unloading rack, **repurpose** an existing tank to include crude oil service,
2.2 Tank 1776 Service Change
2.2.1 Current Operations… is currently permitted to store primarily Jet"A" or mogas as well as less volatile…

DEIR Transportation Study Infer Past Injustice Justifies Continued Injustice
Applicant acknowledges citizen ability to receive emergency help is already compromised by current refinery and railroad practices, possible delays in emergency help have been observed up to 24 minutes and 50 seconds long. Applicant also acknowledges City of Benicia Fire Department fails to meet NFPA response standards. Persons with health problems are more likely to need emergency health care during an emergency due to the additional stress they are under. Persons living near or workings in an industrial zone have more health problems. Using emergency response and needs during normal everyday life is meaningless.
5 Ways Stress Can Affect a Pregnancy
http://health.howstuffworks.com/pregnancy-and-parenting/pregnancy/issues/5-ways-stress-can-affect-pregnancy.htm
Yet another Reason to Avoid Stress: Sudden Death
http://www.webmd.com/balance/stress-management/news/20000117/yet-another-reason-avoid-stress-sudden-death

DEIR Valero's Postulation Air Sampling in Vallejo is the same as Benicia is Implausible
Applicant's Testimony from original DEIR:
4.1-1 The climate is determined largely by a high-pressure system that is almost always present over the eastern Pacific Ocean off the west coast of North America. High-pressure systems are characterized by an upper layer of dry air that warms as it descends, restricting the mobility of cooler marine-influenced air near the ground surface, and resulting in the formation of subsidence inversions.
4.1-1 The air pollution potential is lowest for those regions closest to the Bay, due largely to good ventilation and less influx of pollutants from upwind sources.
4.1-1 The occurrence of light winds in the evenings and early mornings occasionally results in elevated pollutant levels.
4.1-1 Prevailing winds in the Project area are from the southwest
4.1-2 During the summer and fall months, high pressure offshore coupled with low pressure in the Central Valley causes marine air to flow northeastward
4.1-2 Sometimes atmospheric conditions cause air to flow from the east. East winds usually contain more pollutants…are usually accompanied by low wind speeds, shallow mixing depths, higher temperatures, and little or no rainfall.

4.1-3 Background ambient concentrations of pollutants are determined by pollutant emissions in a given area, and wind patterns and meteorological conditions for that area. As a result, background concentrations can vary among different locations within Solano County
4.1-4 The closest BAAQMD monitoring station to Benicia is the Tuolumne Street station in Vallejo. The Vallejo station is located about 5.5 miles northwest of the Refinery
4.1-4 “The fact” (my quotation marks, not anther’s) that the results from the Vallejo monitoring station are representative of emissions in Benicia is confirmed by the results of an air monitoring study conducted just west of the Refinery from 2007-2008
Valero acknowledges Vallejo monitor was about 5.5 miles northwest of Benicia’s monitor which was located just west of project up in the hills of Benicia away from Delta. Vallejo’s monitor is not in the wind stream (from the Southwest to the Northeast) applicant acknowledges as being prevailing in Benicia. Vallejo’s monitor is closer to sea level and the bay receiving what applicant acknowledges as having good ventilation and less influx of pollutants from upwind sources. Benicia monitor’s elevation was higher and further away received less marine air because of restricted mobility of cooler marine-influenced air near the ground. Benicia monitor was subject to subsidence inversions and influx of pollutants from upwind sources. Applicant acknowledges background concentrations can vary among different locations within Solano County.

Environmental Justice Analyses
Valero's charade does not take into account and conflicts with many of the factors reviled by EPA's EJ screen. http://www2.epa.gov/ejscreen. At best their findings can be characterized as poorly thought-out and most likely deliberately discriminatory in nature. Low-income minority communities will bear a disproportionate share of the cumulative burden to environmental exposure due to these regulations. Regulation conflict with Civil Rights title VI, Cal Gov. Code 11135 and Presidential Executive Order 12898. Simple put: Every man, woman and child has the right to live in an as clean and as beautiful environment as anyone else. Valero say nothing about the thousands that might die from an air/fuel detonation of their air pollution, poisoning from Hydrogen sulfide (formula H2S) or government's responsibilities to best protect "Safety and Happiness" of the people. Valero's arguments for way discrimination is acceptable relies on government- sanctioned reckless disregard for human life for profit, numbers killed, length of time before death and not knowing the name of the persons killed. Environmental Justice is defined by State law as, "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies." DEIR needs to acknowledge and incorporate EPA's EJ screen for identifying possible communities at risk. Recognize and adopt Department Of Transportation's (DOT) finding of one mile danger zone from any possible oil release. For all schools, churches, parks and public gathering areas with in the danger zone to be included in studies as sensitive receptors. Each sensitive receptor is to be considered a community in and of itself. Any low income or minority communities identified by EPA' EJ screen are to be considered a community in and of itself.

No Verifiable Statistical Analysis Models Were Used In EIR

What statistical models were used in study? Why was statistical models chosen best for this study? What are the bases of theorem for each statistical model used? What were your step by step analyses in choosing models? What verification methods for models were used? What other verification methods are available? How do models chosen determine relevant or irrelevant data? How would other statistical models determine relevant or irrelevant data? What is the percent of error in your studies and how did you arrive at that conclusion? What factors were chosen to determine the study area boundaries? How would other models determine study areas? Was Bayesian, Fisher or Loannidis theorems used to verify your models, if so how? How many persons both living in and travailing through the DOT Risk Zone have existing health problems that may need emergency response? What is the death, asthma, chronic diseases, have/had cancer rates in the DOT Risk Zone by Census block? What is the studies definition of a low-income/minority community? How are low-income/minority community geographic boundaries determined in your studies and their locations in the DOT Risk Zone? By census block show low-income/minority statistics within DOT Risk Zone? Why was data from worse case scenario not applied to models? Why was data on children behavior and health needs not included in your models? Why was the data on the health of persons living near an industrial zone not used in your models? Why no studies on the effects of project on the homeless and consistence fisherman? What steps were taken to identify homeless and consistence fisherman? Why was data on health effect of stress during a crisis not included in models? Why was Census block information on low-income/minority communities within DOT Risk Zone not used? Why no studies on near by sensitive receptors like parks, schools and churches? How did your statistical models miss the some 12,436 citizens of Benicia at risk the Department Of Transportation statistical models picked up? How did your statistical models miss the 4 sensitive school receptors the DOT statistical models picked up? Why was the School Board denied involvement, an elected government body with the fiduciary responsible to look after the health and educational needs of the children of Benicia? Did Valero choose alternatives for DEIR or the City of Benicia? Did city staff make a unilateral decision on alternatives? Did elected officials make decision on alternatives, when and how and if not why not? On or before 7/10/2014 did City staff inform elicited officials of State, Federal and Constitutional laws, regulations, guidelines, acts, findings and legal alternative available to elected officials? Some of which are quoted in this document, if not why not? Has any City staff or advisor received training from or gone to any seminars sponsored by California Energy Commission? If so what dates, on what topics and was any materials provided?

Why Most Published Research Findings Are False

John P.A. Loannidis, C. F. REHNBORG PROFESSOR IN DISEASE PREVENTION IN THE SCHOOL OF MEDICINE AND PROFESSOR OF HEALTH RESEARCH AND POLICY AND, BY COURTESY, OF STATISTICS, Stanford School of Medicine. From his published essay, Why Most Published Research Findings Are False. “Most research findings are false for most research designs and for most fields” “There is increasing concern that most current published research findings are false.

The probability that a research claim is true may depend on study power and bias, the number of other studies on the same question, and, importantly, the ratio of true to no relationships among the relationships probed in each scientific field. In this framework, a research finding is less likely to be true when the studies conducted in a field are smaller; when effect sizes are smaller; when there is a greater number and lesser preselection of tested relationships; where there is greater flexibility in designs, definitions, outcomes, and analytical modes; when there is greater financial and other interest and prejudice; and when more teams are involved in a scientific field in chase of statistical significance. Simulations show that for most study designs and settings, it is more likely for a research claim to be false than true. Moreover, for many current scientific fields, claimed research findings may often be simply accurate measures of the prevailing bias. In this essay, I discuss the implications of these problems for the conduct and interpretation of research".

Why Most Published Research Findings Are False

http://www.plosmedicine.org/article/info%3Adoi%2F10.1371%2Fjournal.pmed.0020124

John P.A. Loannidis Bio

https://med.stanford.edu/profiles/john-ioannidis

Statistical Analysis; Science or Pseudoscience?

The age-old dispute (science or Pseudoscience?) on statistical analysis has irrevocably been settled with the advent of the Fukushima Daiichi nuclear disaster. Statistical analysis for what is most likely to happen, even when done by the best engineers and researchers of Japan; world renowned as the leaders in earthquake engineering, have once again been shown to be fundamentally flawed! The question is not what is most likely to happen but what can happen, a question of where and to whom. Residents should not be made to put their health and the lives of their families on the line so the applicant can save a few bucks. Of course there will always be persons that believe there is no global warming, the world is flat, destruction of native lands and high power tension lines string across our nation is the only solution to global warming, Santa Claus, the Easter Bunny Rabbit, the trip to the moon was faked, little green men from Mars and the Holocaust never happened. **Everything in this report has already happened and is reasonably foreseeable will happen once again.** Daily if not hourly we see disaster after disaster from unforeseen and human errors. **Things going wrong is the current state of affairs for mankind.** Statistical Analysis Mystics try to obscure this fact in a toxic cloud of smoke.

Valero Acknowledges Threat to Citizens

DEIR; CHAPTER 1 Introduction 1.1 Purpose of this Document, page 1-1 "In response to requests made in comments on the DEIR, the City is issuing this Revised DEIR for public input to consider potential impacts that could occur "uprail" of Roseville, California (i.e., between a crude oil train's point of origin and the California State border, and from the border to Roseville) and to supplement the DEIR's evaluation of the potential consequences of upsets or accidents involving crude oil trains based on new information that has become available since the DEIR was published."

CHAPTER 1 Introduction 1.1 Purpose of this Document page 1-2 "It is theoretically possible, due to track sharing agreements (also called “trackage rights”), for crude to be provided to the Refinery via any of the North American freight railroad tracks, which are shown in Figure 1-1, North American Freight Railroads. However, it is more likely that UPRR’s existing crude network (Figure 1-2, Union Pacific Crude Network) would be used to transport Project-related crude because the UPRR rail line already provides rail access for the Refinery and because Refinery personnel have indicated that the UPRR would serve the Project (see, e.g., ERM, 2013). Further, based on information provided in application materials submitted by Refinery personnel (ERM, 2013), the DEIR and this Revised DEIR assume for purposes of analysis that all Project-related crude would be routed through Roseville.4. Accordingly, this analysis focuses on the lines leading from Roseville toward the California border and points beyond from the north (Oregon to Roseville), northeast (Nevada to Roseville, Northern), and east (Nevada to Roseville, Southern). See Figure 1-3, Uprail Routes." RDEIR acknowledges threat to the population from rail upsets but refuses to asses many of the possible rail lines that might be used. These rail lines are in the poorest of condition and more likely to have a rail upset. Rail failures are very common and rerouting trains around such failures is common practices as well. They do not give assurances nor do they DEMAND rails right ways that will be inspected daily and just before each train. Nor do they insist that each train will be manned by a 5 person team and inspected each 10 miles of travel. Neither are they insisting on smaller railcars be used to reduce wear on tracks.

Valero Acknowledges Intent to Endanger Live and Property

DEIR; 2.1.4 DEIR ES-4, Project Description pages 2-3 "The trains would enter the Refinery on an existing rail spur that crosses Park Road." Valero's own report acknowledges blockages and increased response time for rescue crews to near by residents; new train will only make this worse. All rail crossing roads and trails need to use underpasses or overpasses.

Dangers of Volatile Liquids Storage Known Since 1947

Hugh Harvey, J.Chem. Educ, 1947, 24(4), p 197, DOI 10.102/edo24p197 Publication Date: April 1947 STORAGE OF VOLATILE LIQUIDS by Hugh Harvey, Shell Oil Company, New York City. As far back as 1947 the petroleum industry knew of the dangers associated with volatile liquids and chooses to ignore them**. Hugh Harvey “By far the best closed container for handling volatile liquids is obtained by using spherical construction”. Even shell Oil Company recognizes spherical construction of tanks as BACT**. Are decision makers expected to sacrifice the health of children, the American work force, jobs and a new modern future for corporation greed?

RDEIR Fails to Tell the Truth about BACT

2.2.2 Proposed Changes The proposed Project would allow for a change in service for Tank 1776 from Jet "A", mogas, and diesel service to also allow for crude oil service. Though Tank 1776 would be allowed to store crude oil as part of this Project, it would also retain the capability in the future to store jet fuel, mogas, diesel, and other Refinery products it has been previously permitted to store, as required. The storage capacity of the tank would not change as a result of the Project, nor would there be the need for new emissions control measures for Tank 1776. The tank's existing control measures, which include tight-fitting double seals, satisfy BAAQMD's Regulation 8-5 and **Best Available Control Technology ("BACT") requirements.**

Valero Acknowledges No Safeguards Against Chain Reaction Failure

2.1.4 DEIR ES-4, Project Description Page 2-6

"Installation of a new offloading rack capable of offloading two parallel rows of 25 crude oil rail cars (50 total cars per train). The rail unloading rack and track would be located on the west side of Sulphur Springs Creek." Each rail car needs to be in its own blast bunker. Nitrogen replacement into tanks as emptied instead of applicant's intention of using 21 percent oxygen. Using 21 percent oxygen turns each rail car into an air/fuel bomb as the oxygen mixes with hydrocarbon vapor inside. This condition is many times stronger than conventional exposés and used as a highly effected weapon by the U.S. military. BBC describes the effects of an air/fuel detonation as having all the effects of a small nuclear bomb without the radiation.

Valero Acknowledges use of Outdated Railcars

2.1.4 DEIR ES-4, Project Description page 2-8 "Valero proposes to use non-jacketed Casualty Prevention Circular (CPC)-1232-compliant tank cars. See DEIR Section 3.4.1.3, Tank Cars, for more information."

National Response Center, U.S. Department of Transportation Surveillance of Rail Events from 17 States 2002--2007

State health departments participating in HSEES collect data on acute hazardous-substance events from various agencies, including the, and state environmental and response agencies. The data are immediately entered into a secure Internet database, from which they can be accessed by ATSDR and the states. Of the 42,359 hazardous-substance releases reported to HSEES by 17 state health departments during 2002--2006, a total of 11,383 (26.9%) were transportation related, including 1,051 (9.2%) that involved rail transport. Among the rail transport events, 78 (7.4%) involved a chemical release and an area of impact that extended $\geq$200 feet from the point of release. The most common primary contributing factor in these 78 events was equipment failure (49 events [62.8%]); human error contributed to 24 (30.8%) events. A total of 103 different substances were released in the 78 rail transport events. The most common substances were diesel fuel (released along with a hazardous chemical substance) (seven events), chlorine (five), and hydrochloric acid (five); 61 (78.2%) events involved release of a single chemical.

Injuries were reported from 11 (14.1%) of the 78 rail events; a total of 144 persons were injured (Table). Among those injured, 101 (70.1%) were members of the general public, 27 (18.8%) were employees of the railroad or companies at the sites of releases, and 16 (11.1%) were responders. Of the 210 total injuries sustained by the 144 persons, the most commonly reported were respiratory irritation (104 [49.5%]) and eye irritation (33 [15.7%]). Among the 143 persons for whom medical outcome was known, 101 (70.6%) were treated at hospitals and released, and 23 (16.1%) were treated on the scene. Nine (6.3%) persons were admitted to a hospital, five (3.5%) were examined at a hospital but not treated, and two (1.4%) had symptoms but were not treated. Three persons died; a railroad employee died from trauma, and two members of the general public died from respiratory injuries. In the 78 events, a total of 314,336 residents (range: zero to 25,480 persons; median: 2,765) lived within 1 mile of the release sites. In 63 (80.8%) of the events, residences were located within 0.25 mile of the release, affecting a total 16,074 residents (range: 0--1,820 persons; median: 123). Sensitive sites located within the 0.25-mile range included day care centers (eight), schools (eight), and nursing homes (three) (Table). Seventeen (21.8%) rail events were associated with mandatory evacuations. A total of 10,002 persons (range: seven to 8,000 persons; median: 48) were known to have been evacuated. Durations of evacuation ranged from <1 hour to 13 days (median: 5.8 hours). For 58 (74.4%) rail events, no orders were issued to evacuate or shelter in place. Reported by: *B Learn, D Thoroughman, PhD, Kentucky Dept for Public Health. R Brackbill, PhD, DK Horton, MSPH, PZ Ruckart, MPH, F Bove, ScD, M Orr, MS, V Kapil, DO, Div of Health Studies, Agency for Toxic Substances and Disease Registry.*

Wikipedia's list of rail accidents
http://en.wikipedia.org/wiki/Lists_of_rail_accidents
April 28, 1973-United States-Roseville, CA: Train fires and munition explosions over 32 hours, 48 injured, 24 million in damages. Hot brake shoe starts fire.
August 26, 2000 – United States – Brookings, South Dakota: A Dakota, Minnesota, and Eastern train bound for Central South Dakota was derailed killing the conductor and severely injuring the engineer. The accident was caused intentionally. The suspect called it a 'prank.
May 15, 2001 – United States – Toledo, Ohio: A CSX #8888 freight train of 47 cars, including hazardous molten phenol acid, runs away in the yard at Toledo with no engineer aboard. The engineer had stepped out to reset a switch but had improperly applied the dynamic brake. It runs for 66 miles (106 km) to Kenton, Ohio before being stopped by a railroad worker who jumps aboard and manage to stop it. CSX had slowed the train down to 10 mph (16 km/h) by coupling an engine onto the end. This incident was dubbed the "Crazy Eights" incident in reference to the lead locomotive's number. The incident inspired the Tony Scott film Unstoppable.
July 18, 2001 – United States –Baltimore, Maryland: A 60-car CSX train carrying chemicals and wood products derails in a 1.7-mile-long (2.7 km) Howard Street tunnel under Baltimore causing water contamination and a fire that burns for six days.
September 11, 2001 – United States – Marshall, TX: Amtrak Texas Eagle Derails derailed in a collision with a Union Pacific freight train.

September 13, 2001 – United States – Wendover, Utah: Westbound California Zephyr Derails after striking a coal train, no fatalities but several injuries.
January 18, 2002 – United States – Minot, North Dakota: A Canadian Pacific Railway train derails at 01:40 CST near a residential area west of Minot. The derailment results in a massive anhydrous ammonia leak. Seven of 15 tank cars rupture, releasing more than 750,000 liters (200,000 US gallons) of anhydrous ammonia which vaporizes in the sub-zero air, forming a toxic cloud that drifts over much of Minot. One man dies and numerous others are treated for chemical exposure.
April 18, 2002 – United States – Crescent City, Florida: 21 cars of an Amtrak Auto-Train derail near Crescent City, 4 deaths and 142 injured. The National Transportation Safety Board initial accident report finds that the ECP brakes purchased for the train were not functioning. The final report determines that the accident was caused by a hot-weather "sun kink" misalignment of the track due to inadequate CSX maintenance-of-way, equipment and track damages totaled about $8.3 million.
April 23, 2002 – United States – Placentia, California: A BNSF Railway freight train collides head-on with a Metro link train in Placentia, near Atwood Junction at the intersection of Orange Thorpe Avenue and Van Buren Street. Two people die in the crash and twenty-two are seriously injured.
May 30, 2002 – United States – Hempfield Township, Pennsylvania: A freight train of mostly empty cars strikes a vehicle at a non gated crossing, killing two teenagers and injuring two others. Crossing is permanently closed after the accident.
July 29, 2002 – United States – Kensington, Maryland: Eastbound Amtrak Capitol Limited, train 30, while traversing a CSX route strikes a sun kink at 1:55 PM traveling at 60 mph (100 km/h) near milepost 11.78. Several cars go down an embankment and four Superliner cars overturn against trees. 16 people are seriously injured and 79 people suffer from minor injuries. The misalignment was determined to be caused by an improperly stamped ballast and excessive speed in the 96 °F (35 °C) sunny weather. "Slow orders" were imposed on passenger trains in the area on very hot days following this accident.
September 15 – United States – Farragut, Tennessee: A Norfolk Southern freight train derails resulting in a hazardous materials release of fuming Sulfuric acid. An evacuation of more than 2,600 nearby residents is ordered for nearly three days. Damage was estimated at just over one million Dollars.
September 27, 2002 – United States – Jamaica, New York: Three cars of a JFK Air train test derail near Federal Circle. The train's lone occupant, a train operator testing the automated equipment is crushed to death by the cement blocks inside the first car. The cement blocks were used to evenly distribute the weight inside the car simulating the weight of customers when in passenger service.
June 20, 2003 – United States – Commerce, California: A runaway Union Pacific freight train carrying lumber derails in the Los Angeles suburb destroying several homes and rupturing natural gas lines.

October 12, 2003 – United States – Chicago, Illinois: A Metra train carrying 350 passengers derails after its engineer ignores warning signals telling him to slow down for a track change and continues travelling at 73 miles per hour (117 km/h) over a 10-mile-per-hour (16 km/h) switch. Front locomotive rolls onto its side and catches fire, 45 injured. The engineer is not terminated and continues to work for Metra. This occurred in the same spot and for the same reasons as the 2005 Metra crash.

June 28, 2004 – United States – Macdona near San Antonio, Texas: 4 people die and 51 are injured when a Union Pacific Railroad train fails to stop at a signal and collides with another train causing lethal chlorine gas to leak out of a train car. The UP driver and two local residents living near the tracks die. Several other residents and many visiting an area SeaWorld theme park are injured seriously by the gas.

November 11, 2004 – United States – San Antonio, Texas: A Union Pacific Railroad train derails off the tracks in an industrial district, killing one man working in a warehouse office and injuring others.

November 29, 2004 – United States – Richland, Florida: Two CSX freight trains collide in early morning fog at Vitis Junction, killing one and injuring three.

January 6, 2005 – United States – Graniteville, South Carolina: 9 people (including the engineer) die and 250+ are injured when a 42-car Norfolk Southern freight train collided head-on with a parked local train near the Avondale Mills plant in Graniteville. 16 cars derail in the accident, including a tank car that ruptures releasing 90 tons of chlorine gas into the air leading to 9 deaths and 250+ injuries. The NTSB determined that the cause of the accident was the failure of the local crew members to reline the switch for mainline operations.

January 26, 2005 – United States – Glendale, California: In a planned suicide attempt in which the suspect changes his mind, a southbound Metrolink double-deck commuter train collides with the man's vehicle that he has driven onto the tracks and then abandoned.

The southbound train derails and strikes both a moving northbound Metrolink train on the adjacent track as well as a parked Union Pacific Railroad freight train on a siding. 11 people die, about 100 injured.

March 6, 2005– United States –Salt Lake City, Utah: Approximately 6,500 gallons of phosphoric, sulfuric, acetic, and hydrofluoric acids corroded the inside of a stationary railcar and began leaking, causing an orange vapor cloud. The corrosion was attributed to improper combination of the acids because of human error. A member of the general public approximately 0.25 mile away experienced respiratory irritation and was treated on the scene. Approximately 8,000 persons downwind from the release were evacuated for 5 hours, and a shelter-in-place order to 6,000 people was issued for a five-block area near the evacuation zone.

May 5, 2005 – United States – Galt, Illinois: A Union Pacific train derails and destroys the 140-foot (43 m) transcontinental mainline bridge at Elkhorn creek.

July 10, 2005-United States-Anding, Mississippi: Two Canadian National freight trains collide head on after the northbound train fails to stop at a red light, both crews die upon impact.
August 2, 2005 – United States – Raleigh, North Carolina: Two people are killed when their truck is hit by an Amtrak train. The driver bypassed safety barriers.
September 17, 2005 – United States – Chicago, Illinois: A Metra commuter train traveling into Chicago derails killing two and injuring 83.
October 15, 2005 – United States – Texarkana, Arkansas: Union Pacific train rear-ends another train derailing and puncturing a tank car containing propylene. The leak reaches an ignition source at a nearby house, causing a massive explosion and subsequent fire. A 1-mile (1.6 km) radius is evacuated and one resident is killed.
January 6, 2006 – United States – Possum Point, Virginia: a broken CSX rail causes Railway Express Train #304 to derail. NTSB finds that CSX failed to post speed restrictions and repair/replace the track in a timely fashion.
March 13, 2006 – United States – Austin, Texas: Tara Rose McAvoy (deaf) is killed by the snowplow on a 65-car Union Pacific freight train. The train sounds its horn repeatedly and attempts to apply the emergency brakes but did not stop in time. She was text-messaging her parents at the time.
April 5, 2006 – United States – Indian Orchard, Massachusetts: Patrick Deans, 18 is struck and killed by a CSX freight train. Two CSX trains were passing at the time. Patrick escapes one train and is struck by the other.
May 2006– United States –St. Paul, Minnesota: approximately 5,000 gallons of hydrochloric acid were released from a stationary rail tanker at a chemical wholesaler. The rubber liner in the tanker had become displaced, allowing the acid to corrode and rupture the bottom of the tanker. A vapor cloud drifted from the site, and approximately 150 gallons of acid traveled through a storm sewer to a nearby river. 7 injured and a 2 hour shelter-in-place order given in a 1-square mile area.
June 14, 2006 – United States – Madera, California: Two BNSF Railway freight trains collide head-on due to one of the trains running a red signal. One crew member of train that ran the red is suspected to be high on cocaine. There was a camera on board one of the locomotives involved in the collision. The video of the collision is widely available on YouTube and related sites.
July 1, 2006 – United States – Abington, Pennsylvania: Two passenger trains collided on a single track, injuring three dozen.
October 20, 2006 – United States – New Brighton, Pennsylvania: A Norfolk Southern unit train of DOT-111 tank cars containing ethanol derails on a bridge over the Beaver River. The resulting fire burns for days and forces evacuations.
November 9, 2006 – United States – Baxter, California: Six cars of a runaway maintenance train derail killing two of the crew.
November 30, 2006 – United States – North Baltimore, Ohio: 15 cars carrying steel derail when the train inadvertently switches to a side track. These cars then impact a coal train on a parallel set of tracks causing four of its cars to also derail. The PUCO blames the accident on a chain hanging from one of the rolling stock, which engaged a switch handle on the tracks, causing a shift of the rails. Three people who were in vehicles waiting for the train to pass are injured as a result of the accident.

January 15, 2007– United States –Irvine, Kentucky: Four runaway train cars rolled approximately 20 miles before colliding with two unoccupied engines. One of the four cars carried butyl acetate, a flammable solvent, which ignited on impact and resulted in an explosion. Approximately 3,000 Irvine residents were advised to shelter in place. Approximately 320 employees of nearby businesses were evacuated for 2 days.

January 16, 2007 – United States – Brooks, Kentucky: A CSX freight train derails with tank cars containing 1; 3-butadiene, cyclohexane, methyl ethyl ketone, and maleic anhydride were allowed to burn throughout the night to destroy the hazardous materials, 53 injured. Approximately 350 persons from homes, schools, and businesses within a 1-mile radius of the release site were evacuated for 2 hours. Thirty-five residents of 15 homes were prohibited from returning home for approximately 6 weeks until contaminated plastic water lines (penetrable by released chemicals) were replaced. Approximately 300 persons from outside the evacuation area but within the path of the plume were ordered to shelter in place. In addition, an 8-mile stretch of an interstate highway approximately 0.5 mile from the release site and in the path of the plume was closed for 12 hours

July 16, 2007 – United States –Lakeland, Florida: Amtrak Silver Star train derails four people in automobile die.

July 17, 2007– United States – Plant City-Florida: Amtrak Silver Star train derails one in automobile dies.

October 3, 2007 – United States – Port Wentworth, Georgia: Amtrak Silver Meteor collided into a tractor-trailer after it attempted to cross a grade crossing.

October 10, 2007 – United States – Painesville, Ohio: A CSX train Q380-09 carrying ethanol and butane derails causing an evacuation and fire that takes several days to burn out. Broken rail is suspected as the cause.

October 22, 2007 – United States – Middlebury, Vermont: Train carrying gasoline derails causing an evacuation. At least one car catches fire and several others leak gasoline into Otter Creek (Vermont).

October 29, 2007 – United States – Clara City, Minnesota: Two BNSF Railway trains derail causing a hydrochloric acid spill that prompts the evacuation of 350 people.

November 9, 2007 – United States – District of Columbia: CSX train derailment dumps 10 railcars of coal in the Anacostia River. Improperly secured hoppers roll onto an out-of-service bridge which collapses.

November 30, 2007 – United States – Chicago, Illinois: Amtrak train No. 371, strikes the last car of COFC freight train on the Norfolk Southern (ex-PRR) line near. Two people in the cab of P42DC No. 8 are injured and many passengers are injured, including three critical. The engineer was running at approximately 40 mph (64 km/h) in a 15 mph (24 km/h) zone due to confusion about the meaning of a signal.

February 5, 2008 – United States – Boswell, Indiana: Two people die and one is injured in a chain reaction accident involving six vehicles and a 50 car train at a fog-obscured rail crossing. The rural crossing has seen five other crashes, two of which were fatal, since 1984, October 10, 1984 and February 7, 1986 trains hit trucks both truck drivers and the truck's passenger in the 1984 crash died.

March 17, 2008 – United States – Marysville, Washington: A BNSF Railway train crashes into a big rig causing some of the locomotives to derail.
March 25, 2008 – United States – Canton, Massachusetts: A MBTA train crashes into a runaway box car at Canton Junction station injuring 150 people on board.
May 28, 2008 – United States – Newton, Massachusetts: Boston MBTA Green Line D Train crashes into the rear of another train on the same line between Woodland and Waban "T" stops. The driver of rear train dies, 12 others are injured.
September 12, 2008 – United States – Chatsworth, California: A northbound Metrolink double-deck commuter train runs a red light and collides head-on with a Union Pacific Railroad freight train pulled by three engines at about 60 mph. The 220-ton Metrolink engine is knocked 30 feet backwards into a 119-ton passenger car, crushing it in half. 25 people are killed and about 135 are injured in the accident.
October 14, 2008 – United States – Decatur, Alabama: A late night CSX Transportation train derails killing its conductor.
November 22, 2008 – United States – Clarendon, Texas: A BNSF freight train derails east of U.S. Highway 287.
December 15, 2008 – United States – Marysville, Washington: An Amtrak train headed southbound to Portland, Oregon, struck a Honda Accord and put the driver in critical condition.
January 7, 2009 – United States – Queens gate, Cincinnati, Ohio: A half-mile radius area is evacuated after a derailment of a CSX Transportation train.
June 19, 2009 – United States – Rockford, Illinois: A major downpour of rain causes 14 of the 114 ethanol tankers of a Canadian National freight train to leave the track and explode into flames. One person dies, several others are burned.
June 22, 2009 – United States – Northeast Washington, D.C.: On the Washington Metro, an electronic track-circuit module fails, causing a train to go undetected by the automatic train control system. A second train crashes into it, killing 9 people, the deadliest incident in the subway system's 33-year history.
July 9, 2009 – United States – Canton Township, Michigan: The Amtrak Wolverine hits the side of a car near Detroit. All five people in the vehicle die.
November 24, 2009 – United States – Houston, Texas: 116 cars of a Union Pacific Railroad train derail forcing the closure of several lanes of Alternate U.S. Highway 90 for several days.
February 12, 2010, – United States –Washington, D.C.: A train derails in the pocket track just north of Farragut North Washington Metro station when the front car leaves the tracks; one person was taken to hospital.
March 15, 2010 – United States – Houston, Texas: A metro bus collides with a light rail metro train injuring nearly 20 people.
May 13, 2010 – United States – Mebane, North Carolina: A northbound Amtrak Piedmont collides with a truck towing a low loader, 11 are injured.
September 10, 2010 – United States – Fontana, California: A conductor loses his arm when two trains collide.

September 30, 2010 United States – Two Harbors, Minnesota: Two Canadian National ore trains collides head on injuring all five crew members.
March 13, 2011 – United States – Northern California: Two cars of a ten car BART train derail, three back injuries are reported.
March 28, 2011 – United States – Newton Falls, Ohio: A CSX train with an estimated 100-cars of mixed freight (including hoppers and tank wagons), suffers a 12-car derailment. Three rail cars fall off a bridge and onto Center Street. Several of the tank cars are carrying chlorine; none are involved in the derailment. Initial reports indicate that at least one car may have leaked ammonia. Residents within 150 meters of the incident are evacuated, and most roads leading into town are closed
April 17, 2011 – United States – Red Oak, Iowa: A Burlington Northern Santa Fe Railway train hauling 130-cars of coal from Wyoming to Chicago rear-ends another train hauling maintenance equipment. The lead locomotive on the coal train derails and fire engulfs the cab. The crew of two, the conductor and engineer, on the coal train are killed. Ten cars on the maintenance train derail. The two crew members on the maintenance train are not injured. The line is heavily trafficked and is shut down for 24 hours, with trains re-routed.
June 3, 2011 – United States – Chicago's Union Station: A Burlington Northern commuter train from Aurora, Illinois and an Amtrak train heading to Carbondale, Illinois collide at Chicago's Union Station injuring at least five people. One of the trains derails.
June 24, 2011 – United States – Reno, Nevada: A semi driving on a rural stretch of U.S. Route 95 near Reno strikes one of the cars of a westbound California Zephyr Amtrak passenger train, killing at least six people.
July 11, 2011 – United States – North Berwick, Maine: An Amtrak Down-easter passenger train from Boston, Massachusetts heading to Portland, Maine is struck by a dustbin lorry at a crossing killing the driver of the lorry and setting the locomotive and one passenger car on fire.
October 7, 2011 – United States – Tiskilwa, Illinois: 26 cars of a 131-car freight train derail and explode approximately 160 kilometers (99 mi) west of Chicago. No injuries are reported; 800 people are evacuated.
October 12, 2011 – United States – Oakland, California: A southbound Amtrak San Joaquin train passes a red signal and collides with a stopped Coast Starlight train at low speed, injuring seventeen people.
January 6, 2012 – United States – Porter County, Indiana: Three CSX freight trains collide in a remote section of county resulting in a fire. Two injuries are reported.
January 17, 2012 – United States – Montana: A BNSF freight train collides with a tractor trailer in northeast Montana, causing ten rail cars to derail, including four locomotives and blocking the traffic on the rail line.
February 1, 2012 – United States – Leoni Township, Michigan: Amtrak Wolverine train from Pontiac, Michigan to Chicago, carrying 71 passengers and 5 crew strikes a stalled tractor trailer, 6 injured.

June 24, 2012 – United States – Goodwell, Oklahoma: Three crew members are killed when two Union Pacific trains slammed into each other 480 kilometers northwest of Oklahoma City. The crash triggered a diesel-fueled fireball welding the locomotives together.
July 4, 2012 – United States – Glenview, Illinois: A Union Pacific coal train heading to Wisconsin derails, collapsing an overpass on Shermer Road a day later, a couple, having been crushed by the falling coal and cars, are found dead in their car buried beneath the rubble.
July 11, 2012 – United States – Columbus, Ohio: A Norfolk Southern train with 2 locomotives and 98 cars derails near the Ohio State Fairgrounds. The resulting explosion of 76,000 liters (17,000 imperial gallons) of ethanol causes a mile-wide evacuation, injuring 2.
July 21, 2012 – United States – Barton County, MO: A Kansas City Southern freight train collides with a BNSF coal train & derails, injuring two railway workers.
August 21, 2012 – United States – Ellicott City, Maryland: Two women celebrating the night before their return to university on a railway bridge die shortly after midnight when a CSX coal train derails on the bridge in downtown, burying the women under coal.
October 1, 2012 – United States –Hanford, California: Amtrak Train 712, travelling from Oakland, CA to Bakersfield, CA, is hit by a lorry carrying cotton at a gated level crossing. Three of the train's five cars as well as the trailing GE P42DC locomotive, #94, derailed. No deaths, 50 injuries.
October 29, 2012 – United States – West Point, Kentucky: Thirteen cars of a 57-car Paducah & Louisville (P&L) freight train derail. A tank car loaded with butadiene leaked and later caught fire while workers were repairing the track. No deaths, 5 injured. On October 31, the train derailment exploded evacuations to be ordered in a 2 kilometer radius and an 8 kilometer radius to stay indoors. 3 were seriously burned in the explosion.
November 15, 2012 – United States – Midland, Texas: four people die and 16 others are injured when a Union Pacific train strikes a parade float headed to an event honoring wounded veterans.
November 30, 2012 – United States – Paulsboro, New Jersey: One of three daily trains that cross an old style swing bridge derails resulting in one car leaking vinyl chloride into the air. More than 40 people were treated for breathing problems in the immediate area. The bridge buckled after having been rebuilt in 2010 after a similar 2009 crash.
December 17, 2012 – United States – Everett, Washington: A BNSF intermodal train from Chicago derails when a landslide strikes it, this event is captured on video.
April 26, 2013 – United States –Pittsburgh, Pennsylvania: At a rural Buffalo & Pittsburgh Railroad crossing an Allegheny Valley Railroad freight train carrying asphalt (with 2 locomotives, 29 cars traveling at the 25 mph limit) strikes a Transit Authority bus carrying impaired seniors and younger adults at the Maple Street intersection, 1 death, and 11 injured.
May 17, 2013 – United States – Fairfield, Connecticut: Sixty people are injured (five critically) and rail traffic from New York to Boston is shut down after a Metro-North commuter train derails and plows into a second train.

May 25, 2013 – United States – Scott City, Missouri: Seven people are injured when two freight trains collide early in the morning at a rail intersection in southeast Missouri causing a highway overpass to collapse. The accident occurs when a Union Pacific train T-bones a Burlington Northern Santa Fe train. One of the trains derails sending rail cars smashing into an overpass support pillar. Five of the injured are in automobiles and two are on the train.
May 28, 2013 – United States – Rosedale, Maryland: A freight train derails just outside Baltimore after colliding with a garbage truck. Fifteen cars from the CSX train Q409 derail and two catch fire. An explosion damages nearby buildings. Only the truck driver is injured. Those within a 20-block radius of the crash site are asked to evacuate
August 5, 2013 – United States – Lawtell, Louisiana: More than 20 cars of Union Pacific train derail, 100 evacuated.
September 16, 2013 – United States – Seville, Illinois: A freight train derails when a bridge over the Spoon River collapses under it.
September 19, 2013 – United States – Southampton County, Virginia: A CSX train derails injuring two engineers and starting a fire.
September 30, 2013 – United States – Forest Park, Illinois: An out-of-service Chicago Transit Authority train crashes head-on into a stopped train, injures 33 people.
October 11 2013 – United States – Randolph County, West Virginia: A truck carrying logs collides with a Durbin and Greenbrier Valley Railroad Train carrying 63 people. The driver of the truck dies and 23 on the train are injured, six of them seriously.
October 24, 2013 – United States – Sanford, Florida: One person dies when four freight cars loaded with gravel derail at the Sun Rail station on State Road 46.
November 8, 2013 – United States– Pickens County, Alabama: A 90-car freight train carrying crude oil from the Bakken shale patch in North Dakota to a refinery in Walnut Hill, Florida, derails and explodes, the flames shot upward 300 feet high, was left to burn themselves out, burning 24 hours. Montreal Maine & Atlantic blamed on a train engineer for not braking sufficiently on an incline.
November 30, 2013 – United States – Silver City, New Mexico: Train derails resulting in the death of Three, was on a 6% slope when it experiences braking failure, traveled out of control for miles before locomotive eventually leaves the track on a curve and slides into an arroyo (creek). Eight cars heavily loaded with magnetite continue on the track a short distance before stopping. The female ride-along passenger was not an employee.
December 1, 2013 – United States – New York City, New York: A Metro-North Railroad passenger train from Poughkeepsie to Grand Central Station derails just outside Spuyten Duyvil station in the Bronx. 4 dead and 63 injured. The train's black box data recorded train traveling at 82 mph (132 km/h), well above the 30 mph (48 km/h) speed limit.
December 5, 2013 – United States – Two Harbors, Minnesota: A runaway Canadian National ore train rear-ends an ore train. Two crew members jumped clear and two crew members were hospitalized when they stayed in a trailing locomotive.

December 30, 2013 – United States – Casselton, North Dakota: Several grain cars from a westbound train derail and strike an eastbound train carrying crude oil on an adjoining tract. Several crude oil cars explode resulting in large clouds of black smoke which forced an evacuation of the area.
January 7, 2014 –United States – Chicago, Illinois: A CTA Yellow Line passenger train derails in the Rogers Park neighborhood.
January 13, 2014 – United States – Kent, Washington: A BNSF train derails after a landslide. The landslide also disrupted Amtrak and Sound Transit passenger rail service.
January 17, 2014 –United States – Williston, North Dakota: A BNSF train hauling fruits, vegetables and empty intermodal cars derails. The derailment also disrupted Amtrak passenger rail service between Minot, North Dakota and Havre, Montana.
January 17, 2014 –United States – Dunnellon, Florida: A CSX train carrying coal derails twelve cars of the 100-car train derailed in a rural area.
January 19, 2014 – United States – Caledonia, Wisconsin: A Union Pacific train carrying coal derails 19 of the 135-cars. The cause is believed to be cracked rails.
January 20, 2014 – United States – Philadelphia, Pennsylvania: A CSX train carrying crude oil derails 7 cars of 101-cars on a bridge over the Schuylkill Expressway causing the road to be shut down for brief periods of time as emergency crews drained the tankers.
January 22, 2014 – United States – St. Louis, Missouri: A BNSF train transporting 18 empty intermodal rail cars derails inside the Lindenwood.
January 23, 2014 – United States – Ross, North Dakota: A BNSF train carrying corn derails 11 cars disrupting transportation of crude oil from the Bakken oil formation to ports in Montana.
January 25, 2014 – United States – Morrow, Louisiana: A Union Pacific freight train derails.
January 27, 2014 –United States – Pollard Flat, California: A Union Pacific train carrying scrap paper derails. The derailment caused disruption to Amtrak Passenger rail service, resulting in riders being transported via buses between Oregon and California.
January 28, 2014 –United States – Mundelein, Illinois: A CN train carrying plastic pellets derails resulting in disruptions of service over two days for several passenger and freight services as trains needed to be rerouted.
January 28, 2014 –United States – McDavid, Florida: A CSX train carrying phosphoric acid derails, 23 of the 69 cars derailed, resulting in the destruction of the tracks and bridge over Fletcher Creek and chemicals leaking into the water.
January 30, 2014 – United States – Jewell Ridge, Virginia: A NS train transporting 179 empty coal cars derailed.
January 31, 2014 – United States – New Augusta, Mississippi: A CN train carrying crude oil, methane and liquid fertilizer derails, 18 to 24 cars of the 85-car train derailed and began leaking. 12 families evacuated and four lanes of U.S. 98 closed.
May 10, 2014 - United States - La Salle, Colorado: A train derails and spills 6,500 US gallons (25,000 l; 5,400 imp gal) of oil.

Department of transportation (DOT) expects 15 mainline derailments in 2015
http://www.argusmedia.com/News/Article?id=917541
Without the new rules, DOT agency the Pipeline and Hazardous Materials Safety Administration (PHMSA) expects about 15 mainline derailments to occur in 2015, falling to about five per year by 2034. The US could also experience over the next 20 years an additional 10 safety events of higher consequence, with **nine having environmental damages and injury and fatality costs exceeding $1.15 billion each, the DOT predicts. One future accident over the next 20 years would cost over $5.75 billion.**

Promise of Safer Transportation Already Broken
Applicant postulates new "safer" railcars, slower speeds and regulations will answers any safety problems. The Federal Surface Transportation Board has failed in its fiduciary responsibilities to all U.S. commerce and the Nation. The Federal Surface Transportation Board equates what ever big rail wants must be good for the smooth and efficient movements of goods throughout the U.S. The Federal Surface Transportation Board has single handedly cost the economy billions of dollars in lost commerce and the competitive edge once enjoyed by the U.S. FSTB has not required TRUE train controls, rail right of ways capable of carrying heavy high speed freight, fail/run or fail/safe safety protocols. Instead they have acted only in the best SHORT TERM INTEREST of the railroads which has milked the rail system dry for short term profits. Neglecting maintenance let alone any improvements that could have made goods move faster, safer, using less trucks and with less pollution. When History looks back on the final collapse of the American Economy the Federal Surface Transportation Board's lack of integrity will be among the top four causes.
This is the transportation system The Federal Surface Transportation Board has built, is so very proud of and continues to insure us as safe.
This is not a slow-motion video, Note home right next to track
http://www.youtube.com/watch?v=ZZnVDc3_1kM
Can you image a rapid transit system were the operator had to stop the train, get out, through a switch, a switch that has No safety indictors rail is locked in and will stay lock in? How long do you think that commute would be?
Wind River Canyon Derailment, Call for Help!
https://www.youtube.com/watch?v=wiREoxHbzkQ
Head-on 2012 Goodwill Oklahoma
https://www.youtube.com/watch?v=4t67iF9FgYI
Head-on
https://www.youtube.com/watch?v=9LpCIiwarOk
Unstoppable Locomotive
https://www.youtube.com/watch?v=HM4WrlFm0d4
Smoking Train
https://www.youtube.com/watch?v=RHsp0Q6ISBo
Tracks from Hell
https://www.youtube.com/watch?v=skfalqhzpkU

Now that is "The American Way" in Action
The list of FSTB failures just goes on and on and on and on and….. Department of Transportation is proposing "dropping" speeds down to 40MPH when they can not even keep them on the track at 10MPH. Updating railcars and rails over 20 year to railcars and control systems that have already been shown to be ineffective. DOT's lack of integrity will put its' name right next to FSTB name in the history books. At least they are suggestion to put tens of thousands of American back to work updating the rail system. I am sure the railroads will protest loudly about having to put so many **Americans back to work**. Phrases like" The economy can't afford sending money on infrastructure!" will be echoing off Congress's walls. They do seem to come up with the millions and billions to clean up after a disaster.

Tests Showed Rail Defect 2 Months Before W.Va. Oil Train Derailed
Two separate tests in the two months prior to a fiery oil train derailment in West Virginia earlier this year showed the presence of a rail defect, according to a report on the incident. But neither the railroad nor the contractor who did the tests followed up on the results in December 2014 and January 2015, and the rail broke under a 107-car CSX train loaded with Bakken crude oil. The Feb. 16 derailment near Mount Carbon, W.Va., led to explosions, fires and the evacuation of 1,100 nearby residents.
Tests showed rail defect 2 months before W.Va. oil train derailed
http://www.mcclatchydc.com/news/nation-world/national/article38322489.html

Track Less than a Year Old Fails Underweight of Crude Oil Railcars
The cause of the accident in North Vandergrift was identified as a failure in the rails -- not aging or poorly maintained tracks, but a relatively new section laid less than a year earlier. The February 2014 crash fits into an alarming pattern across North America that helps explain the significant rise of derailments involving oil-hauling trains over the last three years, even as railroads are investing billions of dollars in improving the safety of their networks. A review of 31 crashes that have occurred on oil trains since 2013 puts track failure at the heart of the growing safety problem. Track problems were blamed in 59 percent of the crashes, more than double the overall rate for freight train accidents, according to a Los Angeles Times analysis of accident reports. Investigators and rail safety experts are looking at how the weight and movements of oil trains may be causing higher than expected track failures. http://www.sunherald.com/news/business/article38890980.html

Outdated Rail Construction Main Cause of Derailment
The ability of ballast to allow track realignment is a serious weakness. Railcar safety specifications are of no use if the rails they ride on are unsafe. The efficiency of track foundation material gradually decreases due to insufficient lateral confinement, ballast fouling, and loss of shear strength of soil due to local liquefaction and clay pumping. High lateral movement of ballast may occur due to wheel loads. The lateral movement caused by passing trains on curved track or rail misalignment increases maintenance costs due to the crushing of ballast caused by axle weight and additional damage by weather and water.

Ballast damage leads to tracks "pumping" as a train passes and, eventually, rail or sleeper damage, higher vibration damage to cargo and additional wear on rolling stock. Apart from regular repacking or "tamping", ballast has to be cleaned or replaced every few years. Ballast fouling materials can be dust from surroundings, slurried (pumped) formation soil (soft clays and silts liquefied under saturated conditions) and coal from freight trains, and ballast degradation (fine particles then migrating downwards). **While the track may look good to the naked eye; ballast fouling reduces its ability to resist shear loads resulting in train derailment.** Fixed track formations using slab track or a concrete base of some sort do not suffer from such problems. T**he installation of slab track is reported to cost about 20% more than ballasted track. To balance this cost, the maintenance costs have been quoted as reduced by 3 to 5 times that of ballasted track on high speed lines in Japan**. When major shippers of goods were asked which is better shipping by rail or truck the overwhelming response was: if you do not care how long it takes or in what shape your merchandise will be in, ship by rail. The economic engine for next 150 years is the Pacific Rim. With no reliable way to transport goods across the nation the pressure is on for merchandisers to move west. This is a question of National Security as well as economics Over 85 percent of the cost for any new projects is paychecks to hard working Americans. Why would any patriotic American not want to spend the money to put America back to work building a clean and efficient new future?

Study of Ballast Fouling in Railway Track Formations
http://www.researchgate.net/publication/257809306_Study_of_Ballast_Fouling_in_Railway_Track_Formations
The Railway Track
https://www.scribd.com/doc/13044209/4/Ballasted-vs-Non-Ballasted-Slab-Track
Why Build Slab Track?
http://www.britpave.org.uk/RailWhyBuild.ink
SLAB TRACK FOR THE NEXT 100YEARS
https://www.arema.org/files/library/2000_Conference_Proceedings/00047.pdf
Railway Technical Web Pages
http://www.railway-technical.com/track.shtml

1973 Roseville Ammunition Train Explosions Could Happen in Benicia

This train was on its way to Concord Naval Weapons Station and would have passed right through Benicia on the very same track Valero wants to use today. While the CNWS is decommissioned the The Military Terminal Concord (MOTCO) is still receiving ammunition over the very same rails.

Petroleum Industry is Delusional; It's More than Just Trains

In response to calls for stronger regulation of crude oil by rail The Petroleum Industry on behalf of culpable stockholders has acknowledged that ALL CRUDE OIL IS AS DANGEROUS OR EVEN MORE DANGEROUS THAN BAKKEN CRUDE. They conjecture it is not that Bakken crude is any more dangerous than other crudes but the railroads have been negligent in their handling of it.

Just like the tobacco industry and BP they have been hiding the facts from the public, putting employees and the public in danger; ignoring basic safety protocols for nothing more than stockholder's greed. Here is just a very few of the accidents within the Petroleum Industry not caused by the railroad's negligence.

The American Fuel & Petrochemical Manufacturers (AFPM) release report ALL CRUDE OIL IS AS DANGEROUS OR EVEN MORE DANGEROUS THAN BAKKEN CRUDE
http://www.afpm.org/news-release.aspx?id=4230
Charles Drevna, president of AFPMA says all crude is basically the same.
http://www.businessweek.com/articles/2014-05-16/bakken-crude-is-volatile-but-train-operators-have-made-mistakes-too

Hydrocarbon Tank Failures Common
June 5th 2006 Mississippi USA
Dec 11th 2005. Burchfield oils storage, Hertfordshire
Sep 3rd 2005 Louisiana USA
Oct 25th 2004 Belgium
June 4th 2003 Brisbane, Australia
July 20th 2002 Nigeria
May 2002 Poland
August 21st 2001 five tanks go up Kansas USA
July 17th 2001 Delaware USA
2000 Ohio USA
1999 Michigan USA
USEPA 1990 to 2000 312 tank farm accidents USA
1997 Iowa USA
Oct 16th 1995 Pennsylvania USA
Aug 10th 1990. Three river Texas 30 are burned as small crude oil tank goes up USA
Dec 21st 1985 Naples, Italy
Losses due to earthquake
1964 Alaska; 1960 Chile; 1960 two in Japan: 1964 Niigata; 2003 Tokachi 1980 rupture of one 100000 bbl crude oil storage tank did extensive damage to four block area, damage 8.5 million.
Oil refinery ablaze after devastating Japan earthquake **...** Mar 11, 2011 Japan after earthquake
Russia Attacked? Largest **Oil Refinery** In Europe on **Fire** In...
Oil refinery fire - YouTube Lithuania 2006
Fire shuts down major Chevron **oil refinery** in northern Ca **...** Aug 6, 2012
Fire breaks out after explosion at Okla. **oil refinery** - U.S. News Aug 2, 2012
German **oil refinery fire** and explosion - YouTube Jan 10, 2014
Huge **Oil Refinery** in Venezuela Explodes, **Fire** Rages **...** Aug 29, 2012
One Critically Burned in Explosion and **Fire** at **Oil Refinery** in **...** Dec 11, 2013
4 workers injured in Kansas **oil refinery fire** | News OK Jul 29, 2014

Oil refinery is on **fire** in Lisichansk : UNIAN news Jul 18, 2014
Venezuelan **oil refinery fire** spreads to third tank - video **...** Aug 28 2012
Ghana **oil refinery fire** explosion kills one - Yahoo News
4 Workers Injured In SE Kansas **Oil Refinery Fire** Jul 29, 2014
BP **Oil Refinery Fire**, Birch Bay, WA, 2012 - YouTube
Fire at Shell **oil refinery** on Pulau Bukom Singapore - YouTube Sep 28, 2011
Video: Lightning sparks massive **fire** at **refinery** in **...** - YouTube Aug 12, 2013
Lightning strike sparks **fire** at Venezuela **oil refinery** - BBC Sep 20, 2012
http://www.businessweek.com/articles/2014-03-13/25-years-of-oil-spills
http://sanfrancisco.cbslocal.com/2015/02/11/shell-says-oil-leak-in-bay-near-martinez-refinery-was-result-of-tests-on-the-line/

Applicant Acknowledges Evaporative Losses of Highly Detonable Hydrocarbons into the Atmosphere from Existing Tanks and Railcars

Applicant acknowledges evaporative losses of hydrocarbons into the atmosphere from existing tanks DEIR; section 2.2.1, a vapor that is routinely ignited by lightning strikes worldwide and a major source of tank farm fires. In the EIR for the construction of refinery did applicant reveal this fact? Did applicant misrepresent the potential danger of explosions? How did applicant characterize the danger? As air pollution? Did applicant inform the City of the dangers of *Hydrogen sulfide (formula H2S)?* A colorless gas with the characteristic foul odor of rotten eggs; it is heavier than air, very poisonous, corrosive, flammable, and explosive? Did or will applicant claim trade secret laws allow them to withhold information vital to the safety and protection of citizens? Did applicant give this information to City officials as long as it was kept confidential? Should EIR be redone if applicant knowingly put persons in danger by not informing the City of dangers? Were schools noticed of dangers? Provide any and all correspondence between applicant and the city of Benicia before approval of refinery.

Sighting and Construction Concerns; Applicant Acknowledges Liquefaction and Settling Will Occur During an Earthquake

Valero Benicia refinery was built in 1968 on very poorly compacted marsh mud and sand which is highly susceptible to liquefaction, flooding and settling. Many earthquake faults are nearby with an estimated 98.51% probability of a 5.0 quake, 74.37% probability of a 6.6 quake, and an 8.3 quake predicted as max in next 50 years. Many existing tanks are made of what is now known to be the wrong metals and used outdated welding techniques. This leaves these tanks very susceptible to major failure due to brittle metal fractures. Computer modeling and on site inspection of tanks failures have confirmed that current tank specifications and secondary containment strategies are not sufficient.
It is reasonably foreseeable that the hydrocarbon storage tank farm could experience an 8.3 earthquake; hydrodynamic loads on tanks during an earthquake will be 25 percent higher than current code specification. Floating roof top systems will collapse and sink to bottom allowing contents of tank to from a detonable air/ fuel mixture over tanks. Tanks may experience an almost instantaneous rupture alone welds and seams.

This sudden release of Potential energy around the bottom tank weld has been seen to propel entire tank shells straight up into the air, leaving the hydrocarbons behind to achieve high outward velocities overtopping secondary containment and flooding near by residents. Tanks that spit down the side have been seen to set off a chain reaction as one tank is propelled laterally into an adjacent tank. This combined with a near total loss of hydrocarbon tank foundation because of not having reinforced foundation support down to bedrock and tank strength built 25% below reasonably foreseeable loads during a earthquake will result in a minimum of 25% of tank farm contents flooding retail and commercial business, homes, a train yard full of industrial tank cars and the Delta. The project seats in a low lying area surrounded by hills on three sides. Is in a 100 year flood zone, can be negatively affected by sea level change and can experience flash flood. In as little as 2 feet of water tanks have been seen to pop loose from their foundation, oil being lighter than water it wants to float.

Fires, Explosions and an AIR/FUEL DETONATION are the Biggest Immediate Threat to Life and Property during a Hydrocarbon Spill

The hydrocarbon railcars and storage facility are very vulnerable to fire, explosions and an AIR/FUEL DETONATION due to the extremely flammable nature of the hydrocarbons inside. As devastating and toxic as the hydrocarbons are to the environment and the human body, the biggest immediate threat to human life and property are fire, explosions and an AIR/FUEL DETONATION. Within 15 minutes of a hydrocarbon spill an extremely explosive condition can result as the released hydrocarbons vaporizes and mixes with the 21% oxygen in the air. This condition is referred to by the U.S. military as an air/ fuel bomb, and is a highly effective weapon. Industry standards require hydrocarbon spills to be completely foamed in 15 minutes to prevent this catastrophic explosion from happening. Each rail car must be stored and unloaded in its own blast bunker, similar to how Concord Naval Weapons Station loaded rail cars of expositive materials. All vapors from all scores must be collected and not released into the environment where it might be detonated. If you have a vapor release point into the environment you have a 21% oxygen introduction point into the system.
This condition of 21% oxygen being pulled under floating roof systems and through vents has been the cause of many tank explosions. This is so common floating roofs are built with a weak seam weld that will rupture to relieve pressure and hopefully stop total tank destruction. All tanks, lines, pumps and equipment has to be able to withstand extreme temperatures, total loss of foundation stability do to liquidation, magnitude 8.3 earthquake (built 25% stronger than current code) and complete flooding of the facility (10 feet or more) from storm runoff and tidal action. Nitrogen replacement of atmosphere into tanks, pipes, double halls and rail car as hydrocarbons are removed. This will significantly lessen but not stop the chance of an air/fuel condition forming of 21 % oxygen and hydrocarbon vapor. Each rail car needs to have its own automated foaming system in case of derailment. Automotive air bag technology and computer controls could easy be redesign for this use. Firefighter’s response would be to a manageable helping of victims, spill containment and cleanup.

Secondary Barrier Must Contain Shock Wave and Extreme Heat
Secondary barrier must contain shock wave and extreme heat not just hydrocarbons as the applicant and others would have you believe. In this video you can see a relatively small amount of fuel is first dispersed into the air creating an air/ fuel mixture, then detonated with the result of total destruction of 2-story structure from the shock wave and the release of a massive fireball. This is a 2000 pound bomb, roughly equal to 20 barrels of crude oil vaporized into an air/fuel mixture then detonated.
2000lb air/ fuel bomb=to 20 Barrels Crude Oil http://www.youtube.com/watch?v=fP1l2sl-U_0
BBC news: "Fuel-air weapons exploit the devastating effects of detonating volatile vapor in air. The explosion caused by igniting a fuel air mixture produces a fireball and a rapidly-expanding blast wave many times greater than that from conventional explosives. The effects are similar to those from a small nuclear weapon, without the radiation."
BBC News. The effects are similar to those from a small nuclear weapon, without the radiation
http://news.bbc.co.uk/hi/english/static/in_depth/world/2001/fuel_air/default.stm
This is not a game but the lives of men, women and children Valero is playing with.
Not a Game http://www.youtube.com/watch?v=Ttl9FDxtnm8
These games use the same physics engines that scientist use to model real live events. If a spill is not foamed within the industry standard of 15 minutes an air/ fuel detention can occur. Once an air/fuel cloud has formed the only thing firefighters can do (decides gather up children around them and run for their lives) is to pray the wind blows it away before it is detonated.

State of the Art Monitoring
Water build up in tanks can rust out tank causing weld failures or lead to a very dangerous and uncontrollable condition known as a boil over during firefighting of tank fire. Water in tanks can lead to micro organisms in the oil producing hydrogen sulfide. *Hydrogen sulfide (formula H2S)* is a colorless gas with the characteristic foul odor of rotten eggs; it is heavier than air, very poisonous, corrosive, flammable, and explosive. *Hydrogen sulfide* is released from hydrocarbon storage facilities. Tank bottoms must be monitored constantly for any deformation that could collect water at bottom of tank. Tank foundation monitored for any ground subsidence that might compromise the integrity of the tanks. Tanks monitored for excessive pressures, vacuum, temperatures and over fill. *Hydrogen sulfide* monitors need to be installed at near by homes, parks and schools.

Mutual Aide Too little too Late
In the response letter to WesPac crude oil facility in Pittsburg Ca the Contra Costa Fire Department acknowledge they do not have the manpower and equipment to put out hydrocarbon fires, mutual response would be too little too late. CCFD is part of the mutual aide that this report says Benicia can rely on for help, an agency on record saying they and the surrounding fire agencies do not have the ability to react in time. It is simply ludicrous to believe hometown fire departments are capable of handling industrial emergencies. Emergency response personnel to the Richmond refinery fire and Lac Mégantic, Québec Canada train derailment even through well trained made the disasters worse.

In Quebec firefighters shut down the smoking locomotive that was parked uphill from the town but did not realize the train had been deliberately kept running by the railroad. Firefighters inadvertently deactivated the train's air-brake system by doing so. Firefighters did not know air pressure to brakes would bleed down without engine running, to lock down the train's manual brakes, block the tracks or pull up rail down hill of train so train would be stopped if it started to move. Ten minutes after the firefighters left the train unattended the first bleve explosion (but not a worst case scenario of an air/fuel detonation) where heard as the train derailed. Is the city of Benicia prepared to pay out some 400 million dollars in settlements simply because of firefighter negligence? In accepting the responsibility to respond to such disasters Benicia will have to accept the responsibility for mistakes as well. It makes sense to do what many other cities require applicants to do, supply man, equipment and trains its own firefighters and response crew? Mistakes made by the company would be at the company's expense, **NOT THE TAXPAYERS OF BENICIA**. Has the city of Benicia informed its insurance carriers of a 400 million dollar + liability it may incur if this faculty is built? BNSF is trying to buy off local fire departments with free training and equipment. Training that consists of putting out small butane fires, a barrel of oil spilled or simulation very small storage tank fire. The equipment, water and foam are already on site, on a big open field and ready to go. One rail car can hold from 287 to 611 barrels of oil or 15800 to 33600 gallons. Will firefighter be given a hands-on demonstration on how to fight/survive an air/fuel detonation of just 20 barrels of crude? Will they vaporize into the air 20 barrels of crude oil then detonate it so firefighters (standing .5 miles away) can see and feel what they might face? Will they get an after earthquake demonstration: Buildings and overpasses down, fires, gas line ruptures, roads congested and blocked. Emergency calls from citizens, schools, churches, commercial, retail and industrial sites, health care facilities **AND NOW THE CALL FOR HELP FROM REFINERY; FULLY INVOLVED RAILCARS AND STORAGE TANK FIRE, COME PUT IT OUT?** What is the priority list of what will be responded to first? Who will be abandoned in the middle of rescue so firefighter can fight the hydrocarbon fire if left unattended too could destroy Benicia? If the fire department doses not respond to refinery will the City be hit with a negligence lawsuit from Valero calming fire department was under staffed, under trained and under equipped and city should pay for damages? (How ironic, they could point to the many statements made in response to their DIER of this fact. "It was reasonably foreseeable that city could not respond to a disaster yet you still approved our project. Pay up"). Does the City of Benicia have any comprehensive fire fighting plans other than mutual add? Will they be trained on treating men women and children who are severely burned? Survivors with concussion, blindness, ruptured eardrums, seared lungs, flying debree injuries, multiple internal hemorrhages, and internal organ displaced and rupture? Will there be specially built bomb shelters through out the City fully equipped to help victims? How much of the $5 billion BNSF says they will spend on upgrades, training and equipment will Benicia get? At 7/10/2014 Planning Commission meeting City and company fire chiefs talked proudly of their theoretical knowledge of crude oil fire fighting but said nothing about actually fighting a large tank or derailment fire.

CCC Fire Protection District
http://www.mediafire.com/view/6ytzyt6jlp9m62l/CCCFPD.pdf
Iowa emergency responders say they don't have enough supplies to fight a fire from even one tank car, much less a unit train carrying 35 cars of extra-flammable crude. Winneshiek County Emergency Manager's advice to communities facing a **Derailment "Make sure your tennis shoes are on and start running,"** http://thegazette.com/subject/news/few-iowa-emergency-responders-ready-for-crude-oil-train-derailment-20140629#sthash.74kFwT5F.dpuf
The deal with other local oil facilities like Chevron, Suncor and Shell is **the facility will fight its own fire, while the department protects the surrounding community.**
http://www.burnabynow.com/news/burnaby-fire-department-wants-kinder-morgan-to-fight-its-own-fires-1.1200135#sthash.ICi40K0I.dpuf
Aurora has nine fire engines and 195 firefighters, including a 27-member hazardous-materials team. Chief Jim Lehman "We could do all the training in the world and have all the equipment in the world, but if one of those (trains) comes off the rails and creates an issue in a very densely populated area, our exposure would be very significant**". "**
Our ability to deal with an incident of that magnitude would be very taxing".
http://articles.chicagotribune.com/2014-05-25/news/ct-railroad-tankers-foam-met-20140525_1_foam-aid-box-alarm-system-fire-chief

Benicia's Obligation to Respond to Incidents at Valero
The City is obligated to keep the following firefighting equipment and man power ready in the event of incidents at refinery. There is no other reason for listing these resources in DEIR; section 206. Failure of city to maintain response force will be viewed as negligence, any damages to Valero thus incurred are at Benicia's expense. Are all the listed items currently in inventory, in working condition and enough man power to operate all of it? Unfortunately modern fire frighten analyses has shown Benicia needs at least 15 to 20 times the equipment listed to be effective.

SECTION 206

Valero Fire Department
Apparatus and Equipment List

The following is a general listing of fire apparatus maintained by the Valero Fire Department:

Engine Fifteen (E-15)
1250-GPM National Foam Engine
1000-gallons ATC Foam
Remote Operated 1250-GPM monitor
Three hose beds
Bed 1: 600-ft. of 5" Large Diameter Hose
Bed 2: 500-ft. of 2 1/2" hose, gated wye and 2- 100 ft. 1 ¾" attack lines
Bed 3: 500-ft. of 2 1/2" hose, gated wye and 2- 100 ft. 1 ¾" attack lines
Two 200', 1 ¾" crosslays (water only)
8 MSA 4500 Firehawk SCBA's
Stored at Station Fifteen.

Engine Sixteen (E-16)
2000-GPM E-1 Foam Engine
1000-gallons ATC Foam
2000-GPM Monitor
Four hose beds
Bed 1: 300-ft of 3" supply hose.
Bed 2: 450-ft, of 5' Large Diameter Hose
Bed 3: 450-ft, of 5' Large Diameter Hose
Bed 4: 300-ft of 3' hose, gated wye and 2- 100 ft. 1 ¾" attack lines.
Two 200', 1 ¾" crosslays (foam available).
5 MSA 4500 FireHawk SCBA's
Stored at Station Sixteen.

Truck Sixteen (Aerial) (T-16)
2,000 GPM E-One Foam Aerial
90' Ladder with 1,500 GPM nozzle
700-gallons 3X3 Foam
800' of 5" Large Diameter Hose
Two 200', 1 ¾" crosslays
4 MSA 4500 Firehawk SCBA's
Stored at Station Sixteen

Brush Fifteen (B-15)
Ford F-550 Diesel 4x4 Type 3 Wildland Rig
300-gallons of water
20-gallons of ATC foam
120-GPM pump
2 MSA 4500 Firehawk SCBA's
Portable Hale pump 60 GPM, 2 cycle motor
Stored at Station Sixteen

Brush Two Fifteen (B-215)
Ford F-550 Diesel 4x4 Type 3 Wildland Rig
300-gallons of water
20-gallons of ATC foam
120-GPM pump
2 MSA 4500 Firehawk SCBA's
Portable Hale pump 60 GPM, 2 cycle motor
Stored at Station Sixteen

5" Hose Trailer No. 2
4800-ft. of 5" large diameter hose
2 portable hydrants w/adapters
Licensed for use outside the refinery
Stored at Fire Training Grounds

3" Hose Trailer
1200-ft. of 3' hose
Licensed for use inside the refinery only
Stored at the fire training grounds

EADC Trailer (Met-L-Kyl Trailer)
500# of Aluminum Alkyl- Extinguishing agent
Stored at Station Sixteen

Six Gun Foam Monitor
2000- 6000 GPM adjustable flow Monitor
Stored at Station Sixteen

Hired Gun Foam Monitor
2000-GPM Monitor
Stored at Station Sixteen

750 GPM Foam Monitors
(8) Portable wheeled monitors w/eductor nozzles and jet booster hardware
(4) 50-foot lengths of 3" hose
(4) 50-foot Lengths of 1 ¾" hose.
Stored at Station Sixteen

Firefly 500 GPM Monitors
(5) Portable wheeled water monitors
(2) 50-ft. lengths of 1 ¾" hose
Stored at Station Sixteen

Foam Barrel Trailers
(6) 55-gal 2-barrel AFFF foam trailers
Self-educting nozzle for monitor conversion
Stored at Station Sixteen

Foam Totes
(~37) 305-gal foam totes
Stored at Station Sixteen

NOTE: Inspection/Inventory lists for all portable hand held and wheeled fire extinguishers, and all SCBA's are maintained in the office of the Fire Chief.

Brush Seventeen (B-17)
Ford F-550 Diesel 4x4 Type 3 Wildland Rig
300-gallons of water
20-gallons of ATC foam
120-GPM pump
2 MSA 4500 Firehawk SCBA's
Portable Hale pump 60 GPM, 2 cycle motor
Stored at Station Sixteen

Foam Tender (FT-16)
Peterbuilt Diesel Tank Truck (Converted)
4000-gallons of ATC Foam
150-GPM diesel positive displacement transfer pump
2 biscuit fold-up tanks, 1500-gallon capacity
Stored at Station Sixteen

Rescue Squad (R-15)
Large inventory of medical, confined space rescue, and high angle rescue equipment
Stored at Station Fifteen

Flatbed Cattle Truck (U-315)
Ford F-550 Crew cab Flatbed truck
Stored at Station Fifteen

Big Sucker and Kenworth Diesel Truck (PP-16)
5000-GPM trailer mounted pump
6000-watt generator
Stored at Station Sixteen

Portable Pump Two Sixteen (PP-216)
6000-GPM Trailer Mounted Pump
Stored at Fire Maintenance Shop

HazMat Trailer (HM-15)
Suits and support Equipment all levels of HazMat response
Stored at Station Fifteen

SCBA Trailer
60 (approximately) MSA 4500 air bottles
9 MSA 4500 SCBA's
Stored at Station Sixteen

Foam Trailer No. 1
1000-gallons of ATC foam
60 GPM positive displacement transfer pump
Stored at the fire training grounds

Foam Trailer No. 2
1000-gallons ATC
Stored at the fire training grounds

5" Hose Trailer No. 1 ***(currently being assembled)***
3200 ft. of 5" large diameter hose
2 portable hydrants w/adapters
Licensed for use outside the refinery
Stored at Station Sixteen

Special Assessment Proposition 218

Under Proposition 218 Benicia can form a Commercial/Indusial firefighting district for all businesses needing foam firefighting equipment or pass an ordinance firefighters' respond to such fires only to protect nearby retail and residential properties.

Nitrogen Replacement of Atmosphere
It is common practice to introduce 21% oxygen (atmosphere) into tanks, ships and rail cars as hydrocarbons are removed. If 21% oxygen is not allowed in holding tank it would be crushed by the powerful vacuum that is applied too them as the pumps try to remove hydrocarbons. This is not an uncommon event as work crews forget to open inlet valves or pumps are run at too high of a speed. 21% oxygen mixes with the vapors inside storage containers making an air/fuel mixture that is detonable. In this video of a crude oil tanker ship fire you can see the result as fire finally reaches the air/fuel mixture in a mostly empty holding tank. A 20 ton hatch is blown clear across the harbor and badly damages two other ships. If this ship was equipped with a Nitrogen Replacement System designed to be able to flood ship as needed and holding tanks as hydrocarbons are removed, the original fire could have been put out with the push of just one button and the air/fuel detonation would not have accrued. Ironically if the storage tanks had been completely filled with crude oil an air/fuel detonation could not have happen. NOTE THE LARGE NUMBERS OF FIREFIGHTERS
Oil Tanker Explosion
http://www.youtube.com/watch?v=BFq9RoF4eok
Wikipedia inert gas system
http://en.wikipedia.org/wiki/Inert_gas
Inert gas systems on ships
Two inert gas systems, flue gas system or kerosene inert gas generators have been proposed. The problem with both is they produce an extensive amount of air pollution, need extensive maintenance to work properly and need ships engine operational.

Damage Caused By Oil Spill More Than Just Cleanup
July 6, 2013 Lac-Mégantic train disaster much of the 69,000 cubic meters of soil contaminated in the impact zone is beyond use in its current state. Preliminary tests revealed higher than accepted levels of benzene, metals including copper, arsenic and lead. Two other low-lying downtown areas were also deeply contaminated. Oil had seeped into the soil underneath a restaurant near the marina, and an ice cream store close to the river. Both buildings had to be demolished. The damage to some buildings still goes unseen, but could prove just as devastating as explosions and flames. If enough oil seeps into the foundation of a building, it becomes too dangerous to inhabit. Over time, it will release toxic vapors, such as benzene, or methane, an explosive gas.

Drinking Water Supply for .5 Million Customers of Contra Costa Water District
In a response letter to WesPac hydrocarbon facility in Pittsburg, Ca CCWD stated because of tidal action an oil spill at the Pittsburgh facility could work its way miles upstream jeopardizing the State's, Federal and CCWD water supply. The Valero project is just down river from WesPac site.

Protection of Delta's Scenic, Wildlife, Recreational Habitats and Antioch Dunes National Wildlife Refuge

Project is very near to Grizzly Island Wildlife Area, Pine Lake, Puddy Lake, Sulphur Springs Creek, Turn bull Park, Benicia Point, Lake Herman, Roe island, Ryer Island, Carquinez Strait Regional Shoreline, Martinez Regional shoreline, Benicia State Recreation Area, Point Edith Wildlife Area, Joice Island State Game Refuge, Pittsburg point, Browns Island Regional Shoreline, Riverview Park, Dow Wetland land Persevere, Sherman Island Waterfowl Management Area and Antioch Dunes National Wildlife Refuge. All have endangered plants and animals. All sites will be adversely affected by a hydrocarbon spill. Their scenic, wildlife habitat and recreational value destroyed. All could be permanently lost just buy one minor hydrocarbon spill. These areas will need permanent hydrocarbon barriers install and maintained, tons of hydrocarbon dispersant, miles of movable containment booms, dozens of hydrocarbon skimmers on site and manned 24 hr a day. What studies did applicant do to verify the presents of endangered plants and animals?

Urban Water Management Plan

Urban Water Management Plans (UWMP) is prepared by California's urban water suppliers to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 or more connections is required to assess the reliability of its water sources over a 20-year planning horizon considering normal, dry, and multiple dry years. This assessment is to be included in its UWMP, which are to be prepared every 5 years and submitted to the Department of Water Resources. DWR then reviews the submitted plans to make sure they have completed the requirements identified in the Urban Water Management Planning (UWMP) Act (Division 6 Part 2.6 of the Water Code §10610 - 10656). With the major shortage of water how is Benicia going to supply fire fighting water in an emergency? What other communities are requiring is for applicant to impound firefighting water on premises. This water will be available even after an earthquake has taken out local water supplies. State regulation requires new projects within California to certify a 20 year supply of water. Where is applicant's certification?

Onsite Safety Equipment to Protect Life and Property

Research studies have confirmed the current staffing and equipment requirement should be raised 6 to 10 time current standards. It is reasonably foreseeable that in place safety equipment and trained personnel will be needed: backup power supply capable of running the entire facility even if facility is completely under water. Self contained foaming rings around each tank top, foaming into double wall constructed tanks, a secondary blast containment structure around each hydrocarbon tank and railcars equipped with self contained foaming rings and capable of stopping any lateral blast of complete storage tank assembly or railcar into another storage tank, railcar or the community. A third outer containment barrier with yet another self contained foaming ring and automated water/foam monitors manned by a dedicated 24 hour firefighting crew.

In addition to the 24 hour firefighting grew, 24 hour skimmer and spilled hydrocarbon recover crew, the facility needs to maintain a minimum 5 man operation crew 24 hours a day. The facility must be equipped with state of the art computer controls, sensors and redundant back up pumps, pipes and tanks. There must be enough redundant pumps, pipes and tanks to transfer the entire hydrocarbon storage if needed in an emergency. Limits placed on maximum pressures/vacuum and velocities of hydrocarbon transfers. High volume, pressure, vacuum and mixing of different hydrocarbons have set off hydrocarbon explosions within tanks and pipes due to static electricity build up. Blast shelters and walls need to be built at near by schools, churches and community accessible places. Blast shelters equipped to handle multiple severely burned and injured patients. School personnel and community members trained on how to treat severely burned children and adults. It is reasonably foreseeable Firefighters response will not be in time to prevent multiple blocks of Benicia burning to the ground in the event of fire if the aforementioned safeties are not in place.

Valero Acknowledges Security Routinely Breached; Analyses, Terrorist/Employee Sabotage Needed

Because of heightened concerns of intentional releases due to terrorism or sabotage by employees, **The California Accidental Release Prevention Program** gives local regulators the authority to require such studies. It also requires considering mechanical, earthquakes, flooding, lightning and weather related events. Applicant has already acknowledged security at the refinery is routinely breached by UPRR trains entering and exiting facility to get to other industrial areas and vice versa. (Page 12 Draft Transportation impact Analysis). Officials with BNSF, the nation's largest shipper of crude by rail, claimed in testimony that detailed disclosure would put it at odds with the Homeland Security Department, based on security and terrorism concerns. Bay Area deputies will join a delegation of West Coast law enforcement executives for the weeklong terrorism prevention and training program taught by top Israeli National Police and Israel Defense Forces commanders. Answer the following **Environmental Justice** questions. How much money does Homeland Security spends on protecting the lives of people who can afford an airplane ticket at SFO air port? How much money within Benicia to protect the lives of Benicia residents living near terrorist targets?

Need for 24 Hour Protection against Terrorist Attack

The extreme flammability, easy access to facility by already existing public access, rail cars full of flammable and toxic materials, military ammunition trains movement through area, possibly with nuclear warheads (neither confirmed nor denied by the U.S.) makes this project reasonably foreseeable as an ideal target for terrorist attack. Hydrocarbon and rail facilities are routinely targeted for terrorist attack worldwide. This project will have NO defense against such attacks.

Bay Area Sheriff Prepare for Terrorist Attacks

http://claycord.com/2013/10/06/bay-area-sheriffs-officials-taking-part-in-anti-terrorism-training-in-israel/

Need For $5.75 billion Californian Certificate of Financial Responsibility
There are several federal laws governing compensation in case an oil spill including Title 33 (Navigation and Navigable Waters), 40 (Protection of Environment), and 46 (Shipping) of the Code of Federal Regulations (CFR), and the Oil Pollution Act (OPA) of 1990, which includes a $1 billion Oil Spill Liability Trust Fund. In addition, the state of California has a program requiring parties who handle petroleum products to file a Certificate of Financial Responsibility with the State establishing the party's financial wherewithal to respond to and cleanup a worst case spill. In the July 6, 2013 Lac-Mégantic train disaster operators only had 50 million in insurance and are filing bankruptcy to get out from under clean up cost. With cost in the July 6, 2013 Lac-Mégantic train disaster approaching $500 million it is reasonable foreseeable a clean up bill in Benicia could be as or even more costly. As bad as the July 6, 2013 Lac-Mégantic train disaster was it was mostly the hydrocarbons burning, not an air/fuel detonation. Where is Certificate of Financial Responsibility? Who is the underwriter? What is their ability to pay or are they a corporation shell that will declare bankruptcy when presented with the bill? **Department of transportation (DOT) expects 15 mainline derailments in 2015.** http://www.argusmedia.com/News/Article?id=917541 Without the new rules the Pipeline and Hazardous Materials Safety Administration (PHMSA part of DOT) expects about 15 mainline derailments to occur in 2015, falling to about five per year by 2034. The US could also experience over the next 20 years an additional 10 safety events of higher consequence, with **nine having environmental damages and injury and fatality costs exceeding $1.15bn each, the DOT predicts. One future accident over the next 20 years would cost over $5.75bn.**

Cumulative Impact
It is reasonably foreseeable project will lead to higher PM10 and PM2.5 concentrations, air pollution, greenhouse gases, explosions, an air/fuel detonation, exposure to carcinogenic compounds and poisonous chemicals, higher illness and asthma rates and deaths within Benicia. Higher illness rates among students and family members have been shown to be a major detriment to student learning. This project will have no significant impact on reducing air pollution. It is reasonably foreseeable Project may become a target for terrorist attack. Experience a tank failure within the next 50 years due to earthquake alone. This does not include other causes of failure such as poor design and containment strategies, lightning strike, metal cracking or rusting, water in tanks, flooding, wrong construction materials used, poor welds, lack of inspection and repair, subsidence, high winds, terrorists, boil over, broken pipes, floating roof collapse, operator or human error is very likely. It is reasonably foreseeable a nearby facility failure could easily cause major tank and railcar facility failures. These include but are not limited to underground pipelines, near by industries and storage of flammable materials. The barbeques in the backyards of some of the homes are close enough to set off tank fumes. It is reasonably foreseeable a fire anywhere around the site could quickly spread. Everything within 1 mile could be destroyed, a major electrical blackout of the area, major rail line and freeways destroyed, major release of toxins, local industry unable to receive or ship supplies, millions of barrels of crude oil in the Delta and bay with substantial loss of life. Remember San Bruno?

Less Discriminatory Alternatives

1: Build a pipeline out to sea so that ships can unload outside of the bay, less air pollution, less ship traffic and less chance of invasive species contaminating the bay and delta. No rail export of raw or partially refined crude. The existing pipeline from refineries to the Central Valley used to transport products to and from a rail faculty away from residential housing. Here is a link to a map of The Golf Mexico showing some of the **25,000 miles of pipeline in the Golf.**
http://stateofthecoast.noaa.gov/energy/gulfenergy.html

2: Move refinery and this time do not allow greedy landowners to build residential and retail around it. Phase out fuel production and start making trillions of dollars manufacturing space age materials to replace wood products for construction.

3: Remove all existing development and create a 1 mile deep green zone around refinery and rail right of ways. China has moved over 1.3 million citizens to fill Three Gorges Reservoir and are moving them yet again because of unforeseen environmental consequences.

Letting them drown would have been just too obvious. It's not like the Petroleum Industry where you can just poison them slowly, shorten their lifespan and reduce their quality of life all in the name of shareholders.

4: Build a fleet of electric ships to meet incoming ship at the point in the bay oil tankers are already 'lightening" their load onto other ships before being able to enter the shallow upper bay. Ships could receive transfers from train facilities at Sacramento and Stockton Ports.

5: Have the State of California use it's States' Constitutional Tenth Amendment Regulatory Authority over Commerce rights. Require crude oil handlers to supply Firefighter trains (FFT) equipped with enough water, foam, men and equipment to foam any release of hydrocarbons within industry stand of 15 minutes and able to apply foam continuously for 1.5 hours. Trains to meet incoming crude oil (and other hazardous shipments) and follow that train to its destination. Trains required for other hazardous shipments within the state as well. This does not create an unfair advantage for California commerce over out of state commerce and is within the states right to enact without federal intervention or permission. All the equipment already exists it is just a matter of loading it up on flat cares, water tank cars and crew cars, a few weeks at most. Finding and training firefighter will be the biggest problem, but look at all the skilled, full time jobs you will be creating. Have applicant supply on site enough equipment with water, foam and men to foam any release of hydrocarbons within industry standard of 15 minutes and able to fight any fire for two days.

Environmentally Superior, Less Discriminatory Project Alternative revised Oct 2015

We should accept the battle over preserving the "natural" environment of the S.F. Delta and the Bay" has failed, it is long gone. This does not mean we have to accept continued destruction, the inevitable silting in and housing developments to come. There is nothing about the Delta and the Bay's interconnected ecosystems that can in all honesty be termed natural. They are now nothing more than a toxic EPA sanctioned cesspools. And the very few acres that you may be able to argue as being natural are soon to be "destroyed" by sea level rise, whether or not global warming is caused by man.

Hansen still argues 5m 21st C sea level rise possible http://www.resilience.org/stories/2012-01-03/hansen-still-argues-5m-21st-c-sea-level-rise-possible Short sighted decision makers (that includes the public) allowed an infinitely more valuable fishing, wildlife and recreational hebetate, one that was one of the world's most productive fishing hebetate to be turn into a cesspool so farmers could make a few cents growing turnips and landowners could make billions off of uncontrolled growth. If decision makers had insight into the future they would of realized their was much more money to made by protecting the fishing, wildlife and recreation resources of Bay and Delta and used other land resources for drought tolerant crops and future controlled development. We need to focuses our gaze on the certain demise of the Farallon Islands ecosystem that is now well under way. The Farallon Islands ecosystem is the third interconnected environment of the Delta and Bay. It is dependent on nutrients delivered by spring floods washing down through the Delta, Bay and out to the Farallon Island. So the questions are: How do we restore the flow of nutrients to the Farallon Islands? How do we restore the S.F. Bay and Delta to a near as possible pristine fishing, wildlife and recreation environment (of any kind) leaving behind we must have what once was? How do we prevent sea level rise from destroy all that we do. And **most importantly how do we put America back to work in an eco friendly way?** The California State Legislature finds and declares "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." To this end and in this spirit I offer the following comments. We can start to put America back to work, address EJ issues and clean up the environment starting here, now, with this project and not stopping until it goes nationwide. Remove all existing development and create a 1 mile deep green zone around refineries, industry and rail right of ways. Support displaced residents by building new, clean, beautiful communities and educating them how to build this for themselves. Build electric cars, trucks, ships and a modern electric railroad with the capacity to safely deliver high speed heavy freight nationwide. Build a pipeline out to sea so that ships can unload outside of the bay. Build a fleet of electric ships to Transfer goods from SF and Oakland Ports to Sacramento and Stockton Ports. Having all goods moving into or out of the Bay Area using these facilities will reduce both rail and truck traffic pollution. With refineries phased out of fuel production they can turn their greedy gaze on the trillions of dollars to made producing new building materials to replace wood products (would not want the petroleum industry to do anything on moral or just grounds).

A tidal dam built under the golden gate could:

1. Control the salinity of bay by controlling how much sea water enters bay.
2. During potential flooding the gates can be closed at low tide, blocking high tide waters and leavening room for flood waters to accumulate. Central California can see a flood scenario of biblical proportion (ARkStorm). U.S. Geological Survey (USGS) has predicted that such a storm could hit Central California, a storm not seen in modern times but no less likely to hit us.

USGS Overview of the ARkStorm Scenario http://pubs.usgs.gov/of/2010/1312

3. A freshwater reservoir created behind the dam.
4. With a freshwater reservoir established federal and California water projects could draw their water from the South Bay allowing all water to flow through the delta and upper Bay first.
5. Shipping locks to allow passage.

6. Waters backed up on the bay side to max levels then at low tide gates opened at bottom of dam to allow sediments to be flushed out to Farallon Island. A series of tidal dams may be needed to flush out the upper Delta and Bay of sediments. Possible locations San Pablo strait, Carquinez Bridge, Antioch Bridge, Reo Vista and Bay Bridges. Each using the same process to flush silt out, and built to accommodate mass transit.
7. Gates and ladders to best allow aquatic live to move.
8. Provide power, there are many new technologies for producing power from tide surge that do not rely on shredding up every living thing in the ocean with high speed turbines. One that comes to mind is a design with a long very slow moving arm that is push back and forth by tidal forces acting on a rudder.
9. Investigate constructing an oxygenated cold water conduit running from tidal dam to the upper reaches of the delta and possible beyond, this conduit to be used by migratory fish.

You can see an example of a totally man made environment along highway 37 in Ca, built upon the mud flats laid down by placer mining in the Sierra. Dragged, leveled and diked by heavy equipment, populated by both "native" and "non native" species of plants and animals. Environmentalists like to call this man made ecosystem a restoration. How do we pay for this? First let's not forget about the good will of taxpayers that are already supporting industry in a big way. Make sure support goes to cleaning the environment, creating jobs, correcting environmental injustices of the pass. Support corporations that believe they have a moral obligation to act in the best interest of The UNITED STATES. Corporations that recognize they have a legal responsibility to look after the long term interest of their stockholders, not short term gains at the expense of long term profits and sustainability. Taxpayers have shown the willingness to bring in the future only to be disappointed again and again by poor leadership and special interests unduly capitalizing on such dreams; high speed rail?, Really? How many problems are you going to solve with that? At least name it what it is, Special Interest Rail. Secondly fill the thousands of miles of green zones with solar cells, allowing the removal of high power lines, power plants and windmills. Answer these **futures of mankind** questions. How many hundreds of thousands of job would this create nationwide?
How many billions of tons of pollution would this reduce (assuming all new construction and equipment are state of the art)? How many tens of thousands of lives saved due to less health problems associated with pollution? How many gigawatts of electricity produced? We can already surmise the improvement in quality of live. How many billions of dollars would be pumped back into the economy? How many decades of full employment would the American Economy enjoy? Please compare this to current project proposals.

Some will say the economy can't support spending trillions of dollars on the environment. The majority of which is money in paychecks to hard working Americans. What these "economist" are really saying is the Economy can't afford to put Americans back to work. Is this not what a good economy is: Americans working? Losing control of Power and exploiting the American workers are their only real concerns.

Reckless Disregard for Human Life

Reckless disregard for human life defined: Wikipedia: Definition of terms, criminal law recognizes recklessness as one of the mens rea elements to establish liability. It shows less culpability than intention, but more culpability than criminal negligence. The test of any mens rea element is always based on an assessment of whether the accused had foresight of the prohibited consequences and desired to cause those consequences to occur. The three types of test are: Subjective where the court attempts to establish what the accused was actually thinking at the time the actus reus was caused; Objective where the court imputes mens rea elements on the basis that a reasonable person with the same general knowledge and abilities as the accused would have had those elements, although R v Gemmell and Richards deprecated this in the UK; or hybrid, i.e. the test is both subjective and objective. The most culpable mens rea elements will have both foresight and desire on a subjective basis. Recklessness usually arises when an accused is actually aware of the potentially adverse consequences to the planned actions, but has gone ahead anyway, exposing a particular individual or unknown victim to the risk of suffering the foreseen harm but not actually desiring that the victim be hurt. The accused is a social danger because they gamble with the safety of others, and the fact they might have acted to try to avoid the injury from occurring is relevant only to mitigate the sentence. Note that gross criminal negligence represents such a serious failure to foresee that in any other person, it would have been recklessness. Hence, the alternative phrase "willful blindness" acknowledges the link representing either that the accused deliberately engineered a situation in which they were ignorant of material facts, or that the failure to foresee represented such a danger to others that it must be treated as though it was reckless. Criminal systems of the civil law tradition distinguish between intention in the broad sense (dolus directus and dolus eventualis), and negligence. Negligence does not carry criminal responsibility unless a particular crime provides for its punishment. WiseGEEK: Reckless “disregard is a somewhat redundant legal term that is used in many courts to discuss the intent of a person who is charged with a crime. Intent or mens rea generally has to be established in order for a criminal case to be successfully prosecuted, and one of the ways to establish this is to propose that a person was reckless. They can also have done something purposefully, negligently or knowingly. Each description means slightly different things — when someone acts with reckless disregard, they commit an act they know is probably illegal and that could harm people, but they don’t have an actual intent to harm a person or people.” How many train derailments, tank farm fires, deaths before a person can be held accountable for their continued action as **recklessness** under the law? Is it the first, second, tenth, hundredth, thousandth person to die by their pursuing invariably the same object evinces? What standard do you hold professionals or experts in their field? With modern communication world wide is it acceptable for cooperation board members, stockholders, professionals, government and elected officials to claim they have no knowledge of any problems, injuries or deaths from crude oil shipments? Is it **recklessness** for a corporation to hide behind trade secrets laws when it is reasonably foreseeable people will die not having the information they are withholding? Is it **recklessness** when a researcher reasonable foreseeable knows sound levels are high enough to do damage to children’s hearing but does not acknowledge it because other sound sources nearby are damaging their hearing as well?

Is it **recklessness** for professionals hired by the city to withhold information on alternatives, regulations and laws that may be available to elected officials when such information could reasonably foreseeable lead to a safer environment? Is it **recklessness** for a researcher to claim more delays in emergency help are acceptable because current practices already cause delays in emergency response? Is it **recklessness** for Fire Chefs to say they can handle crude oil fire when it is reasonably foreseeable they do not have the men, the equipment, training or the ability to arrive in time to stop major loss of life and property? Is it **recklessness** for an elected official to act in a way where it is reasonably foreseeable their action will endanger life and property? Is it **recklessness**s for decision makers to ignore reasonably foreseeable dangers, condemning a small part of the population to live under absolute despotism so others can profit off of it? "We hold these truths to be self-evident, that all men are created equal, that they are endowed by **their Creator** with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness." Is it **recklessness** for mere mortal men to unilaterally dismiss evinces rights given to humanity by their creator and the bases for the legal form of government we now "enjoy" today? At what point do the above action constitutes **"Willful blindness"** or **"criminal negligence"** under the law? Has the Board members of Valero informed its' stock holders, employees, associate, advisors and their employees, local, state and federal agencies and their employees they may be though their actions of "**Recklessness", "Willful blindness", "criminal negligence**" may be faced with civil and criminal charges of infringing on Constitutional rights of Citizens soly for the propose of cooperate greed? Would Valero's board members be guilty of conspiring to defraud stock holders by not giving such a notice? Our founding fathers clearly states these right are from "their Creator". Laws that permit others to pollute the creators land, air and water are denial of religious freedoms and Constitutional rights. **These rights use to be recognized by our government and Constitution, why not now?**

The American Corporation

It was the Constitutional intent of the Founding Fathers that cooperation only be chartered by Congress, with limited rights, only for the public good, constructing publics' works and then dissolved when project was completed. After all we just declared our independence from Britain and cooperation tyranny.

Tracking the real history of corporate rights in the American constitution

http://www.slate.com/articles/news_and_politics/jurisprudence/2014/03/hobby_lobby_and_corporate_personhood_here_s_the_real_history_of_corporate.html **By Naomi Lamoreaux and William Novak**

Dissenting in the case Liggett v. Lee in 1933, Justice Louis Brandeis famously expressed frustration with some popular constitutional misconceptions surrounding the nature of corporations and their historic rights. In a well-documented and characteristically fact-laden opinion, Brandeis chastised his contemporaries for acting "as if the privilege of doing business in corporate form were inherent in the citizen." Such a deferential view, he argued, understated the power of a democracy to hold corporations accountable and encouraged public apathy toward corporate abuses as an "inescapable price of civilized life ... to be borne with resignation."

Brandeis protested otherwise: “Throughout the greater part of our history a different view prevailed.” And indeed it did. But you’d be hard-pressed to know that, given the summary renderings of the corporate past on display in the Supreme Court’s famous 2010 decision Citizens United v. FEC, in which both the dissent and a concurrence relied on a limited set of historical sources to support opposing visions of the history of corporations. This week, the court will revisit and perhaps remake the history of corporate rights in America when it hears arguments in the widely watched case Sebelius v. Hobby Lobby Stores Inc. Hobby Lobby, a for-profit business corporation, has argued for a further break with the constitutional past in order to escape its current legal obligations under the Affordable Care Act. The chain of craft stores argues that corporations are entitled to the same religious freedom protections as people. With so much at stake in the current debate over corporate rights, we should not be surprised to find enterprising advocates rewriting history to create a useable past. But we should demand more rigorous thinking from the court. The court itself, and especially Justices Antonin Scalia and Clarence Thomas, have been telling us for decades that American history deserves significant difference. So it seems reasonable that before altering the balance of power between corporations and the American people, the court should carefully consider recent scholarship in history. Contrary to present efforts to depict corporations as simple and natural entities—like persons—entitled to constitutional rights, a different view prevailed for most of American history. Until the mid-20th century, the corporation was seen as a special and artificial creature of the government. It has never been seen as entitled to the same array of rights guaranteed to citizens. This view was held not only by lay people and legislators but by the justices of the court itself. Chief Justice John Marshall did not equivocate in Dartmouth College v. Woodward in 1819: “A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it.” In 1839, Chief Justice Roger Taney agreed wholeheartedly in Bank of Augusta v. Earle: “A corporation can have no legal existence out of the boundaries of the sovereignty by which it is created. It exists only in contemplation of law and by force of the law. ... It is indeed a mere artificial being.” These two powerful architects of original Supreme Court authority insisted upon this artificial status in order to hold early American corporations particularly accountable to the state and to the public at large. Most of America’s first corporations—bridge companies, water companies, transportation companies, banks, and insurance companies—were viewed as essentially public service corporations or public franchises. In addition to grants of property and public financing, the state usually accorded such entities special privileges like monopoly power, the power of eminent domain, or toll-taking authority. In return for those benefits, the government insisted on the special public obligations of corporations. Not only were corporations not exempted in any way from generally applicable regulatory laws, but they were routinely held to higher standards of public service, public accountability, social responsibility, and public trust. Even after the proliferation of general incorporation laws and even after most state constitutions prohibited legislatures from granting privileges to particular corporations, states continued to treat corporations as artificial entities with special obligations to the states that created them.

As late as 1911, just before the ratification of the 16th Amendment legitimated the personal income tax, the court in Flint v. Stone Tracy Co. upheld the corporate income tax on the grounds that it was properly an excise tax on the privilege of doing business as a corporation. From internal governance to broader disclosure rules, corporations are subject to more oversight than are individual citizens. And for most of American history, nothing in a corporation's legal status was construed to protect it from generally operable police power statutes passed by the legislature in the interest of the public's health, safety, comfort, and welfare. Through most of our history, when the Supreme Court did discuss the constitutional rights of corporations, it only reinforced these principles of artificial status and public obligation. Despite a certain gauzy mythology of corporate rights that has grown up around the 1886 case Santa Clara v. Southern Pacific Railroad, the court carefully parsed the different clauses of the 14th Amendment, granting corporations equal-protection and due-process rights when necessary to protect the property interests of the human persons who constituted their shareholders but denying corporations the privileges and immunities of citizens or due-process protections for life and liberty. In 1906 in Hale v. Henkel, for example, it denied a corporation Fifth Amendment protections against self-incrimination on the grounds that governments had to be able to monitor the artificial entities they created. Until the last quarter of the 20th century the few exceptions involved media companies defining the freedom of the press (Grosjean v. American Press Co., 1936) and nonprofit voluntary associations defending the civil rights of African-Americans (NAACP v. Button, 1963). The court's move toward extending liberty rights to corporations is even more recent. In 1978, the court held in First National Bank of Boston v. Bellotti that citizens had the right to hear corporate political speech, effectively granting corporations First Amendment speech rights to spend money to influence the political process. But even then, the decision was contentious. Chief Justice William H. Rehnquist, in dissent, reminded the court of its own history: Though it had determined in Santa Clara that corporations had 14th Amendment property protections, it soon after ruled that the liberty of the due-process clause was "the liberty of natural, not artificial persons." And just as Rehnquist pointed to the lack of historical basis for according liberty rights to corporations in 1978, Scalia also conceded the "recency" of First Amendment jurisprudence generally in his concurring opinion in Citizens United, noting that "we did not invalidate a state law on First Amendment grounds until 1931 ... and a federal law until 1965." Corporate First Amendment rights would not come until even later. Justices from both ends of the political spectrum, from Brandeis to Rehnquist, were clear on the historic limitations on corporate rights and equally clear on the reasons those rights needed to be limited. Before further experimenting with the radical expansion of corporate constitutional rights as contemplated in Hobby Lobby, we urge the court to reconsider the well-established American tradition of controlling corporations and extending rights only sparingly. There is a reason America and our Supreme Court jurists have long struggled to hold corporations especially accountable to our democracy. Those reasons are as compelling today as ever. Naomi Lamoreaux is Stanley B. Resor Professor of Economics and History and chairwoman of the history department at Yale University, and recently co-wrote an amicus brief to the Supreme Court in Sebelius v. Hobby Lobby Stores Inc. William Novak is the Charles F. and Edith J. Clyne Professor of Law at the University of Michigan Law School and recently co-wrote an amicus brief to the Supreme Court in Sebelius v. Hobby Lobby Stores Inc.

Our Hidden History of Corporations in the United States
http://reclaimdemocracy.org/corporate-accountability-history-corporations-us/
When American colonists declared independence from England in 1776, they also freed themselves from control by English corporations that extracted their wealth and dominated trade. After fighting a revolution to end this exploitation, our country's founders retained a healthy fear of corporate power and wisely limited corporations exclusively to a business role. Corporations were forbidden from attempting to influence elections, public policy, and other realms of civic society. Initially, the privilege of incorporation was granted selectively to enable activities that benefited the public, such as construction of roads or canals. Enabling shareholders to profit was seen as a means to that end.
The states also imposed conditions (some of which remain on the books, though unused) like these*: Corporate charters (licenses to exist) were granted for a limited time and could be revoked promptly for violating laws. Corporations could engage only in activities necessary to fulfill their chartered purpose. Corporations could not own stock in other corporations nor own any property that was not essential to fulfilling their chartered purpose. Corporations were often terminated if they exceeded their authority or causes public harm. Owners and managers were responsible for criminal acts committed on the job. Corporations could not make any political or charitable contributions nor spend money to influence law-making. For 100 years after the American Revolution, legislators maintained tight control of the corporate chartering process. Because of widespread public opposition, early legislators granted very few corporate charters, and only after debate. Citizens governed corporations by detailing operating conditions not just in charters but also in state constitutions and state laws. Incorporated businesses were prohibited from taking any action that legislators did not specifically allow. States also limited corporate charters to a set number of years. Unless a legislature renewed an expiring charter, the corporation was dissolved and its assets were divided among shareholders. Citizen authority clauses limited capitalization, debts, land holdings, and sometimes, even profits. They required a company's accounting books to be turned over to a legislature upon request. The power of large shareholders was limited by scaled voting, so that large and small investors had equal voting rights. Interlocking directorates were outlawed. Shareholders had the right to remove directors at will. In Europe, charters protected directors and stockholders from liability for debts and harms caused by their corporations. American legislators explicitly rejected this corporate shield. The penalty for abuse or misuse of the charter was not a plea bargain and a fine, but dissolution of the corporation. In 1819 the U.S. Supreme Court tried to strip states of this sovereign right by overruling a lower court's decision that allowed New Hampshire to revoke a charter granted to Dartmouth College by King George III. The Court claimed that since the charter contained no revocation clause, it could not be withdrawn. The Supreme Court's attack on state sovereignty outraged citizens. Laws were written or rewritten and new state constitutional amendments passed to circumvent the (Dartmouth College v Woodward) ruling. Over several decades starting in 1844, nineteen states amended their constitutions to make corporate charters subject to alteration or revocation by their legislatures. As late as 1855 it seemed that the Supreme Court had gotten the people's message when in Dodge v. Woolsey it reaffirmed state's powers over "artificial bodies." But the men running corporations pressed on.

Contests over charter were battles to control labor, resources, community rights, and political sovereignty. More and more frequently, corporations were abusing their charters to become conglomerates and trusts. They converted the nation's resources and treasures into private fortunes, creating factory systems and company towns. Political power began flowing to absentee owners, rather than community-rooted enterprises. The industrial age forced a nation of farmers to become wage earners, and they became fearful of unemployment–a new fear that corporations quickly learned to exploit. Company towns arose and blacklists of labor organizers and workers who spoke up for their rights became common. When workers began to organize, industrialists and bankers hired private armies to keep them in line. They bought newspapers to paint businessmen as heroes and shape public opinion. Corporations bought state legislators, then announced legislators were corrupt and said that they used too much of the public's resources to scrutinize every charter application and corporate operation. Government spending during the Civil War brought these corporations fantastic wealth. Corporate executives paid "borers" to infest Congress and state capitals, bribing elected and appointed officials alike. They pried loose an avalanche of government financial largesse. During this time, legislators were persuaded to give corporations limited liability, decreased citizen authority over them, and extended durations of charters. Attempts were made to keep strong charter laws in place, but with the courts applying legal doctrines that made protection of corporations and corporate property the center of constitutional law, citizen sovereignty was undermined. As corporations grew stronger, government and the courts became easier prey. They freely reinterpreted the U.S. Constitution and transformed common law doctrines. One of the most severe blows to citizen authority arose out of the 1886 Supreme Court case of Santa Clara County v. Southern Pacific Railroad. Though the court did not make a ruling on the question of "corporate personhood," thanks to misleading notes of a clerk, the decision subsequently was used as precedent to hold that a corporation was a "natural person." This story was detailed in "The Theft of Human Rights," a chapter in Thom Hartmann's recommended book Unequal Protection. From that point on, the 14th Amendment, enacted to protect rights of freed slaves, was used routinely to grant corporations constitutional "personhood." Justices have since struck down hundreds of local, state and federal laws enacted to protect people from corporate harm based on this illegitimate premise. Armed with these "rights," corporations increased control over resources, jobs, commerce, politicians, even judges and the law. A United States Congressional committee concluded in 1941, "The principal instrument of the concentration of economic power and wealth has been the corporate charter with unlimited power…." Many U.S.-based corporations are now transnational, but the corrupted charter remains the legal basis for their existence. At Reclaim Democracy! We believe citizens can reassert the convictions of our nation's founders who struggled successfully to free us from corporate rule in the past. These changes must occur at the most fundamental level — the U.S. Constitution. We are indebted to our friends at the Program on Corporations, Law and Democracy (POCLAD) for their research, adapted with permission for this article. Sources include: Taking Care of Business: Citizenship and the Charter of Incorporation by Richard L. Grossman and Frank T. Adams (published by POCLAD) was a primary source Trans for Themation of American Law, Volume I & Volume II by Morton J. Horwitz.

New York Times Motivating Corporations to Do Good JULY 15, 2014
http://www.nytimes.com/2014/07/16/business/the-do-good-corporation.html
Is it naïve to expect corporations to assist in addressing the social, economic and environmental challenges of the day? In 1929, several years before Social Security and the National Labor Relations Act cemented pensions and labor rights in law, workers at the Eastman Kodak Company already enjoyed profit-sharing, retirement bonuses and a pension plan. They had sickness benefits and accident insurance. In 1914, Henry Ford decided to raise wages to $5 a day, doubling, in one stroke, most of his workers' pay. "We were building for the future," he later explained. "A low-wage business is always insecure." Almost half a century later, Coca-Cola's chairman, William E. Robinson, argued that a corporate executive served not just stockholders, but also workers, customers and the community. "The neglect of the customers and his labor relations will seal his doom far faster than an avaricious quick-dollar stockholder or director," he said. Today, we live in a different world. Energy companies both recognize that climate change is a problem and actively lobby against efforts to combat it. The nation's half a million fast-food cooks earn, on average $9.07 an hour, which even on a full-time basis is not enough to keep a family of four out of poverty. Yet fast-food behemoths like McDonald's and Wendy's fight tooth and nail against efforts to raise wages. Coming out of World War II, corporate America enthusiastically draped itself in the American flag. As General Motors' Charles E. Wilson famously told a Senate committee in 1953, "for years I thought that what was good for our country was good for General Motors, and vice versa." G.M.'s star-spangled jingoism sits in awkward contrast to Pfizer's recent efforts — along with those of other companies — to rid itself of its status as an American corporation to avoid taxes. "Overall, there is no question that the ethos of corporate America has changed dramatically over the past 40 years," said Rick Wartzman, executive director of the Drucker Institute at Claremont Graduate University, who is writing a book about how the social contract between workers and employers has changed since World War II. The belief that business must serve multiple constituents, he argued, has given way to an imperative "to make the shareholder king." Milton Friedman, the economic thinker from the University of Chicago, argued that this was exactly as it should be. The social responsibility of business is to increase its profits, he stated in an essay published in The New York Times 44 years ago. For executives to devote resources to anything else would amount to doing charity with other people's money. Friedman's maxim arrived just in time for the era of the hostile takeover and the leveraged buyout, when corporate raiders sold themselves as saviors liberating shareholders from misguided managers who paid too little attention to the stock price. Though legally dubious, the argument that it is an executive's fiduciary duty to maximize the company's share price became a mantra from the business school to the boardroom. And it was nailed down with money. In 1993, some 20 percent of executive compensation was based on stock, according to Lynn Stout of Cornell Law School. Today, equity accounts for about 60 percent of the remuneration of executives at companies in the Standard & Poor's 500-stock index. With so much money tied up in stock options and the like, it is not surprising that executives will do almost anything to give their share price a boost regardless of what costs this might incur after their options have vested. These changes responded to economic forces. The 1970s and 1980s were an era of high inflation, high interest rates and low returns on investment.

Globalization was exposing American companies to much greater competition from abroad, putting pressure on margins and redoubling executives' attention on cost cutting and short-term profitability. George Eastman had a vested interest in maintaining a trained and motivated work force in Rochester. Steve Jobs did not have much of a factory work force to think of. Another company halfway around the world made most of Apple's devices. Is there any hope that corporate ethics might swing back to something resembling the earlier era? Corporate executives jumping on the "corporate social responsibility" bandwagon certainly want you to think so. In 2000, 44 businesses signed up to the United Nations' global standards on human rights, workers' rights, environmental stewardship and anti-corruption policies. By last year, 7,717 had signed. Companies, of course, are not charities. Their main responsibility is to remain profitable. Still, there is a case to be made that attending to workers' rights or environmental degradation might help the business in the long term. The housing bubble and subsequent financial crisis served as a stark reminder of the consequences of compensating bankers based on short-term returns regardless of whether their business would blow up a couple of years down the road. More broadly, company executives are under a new form of pressure. George Serafeim of Harvard Business School points out that the information age has brought greater transparency to corporate operations. Customers, investors and employees know more about what businesses do around the world and can exert influence to change their behavior. Some prominent businesses, like the American retailer Costco, the Danish pharmaceutical multinational Novo Nordisk or the Anglo-Dutch food conglomerate Unilever appear to take a serious stand on broader social and environmental issues. Nonetheless, it would be wise to temper expectations that corporate ethics are about to turn the corner. After all, the motivations go only so far: Notably, pressure to "do good" from investors, customers and employees is not likely to encourage much good-doing in domains that investors, customers and employees cannot readily see. Remember Enron? A report by Jean Tirole of the Toulouse School of Economics and Roland Bénabou of Princeton University notes that even as the company was quietly cooking the books, it was visibly giving money to all sorts of philanthropies. "Companies may behave better where it is most visible and not where it is less visible," Professor Bénabou told me. Corporations of an earlier era were just as motivated by self-interest. Eastman Kodak's mini-welfare state came about in part to keep unions at bay. Henry Ford wanted to encourage his workers to be more productive and hoped that many would ultimately be able to afford Model T's for themselves. But he also wanted to limit the dividend he would have to pay to the Dodge brothers, Ford shareholders who needed the money to set up a rival carmaker. Wilson's patriotic take on G.M.'s interests occurred at a confirmation hearing in which he was trying to convince senators that he could be a fine defense secretary and still keep his G.M. stock. Indeed, there is a corollary to Milton Friedman's proposition: You can trust a business that merely wants to turn a profit in a way that you cannot quite trust one that wants to change the world, too. "I don't think we would get very far in addressing large social concerns if we left them to corporations," said Margaret Blair of Vanderbilt Law School. "The ethic of shareholder values is just too strong, and our social problems are just too big." Elected governments are certainly imperfect. But to address our most intractable ills, they are the better tool; ***Writing by Eduardo Porter.***

Department of Justice/ History of Criminal Intent by Oil Industry
http://searchjustice.usdoj.gov/search?q=storage+of+crude+oil&btnG=Search&btnG.x=0&btnG.y=0&sort=date%3AD%3AL%3Ad1&output=xml_no_dtd&ie=iso-8859-1&oe=UTF-8&client=default_frontend&proxystylesheet=default_frontend&ulang=en&entqr=0&entqrm=0&ud=1&site=default_collection&ip=76.103.225.217%2C10.4.146.65%2C10.14.5.32&access=p&start=20

A Republic or a Corporatocracy
In a Republic WE, The people, The Citizens vote for persons who will make decisions on our behalf. If Congress feels it cannot live up to its fiduciary regulatory responsibilities to the nation and requires relief from such duties, agency's thus formed and empowered by the Congress to make designations on the behalf of the people, will have elected officials leading them, with the rights of the people to elect new leadership every 4 years for such bodies. Citizens will be afforded the right to due process and the right to petition such bodies with their grievances respected, if grievance is rejected by such body, petitioner have the right to forward their grievances to Congress and for Congress to give a aye or nay vote on petition in its entirely, with out modification or add on within 365 days. If Congress fails to give an aye or nay vote within 365 days, petitioner's request will become the law of the land. Wikipedia; A republic is a form of government in which power resides in the people,[1] and the government is ruled by elected leaders run according to law (from Latin: *res publica*), rather than inherited or ***appointed*** (such as through inheritance or divine mandate). What Congress and the Supreme Court has established and is practicing is a **Meritocracy**, soon to become a Corporatocracy or fascism form of government, not a republic. Under the Constitution the Supreme Court and the Congress do not enjoy the right to abandon U.S. sovereignty, due process, or its' Constitutional fiduciary regulatory powers to other agencies either foreign or domestic, which seems to be a growing trend; NAFTA and the Patriots Act. Nor dose the Supreme Court or Congress enjoy a divine mandate. **Only the citizens of the United States working under State Rights to ratify changes in Constitutional governance can give away U.S. sovereignty, relieve the Congress of its fiduciary regulatory responsibilities, Citizens of their civil rights or the right to due process.** This argument of what takes priorities; State, federal, corporation, civil or meritocracy rights reminds me of an argument that pops up on the internet from time to time. A woman wakes up late at night to use her bathroom only to fall into commode because boyfriend left it open. Whose fault is it, the man's for not putting the seat back down as he found it or the woman's for not looking first? I believe one young lady gave the definitive answer "If they wanted it to stay open they would not have put a lid on it."(Sorry guys) If the Founding Fathers wanted our nation to be about federal, corporation, civil or meritocracy rights they would have named our Nation the United Federation of America or The United Corporation of America or The United Citizens of America or the United Meritocracy of America not the UNITED STATES OF AMERICA. Our first government after the revolution was structured under The Articles of Confederation with no tax leveling abilities. The Constitution of the United States give tax leveling to the Federal government for defense of country, but still respecting State rights.

Citizen of the United States reaffirmed State rights in the 10th amendment, only allowing Federal meddling in state affairs when states passed laws that created economical advantage over other states. Delineate on Constitutional amendments that allowed a nation that had thrown off British and corporate tyranny for State rights, reinforced that belief in State rights with the 10th amendment, declared constitutional only Congress has limited authority to form corporations for the public good, gave the Supreme Court a mandate the federal Government only had rights expressly granted in writing and all other concerns are in States jurisdiction. Too a nation without any Constitutional amendments and consent of the people that now allows self interest corporate greed? How constitutionally is Valero's Non-congressional approved corporation charter legal?

Hypothetical Case Study Bighorn Medicine Wheel in Wyoming, **7000 years of Native American Law**

In Native American spirituality the Big Horn Medicine Wheel in Wyoming represents harmony and connections to the spiritual word. It is considered a major symbol of peaceful interaction among all living beings on Earth. The natives had divided up the circle into pie shape areas, aligned to astrological events (they were very intelligent) and denoted by lines of small rocks. In spiritual reverence for peaceful interaction among all living beings on Earth the circle may have been at times within a teepee for spiritual gathering and worship. Each member having equal rights and duties could use their space for worship while respecting the rights of others. Each had a uniquely different consequences to those rights based solely on the physical location of their area in relation to the opening. Those at the opening could come and go without crossing over another's area but would have to give passive consent to others crossing to get to their areas in the circle. The person directly across from opening would not need to give passive consent for no one would need to cross to be seated but would need passive consent from half seated to pass over their areas to be seated. This passive consent did not mean they had to accept someone damaging or overturning their goods. Person crossing over had to respect the rights and property of others in doing so (peaceful interaction among all living beings on Earth). Passive consent did not mean they could come and go as they chose as this may be disruptive to all. Rules of order would be adopted as to when and why such movements were acceptable, observing respect for others as they did so. They could not put up obstacle to block movement through their space then claim person crossing was not respectful of their property when overturned. Neither could they put up screens that would block line of sight and communication. Or act in a manner that was disruptive to others communication or worship. Let's take the case where a member seated on the far side from the opening suddenly got a call from nature and not wanting to leave an embarrassing unsightly stinky mess in the tent dashed out. In doing this he disrupted communication and worship, overturned goods and bruised a member. Should this person be banished from the group for his violations? It was noted by others while upsetting as it was to them it was not his intention to have to dash out the opening, he tried to show respect for the rights and property of others as best he could under the circumstances. While some of the damage could not be immediately undone; bruises and broken baskets, the action was deemed justified and in the best interest of the group.

The consequences to the group would have been much more damaging and unpleasant if he had stayed. This was the law of the land in America 7000 years before the European land grab (might makes right), common law doctrines, The Continental Congress, The Declaration of Independence, Articles of Confederation and The Constitution of The United States. Is the applicant acting in the best interest of humanity or self-interest? Should deliberately "polluting" others' water, air, food and exposing them to harm be considered peaceful interaction among all living beings on Earth? Will humanity suffer unjustified consequences if Valero's project is denied? States and places have been named after Native American words.

American Indian Place Names http://www.infoplease.com/spot/aihmnames1.html
First People http://www.firstpeople.us/glossary/States-With-Indian-Names.html
Alabama - *Thicket Clearers*, **Alaska** - *Great Land*, **Arizona** - *Silver Slabs*, **Arkansas** - *Down Stream People* **Connecticut** - *Upon The Long River*, **Dakota** - *Related People*, **Idaho** - *Sunrise, It Is Morning*
Illinois - *Men Or Great Men*, **Indiana** - *Land Of The Indians*, **Iowa** - *Drowsy People*
Kansas - *People Of The South Wind*, **Kentucky** - *Hunting Ground*, **Massachusetts** - *Great Hill*
Michigan - *Great Water*, **Minnesota** - *Sky Tinted Water*, **Mississippi** - *Father Of Water*
Missouri - *Long Canoe People*, **Nebraska** - *Flat Water*, **New Mexico** - *Aztec God Mexitili*
Ohio - *Beautiful Valley*, **Oklahoma** - *Land of the Red Man*, **Oregon** - *Beautiful Water*
Tennessee - *From Chief Tennessee*, **Texas** - *Tejas Or Allies*, **Utah Those** - *Who Dwell High Up*
Wisconsin - *Where Waters Gather*, **Wyoming** - *Great Plain*

America, You have Forgotten Yourself

America, discover your heritage, the reasons for the Declaration of Independence, the Constitution and why citizens found it necessary to amend it 27 times. Rediscover your unalienable Rights to be the finial authority of the meaning of the Constitution through State ratification of amendments to the Constitution. Are corporation lawyers and government employees' stands up in front of your elected officials belligerently dressing them down in public, informing them they have no rights except to do as they say the type of respect for your rights and property you have come to believe in? The final two entries in the history books come here. Out of all the failings of public education this has to be the most grievous, failing to educate America of its heritage, equally to blame is the American free press in failing its fiduciary responsibilities to the nation. I use the words fiduciary responsibilities even though the press is self elected it is specifically named in the first amendment, an act of faith they will uphold their conational responsibility to safe guard the Constitution of the United States from both internal and external threats.

Is There a Difference Between Speech and Press?
http://www.law.cornell.edu/anncon/search/display.html?terms=first%20amendment&url=/anncon/html/amdt1bfrag2_user.html

Conclusion
Video of a very, very small crude oil tank boil over going up, 30 burned, Texas USA March 02 2011
http://www.youtube.com/watch?v=DhVXnNvaudQ
These firefighters were well trained in fighting such fires but were not able to control it. With the aforementioned safety equipment and blast walls this fire could have been easily controlled by just one person with the push of just one button.

The concept of using innovation to solve today's problems is referred to as progress, moving forward, not living in the past or just common good since; It use to be called "The American Way", it could be called "The American Way" once again. Let's put America back to work building a clean new future using new technology. Over 85 percent of the cost for any new projects is paychecks to hard working Americans. Why would any patriotic American not want to spend the money to put America back to work building a clean and efficient new future? Some will say the economy can't support spending trillions of dollars on the environment. The majority of which is money in paychecks to hard working Americans. What these "economist" are really saying is the Economy can't afford to put Americans back to work. Is this not what a good economy is: Americans working? Losing control of Power and exploiting the American workers are their only real concerns.

Valero has no Congressional approved corporation charter thus has no standing in this proceeding; proceedings should be dismissed.

City of Benicia needs to get out of commercial and industrial fire frightening. Benicia fire department to respond to such fires only to protect nearby retail and residential properties, City to form commercial/industrial fire fighting assessment district, Proposition 218, requiring in place foaming equipment and 24 hour fire department able to foam any tanks, cars, and or structures within industry standard of 15 minutes. Equipment needs for district and manpower for district to be based on worse case scenario; major earthquake and or terrorist/employee sabotage and or ammunition train derailment/sabotage and or detonation.

Further Shipments of Crude by Rail Is Gross Criminal Negligence
Have the boards of petroleum corporations informed their stock holders, employees, associates, advisors and their employees, Accidents and releases in the petroleum industry kill and sicken tens of thousands of residents, are Common and extremely hazards and costly? By participating in the stock markets investors maybe guilty of willful blindness or criminal negligence?

References:

James Brain MacDonald
Licensed Factory Automotive Master Technician, retired
Twice elected, 5 years Trustee Pittsburg Unified School District
3 years Certified Instructor for California State's Smog Technician Training and certification program
I am not an environment. The California State Legislature finds and declares "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." I do believe in The Declaration of Independence, civil rights, god's given right every man, woman and child has the right to live in a as clean and as beautiful an environment as anyone else. Civil Rights title VI, Cal Gov. Code 11135 and Presidential Executive Order 12898 and state ratification of amendments to the Constitution of the United States. I believe in **putting America back to work** building a clean future using new technology.

Web Sites at a Glance

Constitution of the United States
http://www.archives.gov/exhibits/charters/constitution_transcript.html

U.N. Growing greenhouse gas emissions due to meat production
http://www.unep.org/pdf/unep-geas_oct_2012.pdf

BBC News Fuel-air Detonation like Small Nuclear Weapon without the Radiation
http://news.bbc.co.uk/hi/english/static/in_depth/world/2001/fuel_air/default.stm

2000lb Air/ Fuel Bomb=To 20 Barrels Crude Oil
https://www.youtube.com/watch?v=GmRASCHJe2Q
https://www.youtube.com/watch?v=5YAyRow5NvM

US House of Representatives vote to remove crude export restrictions
http://www.tankstoragemag.com/display_news/9322/us_house_of_representatives_vote_to_remove_crude_export_restrictions/

Iowa Responders not ready
http://thegazette.com/subject/news/few-iowa-emergency-responders-ready-for-crude-oil-train-derailment-20140629#sthash.74kFwT5F.dpuf

Companies to Fight Their Own Fires
http://www.burnabynow.com/news/burnaby-fire-department-wants-kinder-morgan-to-fight-its-own-fires-1.1200135#sthash.ICi40K0I.dpuf
CCC Fire Protection District
http://www.mediafire.com/view/6ytzyt6jlp9m62l/CCCFPD.pdf

Bay Area Sheriff Prepare for Terrorist Attacks
http://claycord.com/2013/10/06/bay-area-sheriffs-officials-taking-part-in-anti-terrorism-training-in-israel/

The Well-Oiled Deal: Taking Away Local Control of Refineries is a Family Matter
http://www.consumerwatchdog.org/story/well-oiled-deal-taking-away-local-control-refineries-family-matter

Rail Workers Raise Doubts
http://earthfix.opb.org/energy/article/workers-question-safety-culture-in-railroads-hauli/

Toxic gas found in crude
http://www.reuters.com/article/2013/05/29/column-kemp-bakken-pipelines-idUSL5N0EA3SU20130529

Web Sites Asthma

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http://www.kktv.com/home/headlines/81961612.html

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The production of all types of meat is the number one source of, ozone depletion, ocean dead zones, water shortages, world hunger, Amazon forest destruction and world wide pollution according to a U.N. research paper. I neither support nor deny the views of the authors in this link to U.N. study, http://www.unep.org/pdf/unep-geas_oct_2012.pdf or the documentary cowspiracy. I provide information as a public service.

Sincerely: James Brain MacDonald
274 Pebble Beach Loop
Pittsburg, Ca 94565
Jbmd56@yahoo.com

Amy Million

From: Sierra Lupoi <BianchiLupo9@gmail.com>
Sent: Tuesday, October 20, 2015 8:17 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Sierra Lupoi
400 Walnut Avenue
Walnut Creek, CA 94598
United States

Amy Million

From: Adrian Wagner <adrian.k.wagner@gmail.com>
Sent: Wednesday, October 21, 2015 8:48 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Adrian Wagner
1 Columbus Place
NY, NY 10019
US

Amy Million

From: roland d'amour <theputridexistence@gmail.com>
Sent: Wednesday, October 21, 2015 11:22 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

roland d'amour
richmond rd
ottawa, ON k2h6t7
CA

Adele Poenisch
2 Claremont Crescent
Berkeley, CA 94705
Oct 18, 2015

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Amy Million, Principal Planner
Community Development Dept.
City of Benicia
250 East L Street
Benicia, CA 94510

Dear Ms. Million,

My husband, Ken Matsumura, and myself attended the September 29, 2015 Planning Commission Crude by Rail RDEIR Public Comment Meeting and were impressed by the number of reasons speakers had for opposing the Crude Oil trains coming to Benicia. We were also very impressed by the attentiveness and courtesy the Planning Commissioners gave each speaker regardless of that speaker's opinion.

As I spoke at the Planning Commission, this letter is not to add an additional count against, but to reiterate how important your decision will be to Benicia, the Bay Area, to California, and the world.

Thankfully Valero has a good safety record. We appreciate that. But the new oil trains will mean the risk is greater, the possible destruction worse, and many dangers will be outside their safe refinery. So their past safety record isn't relevant when it comes to the crude oil trains.

I heard "Valero has been a good neighbor" many times during the planning meeting. But we saw many people, and all were, I'm sure, good neighbors. Each individual counts as much as any business. Many of those who spoke against the oil trains had businesses and employed local residents. They described great inconveniences to their livelihoods if the oil trains were allowed. Home owners described how their major investment, their home, could be perceived as valueless.

Proponents said they had done all due-diligence. But just preforming as you are suppose to should not be the reason to grant permission. If your teenager asked to go base jumping because they got good grades in school and didn't fight with their younger sibling, you probably wouldn't give them permission. Of course Valero did everything they could to secure your permission, preparing to do this expansion was simply investing in a high profit, high risk future.

But Benicia's future will be low profit, high risk and the loss of peace of mind.

Sincerely yours,

Adele Poenisch

Diana Ray
1290 Marlboro Ct
Concord, CA 94521

10/17/15

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Amy Million,

It's a bit disheartening to think, as a layman, that I really need to explain to someone in your position all the problems and obvious embedded loopholes in the Draft Environmental Impact Report for the Valero Crude by Rail project, and, indeed, the project itself.

First and foremost, of course, is the paramount need to wean ourselves from using fossil fuel as an energy source. (con't)

Diana Ray
1290 Marlboro Ct
Concord, CA 94521

Why would we invest in a program at this juncture that is not dircated at renewable energy development? Why would we risk the health and welfare of all the communities along the routes, sensitive natural habitats along the routes and around production sites, passengers using the intended routes, and the functionality of the rail system itself from increased use?

It is common knowledge that the oil industry has a terrible

bemlock.com

(Con't.)

Diana Ray
1290 Marlboro Ct
Concord, CA 94521

track record for complying with regulations, safety requirements, clean up response, and honest data disclosure and interpretation. These concerns don't even address natural disaster scenarios, something that seismologists and marine scientists claim we are overdue to experience in the near future.

Again, it's ridiculous to be in this conversation at all. It's merely another case of merchants of doubt spreading misinformation for a corporate agenda. Even if

(con't.)

Diana Ray
1290 Marlboro Ct
Concord, CA 94521

global warming weren't manmade (which it is) why wouldn't we still be throwing everything at the science to do whatever possible to save our miracle planet from becoming uninhabitable (like Venus).

For all our advanced degrees we can't seem to think logically, consider our situation critically, and have new, healthy conversations. The idea that I need to write such a letter to supposedly smart people leaves me flummoxed.

Diana Ray

~~hamlacksem~~
###

Amy Million

From: Bendix, Edward <Ed.Bendix@valero.com>
Sent: Wednesday, October 21, 2015 11:07 AM
To: Amy Million

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Benicia Leaders:

I support Valero's Crude by Rail Project. The DEIR found many benefits of the project, including a reduced likelihood of spill. The RDEIR has identified new rail safety mandates from the state and federal governments, including enhanced standards for both new and existing tank cars, more accurate classification of unrefined petroleum-based products and improved risk assessment and notification for rail routing.

Valero's own fire chief has also detailed at public meetings the many meetings Valero has had with up rail fire stations regarding prevention, preparedness and response.

Nothing in life comes free of risk, and this project is no exception. In this case, the federal and state governments have implemented new safety measures to mitigate those risks. Now is the time to approve the project to move forward. It's good for Benicia.

Thank you,

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OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Amy Million,

Principal Planner Community Development Dept.
City of Benicia 250 East L Street Benicia, CA 94510
By e-mail: amillion@benicia.org

Principal Planner, Benicia Community Development Department Amy Million,

Dear Mrs. Million,

I am writing to express deep concern over Valera's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" that could devastate our community.

Bringing oil trains into Benicia will create unacceptable increases in toxic air pollution for communities all along the rail route and near the refinery. The EIR identifies several significant and unavoidable air impacts from toxins and known carcinogens including increased pollution from NOx, sulfur dioxide, PM 2.5, and benzene.

According to the EIR, the cumulative risk of spills, explosions, and fires along the UPRR mainline "and the storage yard would be significant for all of the tank car designs," including the not-yet-built DOT-117 cars. Such a disaster could result in significant loss of life, long-term economic loss, and contamination of our precious wetlands and waterways. This level of risk is also unacceptable.

The exhibit attached clearly indicates a un avoidable risk to the property I own and operate as a truck rental and service facility , to the extent of making my property worthless for re-sale at a future time .This unconceivable risk causes my real estate to be perhaps un-useable due to a risk of being incinerated should the worst case scenario take place.

The EIR also assumes the "worst case" scenario is a spill of 8 tanker cars, or about 240,000 gallons. The train that incinerated Lac-Megantic, Quebec in July 2013 spilled over 1.6 million gallons of crude, or about 60 tanker cars. The EIR must assume a worst case scenario that reflects existing data on recent spills. Without an accurate worst case scenario analysis, this project can not be approved.

The revised EIR identifies "significant and unavoidable" climate impacts that conflict with California's existing climate law mandating the state move to an 80% reduction of greenhouse gas by 2050. At a time when wildfires are raging and the drought is more dire than ever, it is imperative we invest in safe, clean energy rather than extreme oil infrastructure.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

David Jenkins
Nor Cal truck Sales and Rental
200 Industrial Way , Benicia CA 94510

Figure 5-2 Worst-Case Facility Thermal Radiation Hazards

Amy Million

From: Paula DeFelice <paula.defelice@sbcglobal.net>
Sent: Wednesday, October 21, 2015 3:47 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 21 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing to oppose Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Paula DeFelice
4013 Mozart Dr.
Richmond, CA 94803
US

City of Benicia
250 East L. Street
Benicia, CA 94510

October 22, 2015

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Attention: Amy Million, Principal Planner

Reference: Valero Crude by Rail Project
Letter IN SUPPORT

Dear Mr. Brad Kilger, Ms. Amy Million and Benicia City Officials,

Valero originally applied for this project in December 2012. This project not only cuts emissions but also promotes job growth in Benicia. The company has been very transparent and opened up their project to the community during this lengthy review process.

According to the RDEIR, not constructing the project would be the least preferred option in regards to global greenhouse gas emissions. This project allows Valero to cut their primary marine transportation method down significantly, in turn significantly reducing related greenhouse gases.

Valero is a major factor in making Benicia the place we as citizens and businesses enjoy. Valero contributes 25% towards the City's General fund, and continues to make many philanthropic donations locally. Their ongoing support for economic growth makes them an extremely valuable asset in keeping the City prosperous.

I would greatly encourage the City to stop delaying this project and **APPROVE** the Valero crude-by-rail expansion.

Thank you

Errol Bisutti
Benicia Resident

Amy Million

From: ellen sweeney <ellen.sweeney@comcast.net>
Sent: Wednesday, October 21, 2015 6:21 PM
To: Amy Million
Subject: Benicia oil trains

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Ms. Amy Million, Benicia Community Development Department

Dear Ms. Million,

I am writing to express deep concern over Valero's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" that could devastate communities.

According to the Environmental Impact Report, the cumulative risk of spills, explosions, and fires along the UPRR mainline "would be significant for all of the tank car designs," including the not-yet-built DOT-117 cars. Such a disaster could result in significant loss of life, long-term economic loss, and contamination of our wetlands and waterways. It would also create increases in toxic air pollution along the rail route. This level of risk is unacceptable.

The EIR also assumes the "worst case" scenario is a spill of eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Québec in July 2013 spilled over 1.6 million gallons of crude, or about 60 tanker cars. The EIR must assume a worst case scenario that reflects

existing data on recent spills. Without an accurate worst case scenario analysis, this project should not be approved.

The revised EIR identifies "significant and unavoidable" climate impacts that conflict with California's existing climate law mandating the state move to an 80% reduction of greenhouse gas by 2050. At a time when wildfires are raging and the drought is more dire than ever, it is imperative we invest in safe, clean energy rather than extreme oil infrastructure.

In addition, analysis of census data demonstrates that a vast majority of people who will be impacted by this project live in EPA-designated environmental justice communities – primarily low-income and communities of color. Approving this project will add to a legacy of

environmental racism in communities living along the rail routes.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

I do not live in the East Bay, but I have lived in the San Francisco Bay Area all my life and treasure this area.

Sincerely,

Ellen Sweeney

Boulder Creek, CA

Amy Million

From: Nicholas Barry <n.ikobarry@gmail.com>
Sent: Wednesday, October 21, 2015 6:09 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Nicholas Barry
1409 Oxford Street #7
California, CA 94709
US

Amy Million

From: williamlee190@comcast.net
Sent: Wednesday, October 21, 2015 9:15 PM
To: Brad Kilger; Amy Million
Subject: Crude By Rail

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Benicia City Leaders:

Thank you for the opportunity to comment on this project. I support Valero's request to begin transporting crude by rail. This transportation method will allow the refinery access to landlocked North American crude, thereby reducing our imports from foreign countries and helping us to achieve energy independence.

This project will also replace transport by marine vessel with transport by rail, which will reduce global greenhouse gases. This is beneficial for our environment.

I urge you to approve this project without further delay.

Thank you,

Amy Million

From: charmaine breitengross <charmaine@therexagency.com>
Sent: Thursday, October 22, 2015 10:04 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

charmaine breitengross
2241 ben lomond drive
Los Angeles, CA 90027
US

Amy Million

From: Julia Spivey <juliad1185@gmail.com>
Sent: Thursday, October 22, 2015 9:13 AM
To: Amy Million
Subject: RE: Public comment on Valero crude-by-rail project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Principal Planner, Benicia Community Development Department Amy Million,

Dear Mrs. Million,

I am writing to express deep concern over Valero's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" that could devastate my community.

Bringing oil trains into Benicia will create unacceptable increases in toxic air pollution for communities all along the rail route and near the refinery. The EIR identifies several significant and unavoidable air impacts from toxins and known carcinogens including increased pollution from NOx, sulfur dioxide, PM 2.5, and benzene.

According to the EIR, the cumulative risk of spills, explosions, and fires along the UPRR mainline "would be significant for all of the tank car designs," including the not-yet-built DOT-117 cars. Such a disaster could result in significant loss of life, long-term economic loss, and contamination of our precious wetlands and waterways.This level of risk is also unacceptable.

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The revised EIR identifies "significant and unavoidable" climate impacts that conflict with California's existing climate law mandating the state move to an 80% reduction of greenhouse gas by 2050. At a time when wildfires are raging and the drought is more dire than ever, it is imperative we invest in safe, clean energy rather than extreme oil infrastructure.

In addition, analysis of census data demonstrates that a vast majority of people who will be impacted by this project live in EPA-designated environmental justice communities - primarily low-income and communities of color. Approving this project will only add to a legacy of environmental racism in communities living along the rail routes.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Julia Spivey
Na
Santa Cruz , California 95060

<http://click.actionnetwork.org/mpss/o/6gA/kLwXAA/t.1rh/dCHTHIrkSxiukUTUQfo2Ow/o.gif>

Amy Million

From: Kathy Colon <kcolon@pubpol.umass.edu>
Sent: Thursday, October 22, 2015 10:14 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Kathy Colon
220 Long Plain Rd
South Deerfield, MA 01373
US

Amy Million

From: Marianne Verhagen <bmgbtv@gmail.com>
Sent: Thursday, October 22, 2015 10:24 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Marianne Verhagen
12030 NW 15th Ct
Pembroke Pines, FL 33026
US

Amy Million

From: Diana Dee <Dianahtlne@aol.com>
Sent: Thursday, October 22, 2015 10:27 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Diana Dee
12814 Victory Bl
North Hollywood, CA 91606
US

Amy Million

From: Monika Huber <monika.huber.vienna@gmx.at>
Sent: Thursday, October 22, 2015 10:48 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Monika Huber
Springergasse 6
Vienna, ot A-1020
AT

Amy Million

From: DANIEL FIGUEROA <danielphxx@hotmail.com>
Sent: Thursday, October 22, 2015 11:12 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

DANIEL FIGUEROA
1310 S PIMA UNIT 10
MESA, AZ 85210
US

Amy Million

From: nita patrick <juanitapatrick27@yahoo.com>
Sent: Thursday, October 22, 2015 11:03 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

nita patrick
Palm Ave
CA, CA 90069
US

Amy Million

From: Cheryl Fox <cheryl.fox5@gmail.com>
Sent: Thursday, October 22, 2015 11:12 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Cheryl Fox
4824 Shirley Rd
Gainesville, GA 30506
US

Amy Million

From: Delayne Auerbach <Dnauerbach13@gmail.com>
Sent: Thursday, October 22, 2015 11:24 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Delayne Auerbach
201 Jaunell
Aptos, CA 95003
US

Amy Million

From: Rebecca Gibson <rgibson@wrhlaw.com>
Sent: Thursday, October 22, 2015 11:34 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Rebecca Gibson
3838 Reed St
Wheat Ridge, CO 80033
US

Amy Million

From: Francis S. <NCE1988@Yahoo.com>
Sent: Thursday, October 22, 2015 11:36 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Francis S.
4209 Lindley Street
Downers Grove, IL 60515
US

Amy Million

From: Cecile Lemay <kwatlecha@shaw.ca>
Sent: Thursday, October 22, 2015 11:50 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Cecile Lemay
564 King Geo Blvd
Surrey, BC V3T 5B7
CA

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OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

October 20, 2015

RECEIVED
OCT 22 2015
CITY MANAGER'S OFFICE
CITY OF BENICIA

Brad Kilger, City Manager
City of Benicia
2500 E.L. Street
Benicia, CA 94510

Regarding Valero Refinery's Proposed CBR Project

Dear Sir;

As with most of the residents of the City of Auburn, I live near one of the two sets of U. P. tracks which bisects our town. Located as I am, I am familiar with the oil freight train wrecks which have occurred near a small town like ours in North Dakota as well as the one which occurred in Quebec & killed a large number of residents. The risk of a catastrophe in the shipment of large numbers of oil freight trains through our town is small however the potential damage is overwhelming. As a result, for the safety of Benicia residents as well as residents in Auburn & others living along the U.P. railway line, this is a request that the City of Benicia reject Valero's project either outright or at least until rail cars are made safer in the next few years for the transport of oil.

Thank you, Gary Ransom

October 15, 2015

RECEIVED
OCT 21 2015
CITY MANAGER'S OFFICE
CITY OF BENICIA

City of Benicia City Manager
Mr. Brad Kilger
250 E.L. Street
Benicia, CA 94510

Dear Mr. Kilger:

We would like the City of Benicia to reject the Valero Refinery's proposed **CBR** project.

Please do not approve this project as it is too dangerous to too many communities.

Thank you.

Sincerely,

Bonnie Rosta
Daryl Rosta

Daryl & Bonnie Rosta
20275 Rim Rock Ct.
Foresthill, CA 95631

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Amy Million

From: Judith Lotz <Judelotz@att.net>
Sent: Thursday, October 22, 2015 11:59 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Judith Lotz
1713 n fairview st
Burnank, CA 91505
US

Amy Million

From: Jessica Larsen <elisala2@online.no>
Sent: Thursday, October 22, 2015 12:35 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Jessica Larsen
Landingsveien 72
Oslo, ot N-0767
NO

Amy Million

From: Theresa Kardos <Terrykardos@aol.com>
Sent: Thursday, October 22, 2015 12:18 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

As an environmental educator and field biologist, a parent, and a citizen who cares deeply about the health of our planet and all its inhabitants, I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm the community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Theresa Kardos
26 Montrose Station Rd.
Cortlandt Manor, NY 10567
US

Amy Million

From: Deb Brown <deb@econweb.com>
Sent: Thursday, October 22, 2015 12:48 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Deb Brown
PO Box 98964
Raleigh, NC 27624
US

Amy Million

From: Dat Tran <dattr7@hotmail.com>
Sent: Thursday, October 22, 2015 1:02 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Dat Tran
124 Academy Ln.
Upper Darby, PA 19082
US

Amy Million

From: Conniewd Wedding <Mcwed@att.net>
Sent: Thursday, October 22, 2015 1:26 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Conniewd Wedding
2127 wrights landing rd.
Owensboro, KY 42303
US

Amy Million

From: Elisa Elsa Harmath <elsavolpato@hotmail.com>
Sent: Thursday, October 22, 2015 1:42 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Elisa Elsa Harmath
Huergo 471
Tigre, ot 1611
AR

Amy Million

From: Yvonne Quilenderino <mystenamarina@yahoo.com>
Sent: Thursday, October 22, 2015 3:59 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Yvonne Quilenderino
424 Noice Drive #71
Salinas, CA 93906
US

Amy Million

From: Otmar Neuhoefer <ipecacuanha@t-online.de>
Sent: Thursday, October 22, 2015 3:39 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Otmar Neuhoefer
Goethestr. 45
Riegelsberg, ot 66292
DE

Amy Million

From: Francesca p <dianafilms@aol.com>
Sent: Thursday, October 22, 2015 2:38 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Francesca p
3671A 20th St
San Francisco, CA 94110
US

Amy Million

From: Richard Peine <Rpeine41@comcast.net>
Sent: Thursday, October 22, 2015 3:59 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Richard Peine
8443 crown point road
Indianapolis, IN 46278
US

Amy Million

From: Jennifer Toth <Toes2toes2011@att.net>
Sent: Thursday, October 22, 2015 4:00 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Jennifer Toth
19842 Holly Drive
Santa Clarita, CA 91350
US

Amy Million

From: Linette Schreiber <twilightgold@comcast.net>
Sent: Thursday, October 22, 2015 4:46 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 22 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

Linette Schreiber
75 Ardmore AVe.
Ardmore, PA 19003
US

Benicia Leaders:

I am writing in support of Valero's project. The RDEIR explains that this project is actually preferred over the "no project" option in regard to air emissions because it will reduce global greenhouse gas emissions.

Specifically, the RDEIR identifies a significant, 225,000 ton annual reduction in greenhouse gases that will result from this project when compared to current marine delivery. This project is beneficial to air quality.

I support this project and urge you to please approve it to move forward without further delay.

Thank you,

Chris Arnell

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CITY OF BENICIA
COMMUNITY DEVELOPMENT

October 23, 2015

Amy Million, Principal Planner
City of Benicia
250 East L Street
Benicia, CA 94510

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

RE: Valero Benicia Crude by Rail Project

Dear Amy Million;

My wife and I have lived in Benicia for more than 36 years and chose to raise our family here. We chose to live here based upon above average public schools, public safety and quality of life, among many other things. Benicia's Humble Oil, Exxon and now Valero have played a huge role in making Benicia what it is today. Valero is a very good neighbor and deserves our support as they seek to improve their facilities in order to remain competitive.

We understand that Valero applied for permits to build three railroad track extensions (sidings) and an unloading rack on their property. We are also quite certain that these permits would have been approved and construction would be underway if not for a small but vocal group opposed to anything related to fossil fuel. This group loses all credibility with us and most Benicians, as it exaggerates and uses scare tactics. They talk of "rickety tracks" and "train bombs" when referring to Valero's CBR. They warn Benicians of catastrophic disasters like the explosive train derailment that leveled the downtown of Lac-Megantic, Quebec, when they know there is ZERO chance of anything similar occurring here in Benicia.

We believe that the City of Benicia, Council and Planning Commission only have the authority to approve/disprove Valero's request. If the project adheres to the laws, building codes and the General Plan, then it should simply receive approval.

As far as what's carried on the tracks and in the tanker cars, that's not within the City's authority. All other outside issues should be taken up with the proper state and federal authorities, such as the Union Pacific Railroad, Department of Transportation, Environmental Protection Agency, Bay Area Air Quality Management District and possibly the U.S. Department of Homeland Security.

We can see the handwriting on the wall, if the City of Benicia does not approve Valero's application, then the expensive lawsuits will surely follow. Let the outside entities be the disapprovers as that is their authority.

We urge you to approve Valero's Crude by Rail Project.

Alan L. Thompson Sylvia T. Thompson

Amy Million

From: patricia samson <patriciasamson2004@yahoo.com>
Sent: Thursday, October 22, 2015 6:57 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

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Sincerely,

patricia samson
5329 paradise ln
eureka, CA 95503
US

Amy Million

From: Jessica Beaudry <jessica11beaudry@gmail.com>
Sent: Thursday, October 22, 2015 6:26 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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Sincerely,

Jessica Beaudry
315 Monte Vista Lane
Petaluma, CA 94952
US

Amy Million

From: robert gerosa <rljgerosa@aol.com>
Sent: Thursday, October 22, 2015 6:58 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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Sincerely,

robert gerosa
14 crestway
New Fairfield, CT 06812
US

Amy Million

From: Edward O'Connor <edward-oconnor@sbcglobal.net>
Sent: Thursday, October 22, 2015 6:59 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

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The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Edward O'Connor
10903 State Line Road
Kansas City, MO 64114
US

Amy Million

From: Apryl Mefford-Hemauer <aprylmh@gmail.com>
Sent: Thursday, October 22, 2015 7:11 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Apryl Mefford-Hemauer
2524 5th Street
Santa Monica, CA 90405
US

Amy Million

From: Debbie Burack <Phoebearchie@yahoo.com>
Sent: Thursday, October 22, 2015 9:06 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Debbie Burack
46 threepence
Melville, NY 11747
US

Amy Million

From: Melinda Weisser-Lee <kenmindy@aol.com>
Sent: Thursday, October 22, 2015 9:06 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Melinda Weisser-Lee
3864 W Kimball St
Thatcher, AZ 85552
US

Amy Million

From: Thomas Petersen <Thomasgpetersen@yahoo.com>
Sent: Thursday, October 22, 2015 9:25 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia. Also, please run all the right-wing know-nothings out of town.

Sincerely,

Thomas Petersen
798 Military East
Benicia, CA 94510
US

Amy Million

From: Elizabeth Lauder <elizallens@yahoo.com>
Sent: Thursday, October 22, 2015 9:30 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Elizabeth Lauder
60 Big John Road
Lyons, CO 80540
US

Amy Million

From: Bronwen Walters <bronwen.walters@gmail.com>
Sent: Friday, October 23, 2015 1:41 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Bronwen Walters
12356 N.E. Brigantine Crt
Kingston, WA 98346
US

Amy Million

From: Harmen Eijzenga <eijsberg@planet.nl>
Sent: Friday, October 23, 2015 4:03 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Harmen Eijzenga
Bellinkstraat 25
Middelburg, ot 4331GV
NL

Amy Million

From: m s <styxx63@yahoo.com>
Sent: Friday, October 23, 2015 9:16 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

m s
tudor
hamburg, NY 14075
US

Amy Million

From: Stacey Hayward <stacey77@sbcglobal.net>
Sent: Friday, October 23, 2015 10:46 AM
To: Brad Kilger; Amy Million
Subject: Valero crude by rail

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

October 23, 2015

Dear Benicia Planning Commissioners:

I am writing in support of Valero's crude by rail project. In the RDEIR, Valero and UPPR have agreed to a number of voluntary rail safety measures in addition to the many that have been implemented at both the federal and state levels since Valero applied for this project. Given these new regulations, and the fact that rail transportation is an issue that is preempted by federal law, I urge the city to approve this project and move forward without further delay.

Thank you,

Stacey Fortner
158 Banbury Ct, Benicia

Amy Million

From: Arlene Zuckerman <arlenenyc@hotmail.com>
Sent: Friday, October 23, 2015 11:20 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

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And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Arlene Zuckerman
9918 66th Avenue
Rego Park, NY 11374
US

Amy Million

From: Irina Golda Lamadrid <irinitha@hotmail.com>
Sent: Friday, October 23, 2015 11:58 AM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

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For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Irina Golda Lamadrid
4829 Rejon st
Mar del Plata, ot 7600
AR

October 23, 2015

DENNIS L. LOWRY
828 ROSE DRIVE • BENICIA, CA • 94510
PHONE: 707-746-1285 • CELL: 707-246-2686
EMAIL: DENNIS.LOWRY@COMCAST.NET

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CITY CLERK'S OFFICE
CITY OF BENICIA

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

City of BeniciaBrad Kilger - City Manager
250 East L Street
Benicia, CA 94510

RE: Support of Valero Crude by Rail Project

I am writing this letter to serve two purposes; the first is to convey my support for the Valero Crude by Rail in the strongest possible terms. The second is to express my disappointment in the totally unprofessional way the City has treated Valero regarding this request and to provide my suggestions on how a fair and balanced decision can be reached.

Valero has complied with all reasonable and unreasonable requests in their efforts to obtain the necessary approvals for this project, without exception, this project is extremely good for Benicia in the following ways:

- It increases the value of Valero resulting in more tax revenue for the City.
- It creates 20 new regular full time jobs in addition to the hundreds of temporary jobs resulting in increased revenue to the City and the small businesses that support the industrial park.
- It commits significant capital ($1.6 million) in annual funding to increasing the preparedness of Oil Spill Prevention and Response for any inland spills well outside the footprint of the refinery.
- It operates well above the standards set by the Federal, State and Local authorities regarding air quality, rail procedure and safety.
- The project reduces the total greenhouse gas emissions from marine transport helping Benicia and California achieve its climate goals.

The City of Benicia, City Staff, the Planning Commission and the City Council and many others outside of Benicia have used every possible tactic to delay this project. I have often stated that "delay is the worst form of denial" mainly because if the project were to be denied approval then the applicant has numerous options with which to pursue a more satisfactory remedy. It is my opinion that there are a significant number of decision makers within the City hierarchy that are opposed to this request not on its merits but because it is in conflict with their personal ideologies. I think it is very important for the City at all levels take a giant step back and address this request on its merits in a way that will avoid costly litigation. I believe this can be accomplished by doing the following:

- Identify those decision makers who are unable to separate their role in rendering a fair and balanced decision from adhering to their personal ideological beliefs thereby rendering an unbalanced decision. Those unable or unwilling to do so are in violation of their oath of office and demanding that they recuse themselves from the decision process is the only option to avoid litigation.
- Recognize the request for what it really is, a request to build railroad track sidings with a means to offload railroad tankers, The original EIR proved there were no appreciable impacts to the environment making the request an easy one to approve,
- Confirm to all City Staff, Committees and Council that the City's Scope of Authority (jurisdiction) resides within the boundaries of this City and one cannot take under consideration those factors outside this City as reasons for denying this request,

- Understand that the preponderance of respondents against this request cite issues and concerns outside the jurisdiction of the City of Benicia. While some claims/concerns are important to understand and remedy it must be done some authority other than the City of Benicia. However, none of them are of the nature to impact the decision of the Planning Commission or the City Council.
- Recognize that Valero has made an application based on a business case that may or may not come to reality, There are other agencies at the Area, County, State and National levels that have authority to regulate air quality, water quality, rail safety and interstate transport that may support or impede the success of Valero's business case, It is not Benicia's role to listen to or try to enforce its will on these agencies.
- Understand that Valero is a business whose success depends on its ability to be profitable. The business case was written 2-3 or more years ago when the price of crude was above $100 a barrel. A barrel is now selling for $45+ causing many providers to stop operations until the price is above $80. That fact may or may not have an impact on whether crude is actually delivered to Valero by rail. Regardless, it should not be a factor impacting this decision.
- Whether a decision is made to approve or deny this request, I recommend that significant steps be taken to document what the City has done to ensure an impartial decision was reached and enumerate each of the reasons for the positive or negative vote in a way that will be helpful in litigation.

It is time for a decision to be made without any rationale for delay. Valero is an outstanding member of the Benicia community and deserves the dignity and respect to which it is entitled. It is my hope the project will be approved without further delay. I request that a copy of this letter be provided to the Planning Commission.

Dennis Lowry

cc: City Council, City Attorney, Valero

Amy Million

From: Derek Fan <Dfan81080@gmail.com>
Sent: Friday, October 23, 2015 1:12 PM
To: Amy Million
Subject: Protect Our Communities and Deny Valero's Rail Project

RECEIVED
OCT 23 2015
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Derek Fan
24105 Sylvan Glen Unit C
Diamond Bar, CA 91765
US