

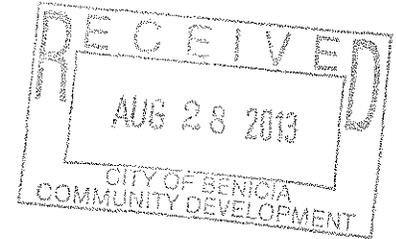
PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083



July 2, 2013

Charlie Knox
City of Benicia
250 E. L Street
Benicia, California 94510



Dear Mr. Knox:

Re: SCH# 2013052074; Valero Crude Oil by Rail Project, Valero Benicia Refinery DMND

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires the Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) has received a copy of the *draft Mitigated Negative Declaration (Land Use Permit Application)* from the State Clearinghouse for the proposed Valero Crude by Rail Project. The City of Benicia (City) is the lead agency.

According to the Land Use Permit Application, Valero Benicia Refinery proposes to construct two (2) offloading rail spurs, a parallel engine runaround track and a "wye connector" track on the refinery property to allow receipt of rail cars at the offloading racks. The traffic associated with the project would be two freight trains per day. These proposed tracks will be connected to the existing Union Pacific Railroad (UPRR) tracks.

The proposed project would affect the existing at-grade highway-rail crossing at Park Road (CPUC # 001-37.32-C) and near Bayshore Road. The potential project impacts on the existing and proposed at-grade crossings along the tracks which serve or are near the Valero Benicia Refinery should be identified, discussed and evaluated for necessary safety improvements and mitigations. This includes considering traffic queuing, weaving, emergency service response, pedestrian circulation patterns or destinations with respect to railroad right-of-way, and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way. All identified crossings shall also comply with the requirements of California Manual on Uniform Traffic Control Devices.

The new tracks shall be constructed in accordance with the Commission General Order (GO) Nos. 26-D (Clearance on railroads and street railroads as to side and overhead structures, parallel tracks and crossings), 72-B (Construction and maintenance – standard

Charlie Knox
Page 2 of 2
July 2, 2013

types of pavement construction at railroad grade crossings) and 75-D (Warning devices for at-grade railroad crossings).

Construction of a new public crossing or modification of an existing public crossing requires authorization from the Commission, through the formal application or the General Order (GO) 88-B request processes, respectively. Prior to submission of a formal application or GO 88-B request, the City should arrange a diagnostic meeting with RCES and UPRR to discuss relevant safety issues and requirements for the Commission's authorization. While construction of private crossings may not need the Commission's authorization, compliance with the Commission's GO 26-D (Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings) and GO 75-B (Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossing) standards are still required. RCES representatives are available for consultation on crossing safety matters. See the link for more information:

<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

If you have any questions in this matter, please contact Ken Chiang at (213) 576-7076, yen.chiang@cpuc.ca.gov, or Daniellia Fristoe at (916) 928-2108, dvm@cpuc.ca.gov.

Sincerely,

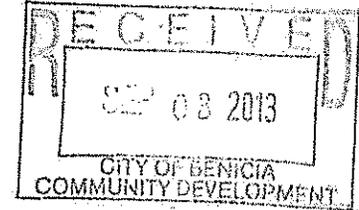


Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse
Daniellia Fristoe



Making San Francisco Bay Better



August 30, 2013

Ms. Amy Million
Community Development Department
250 East L Street
Benicia, CA 94510

SUBJECT: Notice of Preparation for Valero Crude by Rail Project
BCDC Inquiry File SL.BN.6927.1; SCH#: 2013052074

Dear Ms. Million:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report for the Valero Crude by Rail Project (EIR). Although the San Francisco Bay Conservation and Development Commission (Commission) has not reviewed the document, the following are staff comments based on our review of the NOP in the context of the Commission's authority under the McAteer-Petris Act (California Government Code Sections 66600 et seq.) and the federal Coastal Zone Management Act (CZMA). The Commission exercises permitting authority over San Francisco Bay to the line of mean high tide, including all sloughs and marshlands lying between mean high tide and five feet above mean sea level. The Commission also has jurisdiction within a shoreline band between the edge of the Bay and a line 100 feet landward and parallel to the shoreline. Any person or government agency wishing to place fill, extract materials, or make any substantial change in use to any land, water or structure within the Commission's jurisdiction requires a permit from the Commission. The Commission can issue a permit if the proposed project is consistent with the McAteer-Petris Act and the provisions of the *San Francisco Bay Plan* (Bay Plan).

The Commission also designates certain shoreline areas for uses that must be located on the waterfront, such as ports and water-related industry (which includes the shipment of crude oil and related products), so as to avoid potential filling of the Bay to accommodate water-related uses where the waterfront has been developed for uses that do not require a shoreline location.

According to your letter to Jaime Michaels of our staff dated August 9, 2013, the project is located outside our "shoreline band" permit jurisdiction; however, the refinery is located within a water-related industry priority use area as shown on Bay Plan Map 2. Under the CZMA, in the event a federal permit, license or federal funding is provided the proposed project, the Commission has the authority to determine whether the activity is consistent with its law and policies. If there will be any such federal involvement associated with the project, the project proponent should contact our Chief of Permits, Bob Batha.

We would be particularly interested to know the status of contingency planning in the event of an accident, whereby the crude, or any petroleum product, carried by rail could adversely affect the coastal zone, particularly in light of the proximity of the rail track to a marsh and wildlife refuge priority use area (see Bay Plan Map 2). We note that the EIR will include an evaluation and comparison of risks associated with rail and tanker vessel transport, and look forward to this discussion. Please contact me at 415.352-3644 or lindas@bcdc.ca.gov should you have any questions.

Sincerely,

LINDA SCOURTIS
Coastal Planner

cc: Katie Shulte Jounq, State Clearinghouse

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*



September 4, 2013

SOL680059
SOL-680-R2.58
SCH#2013052074

Ms. Amy Million
City of Benicia
250 East L Street
Benicia CA 94510

Dear Ms. Million:

Valero Crude by Rail / Notice of Preparation

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Please also reference our letter to you dated on 6/27/13 regarding the May 2013 Mitigated Negative Declaration.

Lead Agency

As the lead agency, the City of Benicia (City) is responsible for all plan mitigation, including any needed improvements to State highways. The plan's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document.

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways.

Please consider in your mitigation measures ways to reduce the impacts your project may have on Interstate (I-) 680. We are particularly concerned about how your project will impact I-680 / Bayshore Road intersection. For instance the Level of Service (LOS) on I-680 Northbound off ramp degrades from LOS D to LOS F. Please find ways to mitigate impacts your project has on these intersection ramps to maintain or improve the LOS.

We recommend using the Caltrans Guide for the Preparation of Traffic Impact Studies (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic. The TIS Guide is available at the following website address:

http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all plan components should be clearly identified. ROW should be clearly identified. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.
2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
3. Average Daily Traffic, AM and PM peak hour volumes and LOS on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the plan's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS threshold, which is the transition between LOS C and D, and is explained in detail in the TIS Guide, should be applied to all State facilities.
4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
5. Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. As noted above, the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.

As a result, we encourage the City to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. Further, to ensure the State Highway System can facilitate and fund improvements necessary from the increased demand, we recommend the City develop a regional impact fee program to fund any necessary impacts, that result from the proposed update.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Ms. Amy Million / City of Benicia
September 4, 2013
Page 3

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at keith_wayne@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Alm". The signature is fluid and cursive, with a prominent initial "E" and "A".

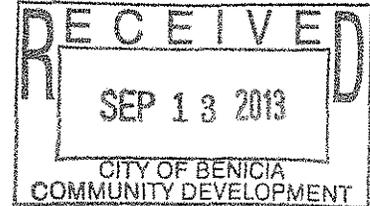
ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

September 13, 2013

Via Fax and Email to

City of Benicia Community Development Department
Attn: Amy Million
250 East L Street
Benicia, CA 94510
Fax: (707) 747-1637
Email: amillion@ci.benicia.ca.us



Re: Notice of Preparation for an Environmental Impact Report for the Valero Crude by Rail Project

On behalf of the Natural Resources Defense Council (NRDC), which has over 1.4 million members and activists, 250,000 of whom are Californians and approximately 100 of whom reside in Benicia, we submit the following comments on the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Valero Crude by Rail Project (Project). The NOP for the Project was issued on August 9, 2013 and indicated that the public comment period closes on September 13, 2013. Valero applied for a land use permit from the City of Benicia in December of 2012 to allow Valero to receive crude oil by train in quantities up to 70,000 barrels per day, in 100 rail cars per day.

We appreciate that the City of Benicia is preparing an EIR for this project. We also appreciate the list of potentially significant effects slated for evaluation. Our comments seek to enhance and broaden the list of important issues addressed in the EIR.

To avoid the harms presented by the project, the EIR must discuss alternatives and mitigation measures to reduce or avoid these significant environmental impacts. The EIR must describe a range of project alternatives, including a no-project alternative, and must analyze the environmental effects of each alternative. Cal Pub Res C § 21002; 14 Cal Code Regs § 15126.6. The EIR must also describe all feasible mitigation measures for each potentially significant impact that it identifies. These mitigation measures must be enforceable through conditions of approval, contracts, or other legally-binding means. See Cal Pub Res C § 21081.6(b); 14 Cal Code Regs § 15126.4(a)(2). In addition, when approving mitigation measures, the City must adopt a mitigation monitoring or reporting program to ensure compliance during project implementation. Cal Pub Res C § 21081.6(a)(1). This monitoring program should be described in the EIR so that the public and responsible agencies may comment on its effectiveness.

In particular, the EIR must fully evaluate the following potential impacts and mitigations measures:

Characteristics of the Crude Oil

The specific characteristics of the crude oil that this Project will bring to the Valero refinery are crucial pieces of information necessary to properly assess the impacts of the project during transport, handling and refining; this is because certain types of crude oils can have much greater air quality impacts when refined, can present increased risks of upset events at the refinery, and can present additional hazards when spilled relative to conventional crude. The following crude oil parameters must be disclosed and addressed in the EIR for each specific type of crude oil that the Project may handle:

- Trace elements (As, B, Cd, Cl, Co, Cr, Cu, Hg, Mn, Mo, Ni, Pb, Sb, Se, U, V, Zn)
- Nitrogen (total & basic)
- Sulfur (total, mercaptans, H₂S)
- Residue properties (saturates, aromatics, resins)
- Acidity (total acid number)
- Aromatics content
- Asphaltenes (pentane, hexane and heptane insolubles)
- Hydrogen content
- Carbon residue (Ramsbottom, Conradson)
- Distillation yields
- Properties by cut
- Hydrocarbon analysis by gas chromatography

In addition to the crude assay information listed above, each crude oil must be identified by API or specific gravity, and must describe the source of crude oil, indicate whether it has been blended, and identify the chemical materials with which it was blended. It is imperative that this information be disclosed and analyzed in the EIR in order to inform an accurate assessment of the full suite and magnitude of impacts of the Project and to inform appropriate project mitigation and project alternatives.

Air Quality Impacts

Air quality impacts from this Project are expected to be significant. Impacts will be even greater than anticipated in the Initial Study and Mitigated Negative Declaration for the Project, if the Project will result in Valero importing and refining dirtier crude oils than the current

slate, as is likely.¹ It is paramount that the EIR consider impacts related to *refining* the crude oil brought in by the Project in addition to the impacts of the rail terminal and storage tanks. The following must be fully evaluated and mitigated:

- Benzene and other toxic air emissions resulting from the transport, handling and refining of crude oils with lower APIs, higher sulfur or higher chemical contaminant levels (e.g. heavy metals or benzene) than the current slate. These higher emissions would be expected to occur from the use of diluent or lighter hydrocarbons that increase the volatility of the crude, increasing fugitive emissions from rail car unloading, tanks and refining.
- Contaminant emissions such as chromium, nickel and vanadium. Heavier crude oils may require additional energy and processing to refine. Air pollution resulting from increased boiler use, heating, steam, hydro-treating, hydrogen use and other processing must be assessed.
- Additional air emissions that could occur as a result of more corrosive new crude oils brought in by the Project contributing to an increased frequency of accident, upset and flaring events at the refinery.
- Creation of additional toxic byproducts, such as petroleum coke, including evaluation of coke dust and toxic constituents with coke dust particles.

Mitigation measures must include all possible measures addressing local community air quality, including but not limited to:

- Legally-binding requirements that diesel particulate filters and/or engines meeting the latest U.S. EPA emission standards on all diesel equipment, generators, vehicles and locomotives be used;
- Robust enforcement of engine idling limits;
- Electronic positioning systems for rail cars in the terminal;
- A permit condition that limits the sulfur levels and levels of other hazardous constituents in crude oil and sets parameters for the quality of the crude oil such as a minimum allowable API, in order to reduce the impacts of the Project; and
- All measures appropriate to address increased refinery emissions resulting from the Project.

Hazards and Hazardous Materials

Crude oil is a hazardous material that can be highly flammable and create a serious hazard to workers and the public. The EIR must assess and present appropriate mitigation strategies and project alternatives for the full range of increased hazards that could result from the project, including:

¹ For more discussion on the potential for this project to bring in dirtier crudes, see NRDC's July 1, 2013 comments on the Notice of Intent to Adopt a Mitigated Negative Declaration and the accompanying reports by the Goodman Group and Dr. Phyllis Fox.

- Rail car derailments, accidents, fires and spills could occur at any point along the rail line or in the terminal. The following issues must be addressed:
 - Are all rail lines that would be utilized in top repair and able to handle the very heavy tanker trains without risk of failure or derailment?
 - Have all communities, businesses and residents near the rail lines that would be utilized been notified of the Project?
 - In the event of an accident, are adequate emergency response personnel available to respond, and do they have sufficient response and containment equipment? Are they sufficiently trained for an effective and safe response?
 - In the event of a spill, particularly with unconventional heavy crudes mixed with diluents, are sufficient measures in place to prevent contamination of Suisun Bay and the fragile San Francisco Bay Delta?
- In the event of leaking tank or an accident related to handling and storage of the crude oil, are adequate emergency response personnel available to respond, and does Valero have sufficient response and containment equipment? Are Valero staff sufficiently trained for an effective and safe response?
- In the case of potentially more corrosive crude oils being transported to the refinery, are sufficient maintenance and metallurgy upgrade plans in place to handle a new crude oil? Are adequate emergency response personnel available to respond, and do they have sufficient response and containment equipment? Are they sufficiently trained for an effective and safe response?

Transportation and Public Safety

Additional rail traffic caused by this Project has the potential to disrupt traffic and impact public safety. The EIR must include a traffic study, and fully address the following:

- Mitigation measures to prevent traffic from backing up on the nearby freeway from the exit ramp;
- A grade separation to address traffic and safety hazards; and
- Mitigation measures to address impacts to emergency response access and response times to ensure that the additional rail crossings would not hinder ambulances and other emergency vehicles from reaching Benicia residents.

Noise and Quality of Life Impacts

Noise from trains is a common complaint often heard from communities near railyards or busy rail crossings. The Project has additional quality of life impacts, such as increased odors and dust that must be considered. The EIR must analyze and mitigate the following impacts:

- The Project is likely to increase rail activity, particularly at night. Noise impacts from the horns on trains, construction activity and other industrial activity must be fully addressed and mitigated.
- Some types of unconventional crudes, such as dilbits are associated with greater levels of strong odors due to their composition including a variety of sulfur containing

compounds, such as mercaptans, at higher levels. These odor impacts must be fully evaluated and mitigated.

- The potential for increased coke production must be evaluated, including how it would be stored and to what extent that storage could cause dust nuisance and toxic air contaminant exposures to the community. Any significant dust and air contaminant exposures from coke storage must be mitigated.

This Project has the potential for serious and irreversible harm to the greater San Francisco Bay Area caused by the import of exceptionally toxic substances. We support the City of Benicia's effort to perform a thorough Environmental Impact Review evaluating all of these impacts and all appropriate mitigation options. We hereby reference the detailed and expert comments submitted by the Natural Resources Defense Council on July 1, 2013; and strongly urge your consideration of our concerns.

Sincerely,



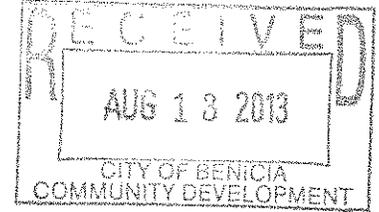
Diane Bailey, Senior Scientist
dbailey@nrdc.org
415-875-6127



Elizabeth Forsyth, Attorney
eforsyth@nrdc.org
415-975-6112

Amy Million - Comments about Valero Rail Plans

From: Grant Cooke <grantcooke11@gmail.com>
To: <amillion@ci.benicia.ca.us>
Date: 8/13/2013 11:39 AM
Subject: Comments about Valero Rail Plans
CC: Roger Straw <rogmail@gmail.com>, Elizabeth Patterson
<elopato@elizabet...>



Amy,

I'm glad to see that the city is calling for a full EIR on the Valero Crude by Rail proposal. This is a critical issue that will impact our community for years to come and it should be carefully and thoughtfully examined. There have been too many accidents and incidents involving oil refineries recently in the Bay Area, and cities need to be extremely vigilant.

Regards,
Grant

Grant Cooke

Principal

Sustainable Energy Associates, LLC

925-989-7117

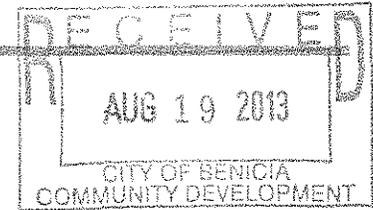
Skype id: grant.cooke19

gcooke@sustainableenergyassc.com

www.sustainableenergyassc.com

Global Energy Innovation: Why America Must Lead by Woodrow Clark and Grant Cooke is now on sale at Amazon.

Amy Million - RE: Scoping Period comments, Valero Crude by Rail: Notice of Completion & Environmental Document Transmittal



From: <rogrmail@gmail.com>
To: "Amy Million" <Amy.Million@ci.benicia.ca.us>
Date: 8/19/2013 9:30 AM
Subject: RE: Scoping Period comments, Valero Crude by Rail: Notice of Completion & Environmental Document Transmittal
CC: "Brad Kilger" <BKilger@ci.benicia.ca.us>, "Belinda Smith" <bsmitgo@hotmail.com>

Ms. Million, planners and commissioners:

Again for the record as part of scoping for Valero's proposed Crude by Rail project, I want to expand on one item in my previous email. Under 1), I have asked that Scoping include Fiscal issues and impacts. I am particularly concerned that the impacts on city services and other costs be included in the study, including

- Financial impact on staffing in the Community Development Department and other city offices during the permitting process and construction
- financial implications of a possible emergency response and cleanup after an emergency spill, fire, explosion or other disaster, occurring on Valero property or on rail lines leading into Benicia
- financial impacts on current and future businesses in the Benicia Industrial Park (including the possibility of setbacks in recruiting should traffic, odors and safety be seen as unfavorable by potential incoming businesses, and also including impacts on city tax revenues plus from Valero, and minus from other potential BIPA losses)
- financial impacts on Benicia as a whole, should this project alter Benicia's public image as a Sustainable Community per our General Plan (including the possibility of setbacks in real estate, tourism and new green business, green research and development, again including city revenue projections)
- financial impacts on healthcare for refinery workers, industrial park owners and employees and Benicia residents, given the likelihood of increased pollutant releases during offloading and processing of heavy crudes, and given the new volume of pet coke wastes standing and in transit.

It seems to me that these financial impacts should be calculated over a period of at least the next 50 years.

Roger Straw

766 West J Street, Benicia, CA 94510
707.373.6826

From: rogrmail@gmail.com [rogrmail@gmail.com]

Sent: Monday, August 19, 2013 8:55 AM

To: 'Amy Million'

Cc: 'Brad Kilger'; Belinda Smith (bsmitgo@hotmail.com); Don Dean (donaldjdean@sbcglobal.net); George Oakes (oakes@earthlink.net); Rod Sherry (rsherry@csa-engineers.com); Stephen Young (escazuyoungs@gmail.com); Susan Cohen Grossman (susancg@pacbell.net); Suzanne Sprague (Suzanne@solanolawgroup.com)

Subject: Scoping Period comments, Valero Crude by Rail: Notice of Completion & Environmental Document Transmittal

Amy Million, Principal Planner
Community Development Department

City of Benicia
 250 East L Street
 Benicia, CA 94510

RE: Scoping Period comments, Valero Crude by Rail

Dear Ms. Million:

With regard to the City's Notice of Completion & Environmental Document Transmittal, SCH # 2013052074, I want to raise a few immediate concerns for the public record, as follows:

1) I find that the section "**Project Issues Discussed in Document**" is incomplete. Surely this project will have impacts that should be reviewed under the categories:

- Coastal Zone
- Economic/Jobs
- Fiscal
- Septic Systems

Please revise the Notice with these additional factors included in scoping for the project.

2) I also find that the section "**Reviewing Agencies Checklist**" is incomplete. Please revise to include notification of the following listed agencies, and 4 additional agencies (**BOLD CAPS**) that are not listed.

- Dept of Boating & Waterways
- CalFire
- Coastal Commission
- Delta Protection Commission
- Dept of Education
- Energy Commission
- Dept of Health Services
- Integrated Waste Management Board
- Office of Emergency Services
- S.F. Bay Conservation & Development Commission
- San Joaquin River Conservancy
- SWRCB Water Quality
- SWRCB Water Rights
- Dept of Water Resources
- **SOLANO LAND TRUST** (since UP tracks apparently go through some of their land) and
- **SUISUN RESOURCE CONSERVATION DISTRICT** (which represents private landowners in the Suisun Marsh on a variety of issues at Federal, State, and local levels)
- **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**
- **BAY CONSERVATION AND DEVELOPMENT COMMISSION**

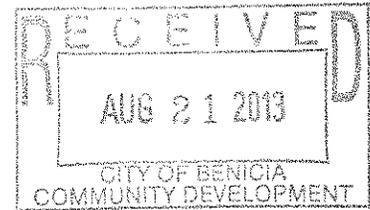
Thank you for your good work in facilitating this important public process.

Roger Straw

766 West J Street, Benicia, CA 94510
 707.373.6826

Roger D. Straw

766 West J Street • Benicia, CA 94510
(707) 373-6826 • rogrmail@gmail.com



August 20, 2013

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

Dear Ms. Million:

I have spent countless hours recently studying documents related to the Valero Crude by Rail project. I am becoming more familiar with CEQA and in particular, Scoping Periods. Please accept my comments below in response to the City's August 9, 2013 **Notice of Preparation of an Environmental Impact Report and Notice of Scoping Meeting: Valero Crude by Rail Project**. Please enter my comments as part of the formal record for the Scoping Period, and respond as part of that process and the subsequent EIR.

First, I want to incorporate by reference all of my comments, those of the Natural Resources Defense Council, Dr. Phyllis Fox, The Goodman Group, and Benicia residents Marilyn Bardet, Kathy Kerridge, Mary Frances Kelley Poh, Constance Beutel, Steve Goetz, Ed Ruszel, Jack Ruszel, Bob Berman and others who wrote or spoke in opposition to the Initial Study/Mitigated Negative Declaration, including opposing comments submitted prior to, during and after the Planning Commission hearing on July 11, 2013.

Scoping Period concerns and questions for planners, Valero and Commissioners regarding the project's potentially significant effects:

1. *Transportation/Traffic*: Please describe the regulatory framework guiding interstate and intrastate transport of fossil fuels – in particular, diluted bituminous crude derived from tar sands and crude from hydraulic fracturing of shale deposits – and detail the conditions of authority and enforcement of those regulations that would be pertinent to the operation of the Valero Crude by Rail Project.
2. *Hazards and Hazardous Materials and Transportation/Traffic*: Please list and describe in detail all guidelines and any and all local, state and federal laws pertinent to regulation of rail transport of hazardous materials, including any special

regulations for transport of crude oil that would be applicable to the operations of the Valero Project. Specify any regulations that would be applicable in the case that Union Pacific tracks traveled in close proximity to schools, hospitals, cultural centers, civic centers, commercial and industrial centers and residential neighborhoods, and also in the vicinity of power plants, gas lines, lakes, dams, rivers, marshlands, bridges and water transport facilities.

3. *Hazards and Hazardous Materials and Transportation/Traffic:* Please describe to what extent Counties, Cities and other regulatory agencies are currently notified of the transport of potentially explosive fuels. Describe any plans for advance notification to be given to California cities, counties and regulatory agencies that are "up-rail" of Benicia given the anticipated significant increase in these shipments due to the Valero Crude by Rail project. Describe opportunities for these cities and counties to comment on the project in advance of its approval.
4. *Hazards and Hazardous Materials and Transportation/Traffic:* Please describe all federal requirements concerning tanker cars that may be used for transport of blended bitumen and heavy crude oil. Detail what exactly distinguishes an aging tanker car from state-of-the-art tanker cars, and describe the range of cars Valero and Union Pacific are planning to utilize. Describe specific safety precautions Valero is taking with the rail tanker cars to ensure that none of the crude transported could spill (e.g. double hulls, thicker gauge metal, additional engineers or trained personnel on board, additional track & equipment inspections, etc.) Please answer these related questions: What "DOT class" of rail cars will be required of Valero? What are the regulations governing required manufacturer's specifications for cylindrical tanker cars that may carry 1) diluted Alberta tar-sands bitumen, and 2) crude oil blends extracted from fractured shale deposits? What are the standards regarding design, manufacture, aging, testing for safety of these tanker cars? Do these requirements differ from those governing sweet crude delivered by rail?
5. *Hazards and Hazardous Materials and Transportation/Traffic:* Recent developments in methodologies for extracting bitumen from tar sands and extracting crude by hydraulic fracturing of shale involve blending the extracted bitumen or crude with other often toxic and highly acidic chemicals before transport. Please describe evolving safety standards for rail tanker cars that would prevent leaks, spills and worse disasters given the new blends. Describe Valero's plans and those of Union Pacific (or other rail companies) with regard to transport vehicles intended for use in transporting these toxic blends.

6. *Air Quality and Hazards and Hazardous Materials:* Please describe Valero's plan for normal procedures when offloading heavy crude at the refinery, including hose, valve connectors and clamp specifications. Include details regarding the allowable amount of fugitive emissions when connecting and disconnecting hoses; how much time will be necessary for how many refinery employees to connect and disconnect each car; the allowable amount of spill during an individual tanker car's connect/disconnect procedure; what records exist to document expectable levels of such spills during connect/disconnect; what is the likely fugitive emission level from vapors at the top of a tanker car while being offloaded; and again, what records exist to document expectable levels of such vapors.
7. *Air Quality and Hazards and Hazardous Materials:* Please describe in detail Valero's plan for disposal of pet coke, including estimates of increases in toxicity and in quantity of the pet coke following processing of the new diluted blends of crude, containers that will be used and methods for filling those containers, the location of the containers and the time they will be allowed to sit before transport, the method of transport and the destination for disposal. Describe the potential for leakage of pet coke dust into the air, including studies from other locations such as Detroit, and industry learnings from those problem locations, and mitigations and plans to prevent such hazards in and around Benicia.
8. *Air Quality, Hazards and Hazardous Materials, Transportation/Traffic, Fiscal:* Recent reports indicate that a newly revised project is undergoing a recirculated draft environmental review to develop a new crude oil import, storage and transfer facility in Pittsburg, CA, including a crude by rail component. See http://www.contracostatimes.com/contracostatimes/ci_23870322/oil-storage-and-transfer-facility-proposed-pittsburg-waterfront and <http://www.ci.pittsburg.ca.us/index.aspx?page=700>. The Pittsburg facility as proposed would import 240,000 barrels/day, over three times Valero's proposed crude by rail import. The EIR for Valero's proposed project should calculate *Indirect Impacts* and *Cumulative Impacts* for the Bay Area based on the combined totals of these two projects, and set both in context of an ever-expanding role for crude by rail in the several Bay Area refineries. Note also that approval of the Pittsburg project would certainly affect fiscal projections concerning the potential for success of the Valero project, and should be noted in a financial analysis. Valero could conceivably even choose to import crude from Pittsburg rather than by direct overland routes from the Midwest. This could alter plans considerably, and should be laid out as an alternative during the EIR.
9. *Hazards and Hazardous Materials and Transportation/Traffic:* Please locate and summarize findings in any official federal registry of all rail accidents, including the

extent of the cost of the accidents, including cleanup. If there is no federal registry, please cite the best source for such information, and again, summarize findings. Findings should include but not be limited to the following: How many at-grade train accidents have there been in California? Of those accidents, how many included loss of life, explosions, fires? What is the best estimate of the probable frequency of such accidents per 1000 at-grade crossings?

10. *Hazards and Hazardous Materials and Transportation/Traffic:* Please detail any regulations (in the United States or elsewhere) restricting the transport of fossil fuel on at-grade railroad crossings.
11. *Transportation/Traffic:* Describe the extent to which Union Pacific (or any other operator) may obstruct cars and trucks at-grade crossings. Cite the enforcement entity for regulation and enforcement of at-grade crossings. Make available the record for adequacy in responding to complaints and issuing fines in California and nationwide.
12. *Transportation/Traffic:* Describe how far rail cars will be permitted to extend outside of the proposed Valero off-loading facility and how many rail cars may be stockpiled at any one time, and for what duration.
13. *Hydrology and Water Quality, Biological Resources and Transportation/Traffic:* The Suisun Marsh, just east of Benicia and directly adjacent to Valero, is the largest brackish wetlands in western United States and a habitat for endangered species. Tracks going through the Suisun Marsh need constant maintenance because of the soil conditions. Please describe how these maintenance factors pertain to the condition and safety of the rails under increased usage by Valero's 100 cars/day carrying heavy crude? Describe in detail:
 - a. How much does a tanker car full of diluted bitumen (and other forms of crude oil) weigh?
 - b. What gauge steel is required to safely carry these weights?
 - c. Are the rails currently adequate? What cost might be incurred to upgrade and maintain such a rail line? What agency will bear this cost?
 - d. What authority monitors the safety and condition of these rail lines, and how often, and where can reports be reviewed?
 - e. Are heavy tanker cars carrying crude expected to cause more wear on rails and therefore require higher rail maintenance costs?
 - f. What mitigation measures are required to ensure survival of endangered species and air, water and land quality in the Suisun Marsh?

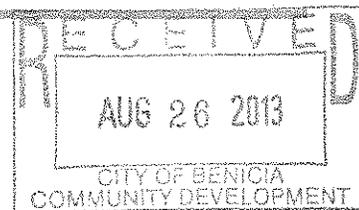
14. *Hydrology and Water Quality, Biological Resources, Hazards and Hazardous Materials, Transportation/Traffic, and Geology and Soils:* Describe in detail an interagency advance plan for a crude oil train accident.
- a. *Suisun Marsh:* In the event of an accident occurring in the Suisun Marsh, when emergency responders from Valero, Benicia and Solano County are called upon, which agency would have lead authority for cleanup over a federally regulated entity such as an interstate railroad? What would be the appropriate authority to lead cleanup efforts extending into the Marsh? Because the accident involves interstate transportation, at what time would the federal government step in and take the lead? What agency or agencies would pay for the cleanup and restoration? What new methodologies will be needed to effectively clean up diluted bitumen? Are such methodologies known and in place in Solano County? (See 2010 Kalamazoo River spill - \$1 billion spent, not yet cleaned up www.epa.gov/enbridgespill/.) To what extent are private Duck Clubs protected or compensated for losses in the event of an accident?
 - b. *Communities like Benicia all along the rail route:* The same concerns as in a. pertain. In the event of a rail accident in Benicia, or within a city along the route in California or beyond, when emergency responders are called upon, which agency would have lead authority for cleanup over a federally regulated entity such as an interstate railroad? What would be the appropriate authority to lead cleanup efforts near the railroad on public properties and/or private commercial, industrial and residential properties? Because the accident involves interstate transportation, at what time would the federal government step in and take the lead? What agency or agencies would pay for the cleanup and restoration? What new methodologies will be needed to effectively clean up diluted bitumen? Are such methodologies known and in place in Solano County? (See 2010 Kalamazoo River spill - \$1 billion spent, not yet cleaned up <http://www.epa.gov/enbridgespill/>.)

Thanks for your attention to these important considerations.

Roger D. Straw
766 West J Street
Benicia, CA 94510

Amy Million - Valero crude by rail project

From: Dennis Lewis <lewylewy@pacbell.net>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 8/26/2013 10:32 AM
Subject: Valero crude by rail project



As a native Benician, I believe the crude by rail project should be given the go-ahead. I lived here when the Arsenal closed and saw the impact of losing revenue. Humble Oil, at the time, came in and rescued our dying city, or town as it was then. I have worked out there for contractors and have seen first hand how they operate, which looking at their track record, is pretty incredible. I support any endeavor they wish to embark upon, knowing that they will do it in a safe manner. They have been a good neighbor and they deserve our support. Thank you for allowing me to have my say, sincerely, Dennis Lewis

From: Plewis <pjlewis363@gmail.com>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/10/2013 7:45 PM
Subject: Comment for the public record, Valero Crude by Rail Project

Dear Ms Million,

I would ask that the following issues be considered in the full EIR being prepared for the Valero by rail project.

What will be the impact on greenhouse gas emissions when taking into account all that are produced from the obtaining the crude, transporting it, and refining it? As climate change is a global issue, it makes no sense just to evaluate what GHGs are emitted here in Benicia, as was done in the first report.

Can the sulphur content and other components in the crude that could produce a noxious odor be measured? On average, how many days is the prevailing wind blowing towards Benicia from the refinery?

As a mitigating measure, could Valero be prevented from refining sour crude on those days?

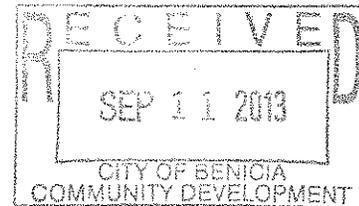
Regarding transportation issues, how much does each fully loaded tanker car weigh? How much distance and how long would it take to stop a 50 tanker long train going at the top speed permitted in the vicinity of Benicia? How long is a 50 tanker train? What is the explosive force for each tanker car in the event of a crash and the fuel igniting? How large an area would be flattened in the event all 50 cars ignited?

Thank you for your consideration of these issues.

Rick Slizeski

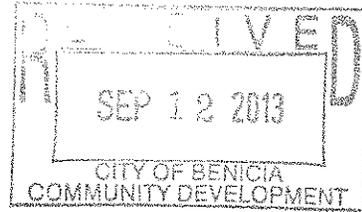
Benicia

Sent from my iPad



Kathy Kerridge
771 West I Street
Benicia, CA 94510
kkerridge@sbcglobal.net

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



Scoping Comments for Valero Crude by Rail

First, I would request that the comment period for the EIR be 60 days rather than 30 or 45 days. This gives ample time for the public to study and comment on the draft EIR. I would also ask that the comments period not be in December. That would reduce public input.

I would like to incorporate all of the comments I made in my prior letter regarding the need for an EIR into a request that these concerns and questions to be addressed in an EIR. That letter follows. I also believe that the comments by NRDC, the Goodman Group and Dr. Fox be thoroughly analyzed and the concerns addressed.

This project must be evaluated as part of a broad range of projects involving oil importation that are planned in the Bay Area. It cannot be viewed in isolation. The project should not be evaluated in the narrow way that was done in the negative declaration. Off site as well as on site impacts must be addressed. This project is not just about construction of a rail road. It is about what that construction will lead to. It is about how what is refined may change and about the public health consequences of that change. This must all be considered in the EIR. I would like the following specific issues addressed:

1. What will be the future economic impact on the Industrial Park? Would a large rail project have a negative impact on the attraction of new businesses and retention of current businesses? How would an increase in traffic congestion impact business attraction and retention? What are the safety issues of increased traffic back up on to the freeways? If Valero refines diluted bitumen oil with its higher emissions, its stronger odors, its greater risk of accident, with increased production of coke and its increased and dangerous particulate matter will other businesses want to locate in our industrial park? Will we lose businesses in the industrial park if this happens? What will be the consequences over the next 10 years, 30 years, 50 years? What will the economic impact of that potential loss be? What will be the impact of increased dependence on one business for our tax base if other businesses leave?
2. In light of the recent train disaster in Canada I want much more information about how these trains will be staffed, what kind of rail cars are they, and are they the safest possible? Are the rail cars double hulled? Would there be an increased risk of accident if higher sulfur oil, which is more corrosive, was carried in these rail cars? What kind of plans will be in effect to prevent a runaway train? What are the safety plans in effect now, not ones to be developed in the future? What would happen if there was a derailment in the industrial park near an oil tank? What are the mitigations for the inevitable dripping that will take place in a transfer of oil from the tank cars to the refinery?
3. How would a derailment be handled in any of the areas the train passes through? Will first responders know what is in the rail cars? Will they know how to treat a spill of diluted bitumen, if that is

ever transported? What are the plans to clean up an oil spill or a spill of tar sands oil if that ends up being imported? Will there be a bond in place to ensure clean up? The cost of the tar sands spill cleanup in the Kalamazoo River is approaching one **billion dollars**. Who will pay for a spill here? If the crude is reclassified as something besides oil, since it is so thick, who will pay for this cleanup since the industry is trying to exempt this from laws requiring cleanup? How will trains be impacted by the flooding that occurs in the marsh now? How will the rise in sea level impact the trains going through the marsh? What mitigation would there be? Could mitigation be no refining of this dangerous crude? What are the public health dangers of a spill of unconventional crude? Would local population be at risk from the release of the toxic chemicals used to dilute tar sands crude? What are the risks to the native wildlife and the bay if there was a derailment and spill in the marsh?

4. What exactly will be brought in by these rail cars? How will the public know what is brought in? How will the public know if the type of oil being brought in changes? How will a change in the source of oil impact our community?

5. The totality of this project must be addressed in the EIR, not just the small rail construction part. What will be the impact if the type of crude changes to tar sands, which produced more odor, more emissions, is more corrosive, and produces more pet coke?

6. Our general plan puts sustainability first. It specifically states on p. 22 "what is done at the project or local level can affect all levels of the environment, including the local community, neighboring regions, the country, and the world." This means to me that we must take a large view of this project. If tar sands are imported doesn't that directly go against providing for a more sustainable future? There are tremendous greenhouse gas emissions from the tar sands. We live in a community susceptible to sea level rise. What are the effects on this low lying community if the refining of oil that creates more greenhouse gases causes quicker sea level rise? Can a mitigation of this project be no diluted bitumen, no tar sands allowed?

7. How does the potential importation of tar sands crude impact AB 32 and the low carbon fuel standards? How can we strive for lower emissions if we encourage the development of the dirtiest fuels? How would any additional off site as well as onsite emissions be mitigated? What will the greenhouse gas emission be when considering off site as well as on site impacts? What will be the mitigation if tar sands with their extremely high emissions are refined?

8. If tar sands Dilbits are imported how will we know? What will happen when the VIP is fully implemented? How will the implementation of the VIP affect the type of crude oil that is imported and refined? How will the completion of the Hydrogen Plant affect the type of oil that is processed? How will a change in the crude oil impact emissions? This should consider not just average emissions, but emissions from the heaviest, sour crude that could be refined? How will a change to heavy, sour crude affect public health, cancer rates, asthma and other lung diseases? How will a change affect plant safety and the possibility of more accidents? Will the crude mix change over time? Will Valero tell us if it changes its sources after the project is approved? Would we have any say in it at that time? Would an EIR have to be then or does it need to be done now to address this threat?

9. Air quality needs to be evaluated not only during the project construction, but in light of possible change in emissions with a change in crude supply. Without knowing exactly what Valero will be refining it is impossible to tell how emissions will be impacted. What kind of air monitoring will tell us if there is a change in emissions? There is no fence line monitoring in place now. If there is an accident

how will we know what we are being exposed to? How will we know if we need to shelter in place or evacuate? What are the mitigations for increased emissions caused by a change in the crude being refined?

10. What is the cumulative impact of this project along with other projects in the Bay Area, such as the West Pac Energy Infrastructure Project in Pittsburg, and projects in Martinez and at the other refineries? If all of the refineries in the Bay Area change how they get their oil and the composition of the crude changes what will the public health impacts be? What are all the other projects that are being considered by other refineries? How will the cumulative impacts of all of these projects be mitigated?

11. What are the public health issues associated with refining diluted bitumen? What are the public health impacts from more pet coke production? What are the impacts besides increased cancer risk? How will this projects possible long term change of crude oil affect asthma rates, and other lung conditions? What are the long term impacts of inhalation of small particular matter? How would this change if diluted bitumen is brought in? The refining of tar sands crude increased the production of pet coke which contains lead and nickel, both of which are hazardous to human health? How will the impacts from this be mitigated? What will prevent small particles from blowing off of these pet coke piles into the bay and into Benicia? What are the mitigations? What are the cumulative impacts if more of the refineries in the Bay Area refine tar sands Dilbits? What will the cumulative effects be on the San Francisco Bay if there is more pet coke production and more pollution from particulate matter?

Sincerely,

Kathy Kerridge

Kathy Kerridge
771 West I Street
Benicia, CA 94510

July 1, 2013

Dear Planning Commissioners, Mayor Patterson, City Council and Brad Kilger,

I am writing to urge you to reject the MND on the Valero Crude- by -Rail Project and to require a full Environmental Impact Report

CEQA requires that there be an evaluation of all foreseeable cumulative contributions to negative impacts including air quality, public health, local and regional sensitive ecology (land and water), traffic/transportation, and global warming. The initial study and negative declaration does none of that. As the study explains "all environmental evaluation must take into account the whole action involved including offsite as well as onsite, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts." The possible impacts of an oil spill in the Suisun Marsh, or any other waterway in California is not mentioned. The cumulative effect of not just increased rail for Valero but for all the other refineries in the area is not mentioned. Yet this is foreseeable. Maybe 25 cars will have little impact, 100 more, but what if we start having 500 rail cars a day coming through a sensitive wetland that flows to the Bay?

The biological mitigation only looked at on site mitigations that would be implemented at the project site. There was no discussion of offsite mitigations, despite the fact that these rail cars will be going through sensitive habitats off site as well. Have other agencies been notified about this such as the Suisun Resource Conservation District and the Department of Fish and Wildlife?

The derailment of a train carrying the herbicide, metam sodium, in Dunsmuir in 1991 shows what an environmental disaster can happen when a rail car derails. This derailment killed everything for 38 miles of the Upper Sacramento River. This same area was the site of a derailment on 6-13-2013. The Dunsmuir spill can provide valuable lessons. In Dunsmuir the train operators had no idea what they were dealing with and raised no warning that there was a toxic spill. The same thing happened in the Kalamazoo, Michigan pipeline burst where not only did the local people have no idea what was in the pipeline, but the company ignored their own warning signals, increased the pumping of oil and never gave a thought to contacting the local authorities. This pipeline was carrying diluted bitumen from the Canadian Tar Sands. This cleanup is in its third year and is still incomplete. It has cost \$809 million dollars so far. Are our safety plans adequate? Has an emergency response plan been prepared for a crude oil spill being imported by rail in sensitive areas? Do we even know what will be in these rail cars? These are off site concerns that must be responded to. The initial study acknowledges that there are hazards of shipping by rail, but concludes that those are offset by the hazards of shipping by boat. That is not an adequate analysis. The analysis should be what are the hazards of shipping by rail and how can they be mitigated.

Will this expansion lead to bringing in crude oil from the tar sands of Canada? Valero has stated and the initial study says that the crude brought in will be similar to what they are already processing. Will that always be so? Are they bringing in oil that is from the tar sands that has been blended prior to being shipped? Oil from the tar sands are a toxic stew when transported. They don't react in a spill in the way

that traditional crude does. If Valero is not importing tar sands diluted bitumen blend now, will it do so in the future?

The initial project claims that there will be no need to modify the refinery to be able to process the new North American crude variety since VIP upgrades have been accomplished. Would Valero have to modify the refinery to accept dilute bitumen crude blends? Would the processing of diluted bitumen increase certain kinds of emissions and what would they be? The community would want additional notification if this happened.

The Alberta Tar Sands is an environmental disaster. Not only is it extremely energy intensive in the way the oil is produced; it is also destroying vast tracts of forest and using immense quantities of fresh water. The oil that is produced has to be heated and mixed with some very toxic chemicals in order to be shipped. When it spills these chemicals evaporate and a toxic cloud is released. The resultant heavy tar does not float to the top of water to be scooped up, but rather sinks to the bottom. It is more corrosive than lighter crude. This corrosive crude is so dangerous that British Columbia will not allow a pipeline to be built through their province to the ocean. The greenhouse gas emissions from the production of these oils are much greater than normal oil production. Will this project lead to this being brought in? What would the greenhouse gas emissions be like if that were considered? These are potential cumulative, off site impacts that must be considered.

Under section 18 "Mandatory Finding of Significance" of the initial report all findings were less than significant either with or without mitigation. The only reason for this is the failure of the initial report to look beyond the narrow scope of the project, which was treated only as a construction project. There is no analysis of offsite problems with rail transport of hazardous materials, no in depth analysis of what would happen with an offsite derailment or spill in sensitive environments and no analysis of the broader impact of increased GHG emissions that would happen if there was the importation of diluted bitumen from the Canadian Tar Sands.

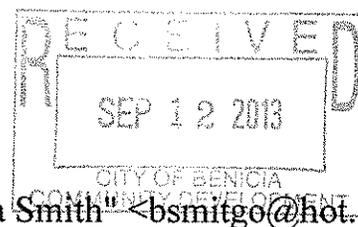
For all of these reasons a complete Environmental Impact Report should be required.

Sincerely,

Kathy Kerridge

Amy Million - Public Comment - Valero Crude By Rail

From: <rogrmail@gmail.com>
To: "'Amy Million'" <Amy.Million@ci.benicia.ca.us>
Date: 9/12/2013 9:07 AM
Subject: Public Comment - Valero Crude By Rail
CC: "'Brad Kilger'" <BKilger@ci.benicia.ca.us>, "Belinda Smith" <bsmitgo@hotmail.com>



Amy – please include my letter below in the record for Scoping for the proposed Valero Crude By Rail project, and distribute to all parties concerned. My letter was published in this morning's Benicia Herald, and offers a clarification on the distinction between shipments of "tar sands crude" (bitumen) and "diluted bitumen" (dilbit). I am asking Valero and the consultant to clarify Valero's previous statements and I suggest mitigations that would prevent shipment of diluted bitumen anytime in the future if this project goes forward. Thank you.

Roger Straw

766 West J Street, Benicia, CA 94510
707.373.6826

From: rogrmail@gmail.com [rogrmail@gmail.com]
Sent: Tuesday, September 10, 2013 12:23 PM
To: 'Benicia Herald'
Subject: Letter to the Editor

Editor:

Thank you for your September 10 article, "Questions on crude-by-rail to get airing Thursday." The issues covered in the article, in Steve Young's op ed, and at Thursday's meeting of the Planning Commission are deeply significant here in Benicia and beyond.

While the Herald's article covered the facts pretty well, I am concerned about a contrast drawn between Valero's statements and those who have voiced concerns about tar-sands crude. Ms. Weilenmann writes, "Company and refinery officials have repeatedly stated that the Benicia plant isn't equipped to process the heavier Canadian tar sands crude, and what would be brought in by train is the same quality of crude that is brought in from overseas countries and Alaska by oil tanker ships." Then she contrasts the refinery's statement with this: "...many residents, including members of the Good Neighbor Steering Committee have said at Planning Commission and other meetings that they suspect the less-expensive but heavier and more polluting crude is what would arrive by rail."

Concerned Benicia citizens' claims (and those of experts from the National Resources Defense Council) need to be clarified to be understood. Valero has indeed stated that they would not be shipping Canadian tar sands crude. Of course not. Tar sands crude (bitumen) is too thick and gooey to be shipped by pipeline or rail car. But Valero has not stated publicly that they would refrain from shipping the "heavier and more polluting" crude that is a *blend* of tar sands bitumen and other lighter volatile chemicals. This blend is referred to as diluted bitumen, or dilbit, and it is by far the dirtiest, most polluting source of fossil fuel in existence today. The stripping of the earth and despoiling of forests and rivers at the source is catastrophic for the health of the earth, as well as for human and other inhabitants. Movement of this blended crude by rail is extremely dangerous in every town, passing through community centers and rumbling past nearby schools, residential neighborhoods and commercial and manufacturing centers. Then, when it finally creaks through our protected Suisun Marsh, it would arrive in our fair village for a refining process that is dirtier than that of other crudes, producing more

greenhouse and volatile gases and resulting in a huge increase in a nasty refinery byproduct, petroleum coke (or petcoke), which is usually sold overseas and burned as a fuel that is itself dirtier than coal. A spill or an accident anywhere along the way could cost a billion dollars or more to clean up.

The list of reasons for NOT allowing diluted tar sands crude into Benicia can go on for pages, but I will leave it there.

Valero should be required to clarify, as part of the Environmental Impact Report and before this project is approved, whether they plan to import DILUTED BITUMEN, originating as tar sands crude in North America. And given that plans change, I would personally ask that a method of enforcing this plan far into the future be built into the project as a mitigating measure, and under penalty of law.

Roger Straw

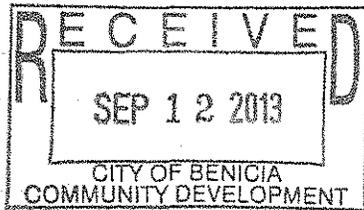
766 West J Street, Benicia, CA 94510
707.373.6826

09-12-13

City of Benicia Planning Commission Meeting

Questions for meeting:

1. Do Environmental Science Associates take the lead in the EIR. How do they and the city verify information submitted?
2. Do the environmental effects of strip mining for crude oil in Canada or fracking for crude oil in north Dakota related to this EIR or within the purview of the planning commission?
3. For this meeting please ask speakers to detail their level of expertise on this related issue. Education, work experience ect. Not "I stayed at a Holiday Inn last night so I am a Scientist."

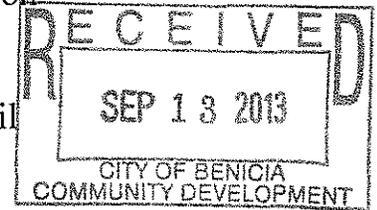


Clark Diggins
58 Buena Vista
Benicia Ca
745-1225

50 yr resident

Amy Million - Re: Additional comment for the record, Valero Crude By Rail

From: Mary Frances Kelly Poh <mfkoh@pacbell.net>
To: "rogrmail@gmail.com" <rogrmail@gmail.com>, 'Amy Million' <Amy.Million@ci...>
Date: 9/12/2013 1:40 PM
Subject: Re: Additional comment for the record, Valero Crude By Rail
CC: 'Brad Kilger' <BKilger@ci.benicia.ca.us>, Belinda Smith <bsmitgo@hotmail...>



Oh, what a great thought! And Valero does have the minds and the ability to pull this forward thinking off. Even me, who drives an all electric car, knows that value and necessity of petroleum. I have to drive either on concrete or asphalt or go regressive drive on dirt.

Mary Frances

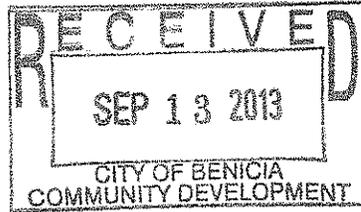
From: "rogrmail@gmail.com" <rogrmail@gmail.com>
To: 'Amy Million' <Amy.Million@ci.benicia.ca.us>
Cc: 'Brad Kilger' <BKilger@ci.benicia.ca.us>; Belinda Smith <bsmitgo@hotmail.com>; Don Dean <donaaldjDean@sbcglobal.net>; George Oakes <oakes@earthlink.net>; Rod Sherry <rsherry@csa-engineers.com>; Stephen Young <escazyoungs@gmail.com>; Susan Cohen Grossman <susancg@pacbell.net>; Suzanne Sprague <Suzanne@solanolawgroup.com>
Sent: Thursday, September 12, 2013 9:12 AM
Subject: Additional comment for the record, Valero Crude By Rail

For the record, Valero Crude By Rail:

Like so many others who have expressed concerns and questions regarding Valero's proposed Crude By Rail project, I resent the suggestion that I simply want to run Valero out of town. We all are dependent on fossil fuels at this moment in history. Valero knows, as do we all, that there are cleaner ways to produce energy, and that fossil fuels will eventually give way to other forms of manufacturing power. What is at issue in our community is the pace of transition, the security of our City's economic base, and the health of the planet. Major issues, indeed! As for me, I'd prefer that Valero NOT buy into what might be called a "Last Gasp" strategy of refining the earth's dirtiest sources of oil for a short term profit and a small extension on the time of transition to cleaner fuels. Imagine the day when even the tar-sands and shale crudes are gone. Valero knows there will come a time when the refinery will need to re-tool its efforts completely. No, I don't imagine that our good neighbor refinery will shut down and leave, although I guess that would be a possibility. Rather, I see a day when, under a continuing ownership or a new owner, our refinery moves into electrical generation by wind/solar/water production or by an as yet undetermined clean and safe methodology. Now having imagined that, just imagine it sooner rather than later, with Valero LEADING the oil industry into a more responsible and sustainable future.

Roger Straw

766 West J Street, Benicia, CA 94510
 707.373.6826



September 12, 2013

Mary Frances Kelly Poh

643 Windsor Drive
Benicia, CA 94510
Phone: 707-745-5461
Mfpoh@pacbell.net

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

Dear Ms. Million

Scoping Comments for Valero Crude by Rail

Valero Crude by Rail is probably the most important project to come to the City of Benicia in decades. Both the City of Benicia and the public need sufficient time to prepare and review the necessary documents. Therefore I request that the comment period for the DEIR be 60.

I have previously written regarding the need for an EIR and request those questions and concerns be addressed in the DEIR.

Specifically the plan must address emergency planning all the rail lines that the tank cars will travel. Additionally emergency plans can only be vague if the people preparing the plans don't know specifically what the train cars contain. I understand Valero is going to blend the crude in their facility so that it essentially is the same as what they refine there now, But the tank cars will not contain the crude mixture that Valero now refines. All crude oil is not alike. Some contain more sulfur and often 2-4 times the amount of "sweet north slope crude" contains. Also included needs to be training plans so that all first responders know how to respond and protect the citizens all along the train route. There needs to be developed something similar to Bay Keeper which responds to oil spills in the Bay waters to respond to spills on the land.

I also wrote about the need to accurately document the presence of two federally listed endangered species, specifically Soft Bird's Beak and the Suisun Song Sparrow. Both must be searched for at the appropriate times and if found mitigations must be developed to protect both of these species. The easiest time to find the Soft Bird's Beak is April and May when it is in bloom. There are other species which also must be considered as the train passes through the Suisun Marsh which is a shallow tidal estuary on the Pacific Flyway in which migratory birds from Alaska travel as far as Patagonia and back again. There are migratory bird treaties which will come into play here. A spill in this area could prove difficult to clean up and have devastating consequences in the marsh, delta and the Carquinez Strait. A spill into Sulfur Springs Creek, which runs parallel to the train tracks on the Valero property, and empties into the Suisun Delta, could be very problematic and difficult to clean up.

This project is more than just putting in a rail spur in the refinery in isolation. There are a number of other local and statewide organizations which need to be invited to comment on issues to be addressed in the DEIR. They

include The Solano Land Trust, Suisun Delta Resource Conservation District, California Native Plant Society, Solano County Fire Chief's Association, and all the cities along the train's route here in California. This project is part of larger changes which are occurring in Bay Area refineries. This project must be examined for its cumulative impacts. Mitigations must be identified and explained so that the public can understand the project and participate in the solutions.

Sincerely,

Mary Frances Kelly Poh

Mary Frances Kelly Poh

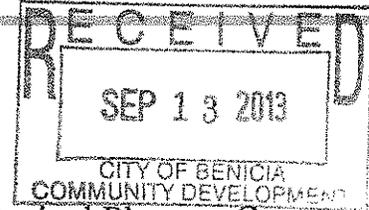
Amy Million - "Valero Crude by Rail Project, to Amy Million, Principal Planner, Community Development Department, City of Benicia,

From: Milton Kalish <milton@miltonkalish.com>

To: <amillion@ci.benicia.ca.us>

Date: 9/12/2013 6:13 PM

Subject: "Valero Crude by Rail Project, to Amy Million, Principal Planner, Community Development Department, City of Benicia,



corrected copy

To whom it may concern

I am Milton Kalish of Davis California, writing as a citizen of Davis and as co-coordinator of Yolando Climate Action. The Vallejo Good Neighbor Steering Committee has invited me to speak at tonight's meeting concerning railroad shipments of crude oil through Davis to Benicia. I am writing because I am unable to attend the meeting due to a family emergency.

We in Davis are just becoming aware that crude oil is being shipped by through our city, and of the associated risks to public safety and health, especially in light of the disastrous loss of life and property in Lac-Megantic, Quebec on July 6. We are taking this very seriously.

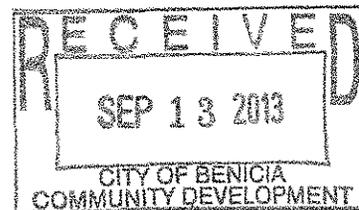
We urge the city of Benicia to put public safety and health as the top priorities in any decisions involving shipment of crude oil.

Please feel free to contact me for further information, or if you wish to discuss this matter further.

Respectfully submitted,
Milton Kalish, LCSW

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MARILYN J. BARDET
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September 12, 2013

Amy Million, Principal Planner, Community Development Department
Brad Kilger, City Manager &&
Planning Commissioners
City of Benicia
250 East L Street
Benicia, CA 94510

SUBJECT:

Scoping comments for preparation of the Draft EIR for the Valero Crude-By-Rail Project

Dear Ms. Million, Mr. Kilger and Planning Commissioners,

I fully appreciate the City of Benicia's decision to require preparation of a Draft Environmental Impact Report ["DEIR"] for the Valero Crude-by-Rail Project ["Project" or "Valero Rail Project"]. The voluminous public testimony the City received critical of the conclusions of the Initial Study and recommended Mitigated Negative Declaration [IS/MND] pointed to that necessity. I also appreciate that the City has invited the public to contribute to the preparation of the DEIR through an official scoping process, including the official scoping session scheduled for tonight, September 12th, at the Planning Commission meeting.

I'd read that the DEIR would be intended to be ready for public circulation and review sometime in December-January. Now, tonight at the Scoping, we are told that the DEIR will be ready for circulating to the public by sometime in October for a 45 day review period, and that it would be anticipated that a Response to Comments Document, for public review for 10 days, would be available in December, at which point the Final EIR would be presented to the Planning Commission for its consideration. I want to register here that I am absolutely against scheduling a public review period for any CEQA document, given the apparent rush to get the DEIR prepared, especially the "Response to Comments" document which requires as much review as the DEIR, considering that it represents the "last word" by the consultant on the subject of public comment and critical review of the DEIR's conclusions. The holiday month of December is typically full of extra family responsibilities and obligations, besides regular jobs. My personal experience of reviewing and commenting on DEIRs over the years, including the Valero Improvement Project DEIR and its Response to Comments, allow me to make this request with justifiable concern. Citizens should not be purposefully disadvantaged in the month of December by having 10 days to study, then comment on a document that could be determinant for approval of a final EIR. The Crude-By-Rail Project has raised extraordinary, critical questions that have opened up the Project to much greater scrutiny and the discussion provided in the DEIR and answers that would be provided by consultants in the Response to Comments doc will deserve very serious attention and focus in preparation for the Planning Commission's hearing on the DEIR. There will be very little extra time for most of us during the holidays for that level of concentrated devotion required to tackle the document and prepare for a final hearing on the Final EIR. Community members should be commended and shown respect for their desire to comment on the sequence of documents, an arduous task at best. I also hereby request that the DEIR review period for the Crude-by-Rail Project be extended to 60 days,

and that the month of December be excluded from any review period of CEQA documents. Thank you in advance for your consideration of my requests, which I know others share.

I believe it would be an appropriate courtesy for the City of Benicia to notify all cities within the region, “up county” and beyond to Roseville, and even farther along the intended train route to Alberta or North Dakota through small towns along the way. After all, the train that exploded in flames and decimated the downtown of Lac-Megantic, Quebec, was meant to “pass through”—go on. Perhaps the notification task would be Valero’s or Union Pacific’s responsibility? By email blast? It would seem more than a gesture. If the Project is approved, unit trains with 50 tanker cars loaded with dangerous crude oil would be rolling through communities on Union Pacific tracks, from the shale plays in the Midwest and tar sands in Alberta through to Benicia’s industrial park and refinery.

I know that I’ve written here more than you could ever want to plow through. I am grateful, just by the thought that you might actually read it all. It’s a measure of my commitment that I’ve given such time and thought to this writing task, because of which many other obligations were put on hold. Part of my effort was spent trying to express the depth of my concern, having read about the tar sands mega-project and the aggressive campaign to promote it by the oil industry and its investors since around 2003, just when the Valero Improvement Project was being presented to the public for review. What and when did Valero’s CEO know about the tar sands opportunity? What did I know then? Not what I know now through my reading! Canadian officials flew to Texas to discuss with leaders in the oil business the prospects for expanding exports of “diluted bitumen” to the US. One name given to the product is “Western Canada Select.” It’s quite likely that Valero’s CEO and investors could have been involved in those early discussions with Albertans that might have prompted or reinforced Valero’s early decision to prepare the refinery, retool it, for processing greater varieties and amounts of sour crudes, as the VIP DEIR had described. After all the technical modifications and upgrades to achieve this goal, Valero is now poised to import unconventional low grade dilbits from the tar sands, albeit they’d rather name the crude from North Dakota’s Bakken shale formation rather than admit they’re aiming for the “money left on the table,” as Valero’s CEO Bill Kleese called it, speaking with investors. Valero Energy Corporation’s given rationale for the Project is to provide access to heretofore inaccessible, advantageously priced North American-sourced unconventional crude oil from Midwest shale formations, and though not admitted to the general public, presumably Western Canada Select from Alberta tar sands. Accessing North American-sourced crude by rail is therefore the *single reason* for the Project proposal, making those particular imported crude products an intrinsic part of the Project, representing the Project’s economic value to Valero. The primary motive for the Project is to increase the refinery’s profit margins, accounting the price-per-barrel discount of tar sands dilbits that could make the Project’s costs zero out after a few years. A very good deal for Valero! But what I see ahead for our community, I also see ahead for the earth and all of life as the climate crisis moves toward irreversibility. It is because of this nexus that I have worked so hard to make my case to get an honest, objective DEIR for review of this Project.

Thank you very much for reading and considering my comments. I can well appreciate the tasks you continue to face in administering this CEQA review process.

Very respectfully,

Marilyn Bardet
member, Good Neighbor Steering Committee

About my Scoping Comments: what they include by reference and citation

The DEIR must be a comprehensive tool for public understanding of the Project and its impacts. It is imperative that the DEIR not piecemeal the Crude-by-Rail Project, as if Project activities and operations were solely confined within Valero property at the proposed rail off-loading rack/terminal. The Project must be portrayed, characterized and analyzed within the full context of its operations on-site and off-site, including rail transport of crude oil by Union Pacific that would be imported by Valero. The Project's direct and indirect impacts must not be reviewed in isolation from those consequences resulting from other similar projects now being considered in the Bay Area. My comments will address these issues.

I request herein that all comments and questions that were *critical of the analyses and conclusions of the IS/MND* and that were officially submitted to the City as part of the official record be incorporated by reference into my Scoping Comments. This would include all comments submitted by me and others, including the National Resources Defense Council [NRDC], as well as reports submitted, the Phyllis Fox Report and the Goodman Group Report, and also, those verbal testimonies offered by members of the public at the Planning Commission hearing on July 11th.

Also, I endorse and wish to incorporate all Scoping Comments submitted to the City by members of the Benicia community, members of the GNSC, Roger Straw, Ed and Jack Ruszel, Bob Berman, NRDC and other citizens who seek to have a thorough, comprehensive DEIR prepared that would disclose the full scope of potential direct and indirect impacts of the Crude-by-Rail Project.

I also request to have incorporated as part of this scoping the comments from residents of Pittsburg that were submitted to the City of Pittsburg on the DEIR for the WesPac Energy Infrastructure Project ["WesPac Project"] proposed for Pittsburg's waterfront, since those comments are pertinent to the review of the Valero Rail Project's foreseeable, potentially significant and cumulative indirect impacts, both projects having enormous repercussions for the Bay Area at large, but also for our particular communities of Benicia and Pittsburg, and all other affected communities hosting refineries, and/or all cities and communities that share the prospect of having 50-car unit trains loaded with unconventional crude chugging through their communities.

I want to express my disappointment that Valero's presentation at the Scoping session held tonite did not reflect any of the concerns raised by citizens at the previous hearing on July 11th or those raised in writing and submitted to the City. There was no hint that Valero really had any concern to answer our questions directly. The company still refuses to talk about the specific sources for the unconventional crudes they intend to import now and over time., the scant description offered about the proposed project's benefits to the community would hardly qualify as reason to permit it.

According to the City's Notice of Preparation [NOP] issued August 9, the DEIR will discuss impacts under the following topics – Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Transportation/Traffic. However, given the NOP's limited number of topics listed, the DEIR under preparation would qualify under CEQA guidelines as a "focused EIR," (not a "full EIR"). I believe that other CEQA topics must be included in this focused DEIR in

order to identify and address the full range of potentially significant and cumulative direct and indirect potentially significant and cumulative impacts resulting from the Project's various operations, on-site and off-site of Valero property. I herein request that additional topic areas be added that are typically found in DEIRs for large-scale industrial projects involving crude oil and other hazardous materials:¹ Public Health; Public Safety; Land Use Plans & Policies; Energy; Noise; Aesthetics, Visual Quality, Light & Glare; Public Services and Utilities; Growth Inducing Impacts & Urban Blight; Marine Terminal Operations; Greenhouse Gas Emissions; Cumulative Effects. My reasons for including these additional topics for the Valero Project DEIR will be made clear through my Scoping Comments.

About the terms "ecology" and "environment"

I request that the DEIR discuss the specific terms "ecology" and "ecosystem" as equivalents of the word "environment," the term used by CEQA especially in reference to a project's potential local and regional negative impacts. The dictionary definition of "ecology" – "the relation of biologic organisms to their physical environment" – makes clear the totality of what CEQA means by "environment." Thus, "environmental protection" means protecting an "ecosystem" encompassing all relations, e.g., those *exchanges* amongst living species with the physical world and conditions in which they find themselves. Humans, wildlife, plants and other forms of biologic life on the land and in waters are in perpetual exchanges of forms of energy in their respective habitats that are dependent for stability on conditions found within them and surrounding them. Those conditions, for whatever natural or man-made cause, are perpetually in flux over time – the critical time period of that flux is what allows for adaption or not. Harm to the environment, therefore, can affect biologic species of all kinds, with their survival and/or ability to adapt in a given area determined by the level of disruption over time to habitat, and causes of disruption and changes, such as industrial or residential development that disrupt the soil and the network of ecologic relations in those surroundings. The ultimate long-term disrupter of existing ecologic order is climate change, which already affects the survival chances of countless species, as scientists have documented for California.² The ecology of our local and regional environs is revealed distinctly, from the smallest to the largest evidence that can be discovered and experienced around us. Life depends on the energy of the sun and the quality of the air with its chemical contents, and these essentials determine the earth's climatic conditions for the diverse ecosystems that make up the world's "skin." I would hope that the DEIR would use the term ecology with respect to the need to convey the wide-rippling, relational aspect of *indirect effects* of the Project – how one thing affects another, with an eye to how the continued extraction, processing and consuming and burning of precious fossil fuels contribute to an accelerating climate crisis. Scientific evidence continues to reveal the need to transition to renewable sources of energy for human civilization and to protect the earth's biologic diversity, the wellspring of all life.

The DEIR's purpose, objectives, and what the DEIR must provide and address³

¹ See Recirculated DEIR (public review ends Sept 13th) for WesPac Energy-Pittsburg LLC's proposed WesPac Energy Infrastructure Project for City of Pittsburg's waterfront, an oil terminal/import/storage/export operation proposed to include import of unconventional crude oil by rail from North American sources to be exported by pipeline to Bay Area refineries. <http://www.ci.pittsburg.ca.us/Modules/ShowDocument.aspx?documentid=5651>

² <http://oehha.ca.gov/multimedia/epic/pdf/ClimateChangeIndicatorsReport2013.pdf>

³ CEQA GUIDELINES http://ceres.ca.gov/ceqa/docs/CEQA_Handbook_2012_wo_covers.pdf

Under CEQA, the DEIR's primary **purpose** is to enable the public to review, reasonably understand, fairly evaluate and judge the full scope of the Project, inclusive of its various, foreseeable, potentially significant, as well as *cumulatively considerable*⁴ immediate and long-term *direct and indirect* risks and negative impacts posed to local and regional ecology by the "whole of the Project."

The DEIR's **purpose** is also to reveal the best possible solutions for mitigating those impacts that have been analyzed as being potentially significant such that they could result in harm to the environment, human health and safety. The DEIR must allow the public to fairly evaluate and judge the feasibility and effectiveness of specific mitigation measures, to be presented in the DEIR as *completed plans* with monitoring programs that are intended to eliminate or greatly reduce to "less than significant" those impacts identified as "significant" that would foreseeably result from Project activities and operations "on site" and "off site" over the Project's lifespan. The mitigation measures must specifically address the particular risks posed by potential direct and indirect impacts that would be potentially significant and *cumulatively considerable*: for example, negative consequences resulting from the Project's *indirect* emissions impacts to local and regional air quality, and also, foreseeable indirect consequences (accidents, derailments, spills, etc) of transporting crude-by-rail through cities along Union Pacific tracks, potentially threatening public health and safety, and through rural areas, thus posing incredible risks to ecologically fragile and sensitive landscapes. All significant negative direct and indirect impacts must be aggregated as cumulative impacts of the Project that under CEQA must be "*viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects,*"⁵ e.g., estimates of aggregated cumulative significant impacts from sources of pollution and transportation hazards, and any and all foreseeable impacts contributed by similar projects being proposed now or anticipated in the near future by other major, large-scale industrial polluters in the region – other refineries and chemical plants. [See further comments].

Thus, the DEIR's **objective** must be to accurately and comprehensively describe and assess the Project's potential direct and indirect impacts foreseeably resulting from operations, on-site and off-site of the Project's physical location within the refinery's perimeter. Obviously, without Union Pacific's trains and rail transport operations, there would be no need for the existence of the "on-site" Project: the proposed rail off-loading racks or two extra rail spurs on site, or 4,000 ft of new piping to carry off-loaded crude to the storage tanks. The Project's extensive rail operations, governed by federal interstate commerce law and therefore controlled by Union Pacific, must be considered as part of *indirect* operations that could foreseeably contribute to off-site indirect Project impacts. Those rail operations must be described, (train routes; proposed scheduling of unit trains; potential sidling of loaded or empty crude unit trains within the Benicia Industrial Park and elsewhere; location of rail hubs, etc) and these rail operations must be analyzed for potential and foreseeable impacts that would be *indirectly* associated to the Project – potentially significant impacts, such as leaks, spills and fires owing, for example, to the structure and condition of DOT-111 tanker cars that are reported to be prone to puncture and/or rupture, thus exposing the risk of leaks, fires, explosions and major cleanup problems that have to be addressed in the DEIR. In the case of derailment when tanker cars contain, for example, highly corrosive and heavy tar sands diluted bitumen ("dilbits") or Bakken crudes that may contain fracking residues of highly corrosive hydrochloric acid and that also emit volatile, flammable gases, we know that it would be imperative to ensure that the tanker cars that would carry these unconventional crudes would be double-walled and proven safe when derailed. But, ". . .the rail industry is fighting a proposal to retrofit

⁴ From CEQA GUIDELINES, Amendments, 2009: § 15064. (h)(1) "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

⁵ CEQA Guideline Amendments, 2009: § 15064. (h)(1)

existing cars, saying it could cost as much as US \$1 billion.” [Bloomberg News⁶]. The DEIR must address the type and current performance history of the tanker cars that Valero has purchased for the Project and discuss specific, potential indirect impacts of crude-loaded 50-car unit trains, loaded with different crudes with different characteristics, if there is an accidental derailment “on site,” and accidents “off site” – derailments, spills, fires, catastrophic explosions affecting sensitive ecologic areas (creeks, marshes, wetlands, floodplains, shorelines, and the river – when crude-loaded unit trains are in transit through the Benicia Industrial Park, in sensitive areas within Benicia city limits, the region and beyond.

Thus, however narrowly the Project is described, it is impossible to conceive of the Project without Union Pacific as a partner in its operations, and therefore, it is common sense to link Valero and Union Pacific together when considering off-site indirect impacts that could foreseeably flow from the Project’s implementation. The DEIR must address how cleanup of foreseeable rail accidents involving spills of diluted bitumen and/or Bakken crude would be carried out, and who would be responsible for the cleanup and its costs, Valero or Union Pacific and/or both. A Mitigation Measure and its Monitoring Program would have to be specific and cite existing evidence of how spills (from pipeline and trains) of these products have been dealt with in the past. Particularly important to review are the facts about the Enbridge Energy pipeline spill of tar sands diluted bitumen into the Kalamazoo River: the problems that arose in attempting restoration of 35 miles of river and shoreline, and what it has cost to date and how the cleanup bill has been paid for.⁷ And, of course, the catastrophic train accident involving derailment, fire and explosion of Bakken crude at Lac-Mégantic, Quebec. The most recent article posted on the subject shows that there was a “mislabeling” problem of contents of the train that exploded. The Bakken crude being transported was misclassified, so contents were not understood to be highly explosive. [See Huffington Post article, Sept 12, 2013]⁸

The DEIR’s Project Description and Impacts Analyses must discuss the regulatory framework governing the Project and its operations, and provide sufficient detail so that the Project and its impacts can be understood in context, that is, from local to global under the rubric of “Sustainability” – the City of Benicia General Plan’s overarching goal [General Plan, page 22]– the City of Benicia’s Climate Action Plan adopted in 2009, the California Global Warming Solutions Act - AB32 of 2006, and other current and/or pending legislation that supports AB32’s implementation, such as SB375, with description of the GHG reduction target levels described for Benicia, Bay Area and the state.

To benefit the public’s understanding, the DEIR must **provide as part of the draft document** the necessary tools to serve assessment of the Project and its effects as described. The Project should be able to be understood through study of the DEIR as a “stand alone” document, with Appendices to allow for easy access to important references, texts and citations, including a Glossary of Terms, and active weblinks to key documents, charts, graphs, etc., that are pertinent to close-order discussion of topics covered by the DEIR and that support the claims of the DEIR’s impact analyses. Thus, readers of the DEIR should not have to seek

⁶ [Fracking chemicals in spotlight as regulators investigate rail car corrosion and flammability of North Dakota crude | Financial Post](#)

⁷ [Kalamazoo River oil spill - Wikipedia, the free encyclopedia](#), also, [EPA Response to Enbridge Spill in Michigan | US EPA](#); also, [Enbridge Resisting Final Clean-Up of Its Michigan Oil Spill | InsideClimate News](#)

⁸ [Safety rules lag as oil transport by train rises - Canada - CBC News](#) Also: [Key things confirmed in the Lac-Mégantic train blast - CBC](#) ; also [Lac-Mégantic disaster stirs train vs. pipeline debate - CBC/ Your Community](#); also, [Transport: Bakken crude makeup faces scrutiny in rail car explosion – Monday, September 9, 2013 – www.eenews.net](#); also, [Fracking chemicals in spotlight as regulators investigate rail car corrosion and flammability of North Dakota crude | Financial Post](#); also, http://www.huffingtonpost.com/2013/09/12/lac-megantic-train-mislabeled-oil_n_3909175.html

relevant and expert information beyond the DEIR in order to fairly judge the Project. The Appendices must include current 2012 CEQA Guidelines, and full texts with summary explanations of all relevant, applicable local, county, state and federal laws, regulations and guidelines and “ARARS,” [“Applicable or Relevant and Appropriate Requirements”] that would serve as regulatory framework for assessing impacts and for governing the Project’s implementation and on-going operations. For example: the Appendix must **provide** web links to state laws AB32 and SB375; CAL-EPA and California Air Resources Board regulations that protect human health and safety; City of Benicia’s General Plan, and the City’s Climate Action Plan. It must also **provide** web links to the Valero Improvement Project [VIP] EIR (2003) and VIP EIR ADDENDUM (2006), in order that citizens and experts studying the DEIR can compare previous historical statistical analyses of refinery operations impacts with analyses provided by the Project DEIR’s analyses of similar impacts.

It is of utmost importance that the DEIR **provide** any and all current federal regulations and guidelines governing rail transport of crude oil and other hazardous materials. The DEIR must provide adequate discussion of Union Pacific’s historical performance record, train derailments and other accidents involving hazardous materials as well as the federal standards (if any) for DOT-111 tanker cars with regard to their construction and likely performance in the event of derailments and accidents, with examples given of the “credible worst case scenarios” for accidents involving hazardous, toxic materials. The Dunsmuir and Roseville historic and catastrophic train accidents⁹ involving large unit trains carrying hazmat must be discussed. In the case of Dunsmuir derailment, pesticides from a 97 car train spilled into the upper reaches of the Sacramento River killing fish and sickening many people and impacting 38 miles of the river. That accident was considered the most catastrophic in California history. The Roseville disaster, a rail yard explosion of 6,000 Mk-81 bombs, caused massive destruction and injured 350 people. What would happen if a crude-loaded train derailed, caught fire and exploded at the Roseville rail hub today? Or as it passed through any city along the UP tracks? The research that is being done to determine the causes of the Lac-Megantic catastrophe must be fully discussed. The DEIR should discuss the events leading up to these events, how they were dealt with in the immediate wake of the accidents, and what followed in the aftermath with regard to environmental damage, ecological restoration efforts and improvements made to protect public health and safety (emergency response, etc.)

As part of the Project Description and Introduction, the DEIR must account for the anticipated lifespan of the Project – the expected number of years of its construction and operations, (which the IS/MND failed to identify). This estimate is essential to understanding, for example, foreseeable impacts owing to an inevitable change *over time* to the refinery’s daily crude slate, which is processed at the permitted annual average throughput rate of 165,000 barrels per day, and at 180,000 bpd, the daily maximum throughput allowable. The DEIR must address and estimate how the crude slate could change over time, given that the Project would be importing 70,000 barrels per day of unconventional crudes from US and Canadian sources, a figure that represents almost *half the amount of the daily average allowable throughput*. In other words, using this example, the public must be able to fairly gage and judge the long-range indirect consequences of the

⁹ Dunsmuir historic train derailment, toxic spill in river; also recent UP derailment at the same location: [▶ Train derails north of Dunsmuir in area where disaster has struck before - YouTube](#) [A Toxic Nightmare: The Dunsmuir Metam Sodium Spill Revisited](#); [Millennium Ark: Hot News](#) [Railroad train fires and munition explosions | The History of Insensitive Munitions](#) <http://www.nts.gov/doclib/reports/2004/RAB0403.pdf>

likelihood of processing, *in incremental increases over time*, greater percentages on a daily basis of *unconventional*¹⁰ North American-sourced crudes. *The estimates of those impacts resulting from percentage increases in the crude slate must be based on current statistics for processing the existing crude slate at maximum daily capacity, 180,000 bpd.*

The DEIR must identify and discuss the “unconventional North-American sourced crudes” and their typical chemical constituents (including residues of acids and other chemicals used in the case of crudes extracted by hydraulic fracturing methods) that the Project is likely to import, since foreseeable indirect “off site” impacts associated to refining unconventional crudes with their distinct characteristic chemical signatures would flow from the Rail Project’s implementation.

Tar sands and Bakken crudes are highly likely to be the predominant candidates to be imported by rail,¹¹ despite the fact that Valero has verbally publicly denied that they would import tar sands bitumen – a natural asphalt – which, if imported in its original state would require. At a Valero Community Advisory Panel meeting earlier this year, it was stated that they would not be importing bitumen because it would “require a different kind of offloading terminal and heated tanker cars.” They have so far effectively skirted around answering whether they would seek to import tar sands *diluted* bitumen or “dilbits,” which would not apparently have those special requirements for transport and offloading. Valero has verbally stated that Bakken would be one of the crudes imported by the Project. There are other Midwestern “shale plays” that may also be sources of crude imported by the Project, but these have not been identified by Valero.

The DEIR must discuss the unconventional crudes being considered for import by rail. They may be highly acidic, “dirty” and “heavy” such as those derived from tar sands bitumen – a natural asphalt – and/or highly volatile and “light,” like the type extracted from the Bakken shale formation in North Dakota. In particular, given the probability that both Bakken crude and tar sands dilbits would be imported, the DEIR must describe their respective properties and the different challenges each poses for refining and transport by rail, with regard to concerns and risks to refinery and community safety, air quality, and hazards of spills during a train accident, derailment, etc. For example: processing tar sands diluted bitumen at a certain percentage of a crude slate could significantly increase risks of corrosion of refinery equipment and increase emissions of toxic air contaminants. Increases in production of petroleum coke (toxic carbon residue of the refining process, a particulate containing heavy metals) would result from increases in processing of tar sands dilbits; and processing Bakken oil as a percentage of the crude slate would potentially increase risks of leaks and

¹⁰ “unconventional crude” - term in common use to characterize oil derived from energy- and water-intensive extraction methods and techniques, such as hydraulic fracturing (“fracking”) used in Midwest and California shale formations that involve use of injected chemicals and water under pressure, and also, highly corrosive acids, (hydrofluoride or “HF” for fracking in CA; and hydrochloric acid, used in Midwest shale plays.) Various methods are used for extraction and upgrading of bitumen derived from Alberta, Canada’s tar sands, a vast network of industrial mining operations encompassing 250,000 sq miles, in the midst of what was once a pristine boreal forest. For information on the economic prospects and environmental impacts of extracting and processing unconventional crude types found in the US, see the book *Snake Oil: How Fracking’s False Promise of Plenty Imperils Our Future* by Richard Heinberg; 2013, Post Carbon Institute, a thoroughly researched, investigative analysis and rebuke to industry hype, giving solid statistical information, promulgated by the US Energy Information Administration (EIA), including the EIA’s recent prediction that unconventional oil supply will experience historic decline “within this decade.” This prediction alone, based on current production levels at existing shale and gas plays in the US, raises the question of the actual economic reality of the “boom” that current oil industry promotion campaigns describe for production owing to “inexhaustible oil reserves” found in extensive, often very deep, shale formations of the Midwest and California. The real test of this claim is how much “product” can be extracted at what cost, which determines the supply given its level of profitability and thus, the “energy return on energy invested” or “EROEI.” The overall cost of the extraction processes are huge and are offset right now by favorable pricing discounts such as offered by the Canadian government for tar sands diluted bitumen products (“dilbits”).

¹¹ See Goodman Group Report

explosive situations involving flammable gases under very high pressure, and also, risk increases of emissions of volatile organic compounds (VOCs) affecting local and regional air quality.¹² Then there are the indirect impacts associated to the transport by rail of unconventional crudes that have to be thoroughly described and analysed for cumulative significant environmental consequences. [See further comments.]

As the City's Notice Of Preparation declares, the DEIR must **provide** full account of the effects of a "No Project Alternative" as well as sufficient description of plausible, feasible "Alternative Projects" and also identify, based on established criteria, the "Preferred Project Alternative."

The City of Benicia as lead agent must **give notice and provide opportunity** for all relevant county and state agencies, offices and departments to comment on the DEIR. In addition to those notified by the City for the IS/MND, notice of the DEIR's preparation should go to Cal-EPA's Office of Environmental Health Hazard Assessment [OEHHA], the Bay Conservation and Development Commission [BCDC], the Solano Land Trust and other county conservation organizations.

The Project's potential indirect, negative environmental "ripple effects" related to global warming and climate change

Based on the preponderance of historical and recent evidence and continuing research, scientists concur that the primary cause of the increases in global warming over the last century and the accelerating rate of change in atmospheric levels of GHG is owing to advanced industrial civilizations' burning and consuming of non-renewable fossil fuels – for which purpose the current "boom" in extraction and processing and burning of "North American-sourced" unconventional oil serves.

There is no doubt that the remaining petroleum in the form of conventional oil should be left in the ground as a protected precious resource for the sake of future generations who would certainly, a hundred years hence, regard its energy-rich properties "like gold." Advanced economies have had access to cheap oil and natural gas for over 100 years and have used it productively, but also wastefully, as if there would be no end to the good fortune and exponential growth it created from the time of its first discovery in the US. We will remain dependent on fossil fuels for transportation and other industrial purposes for years to come. However, today's energy- and water-intensive extraction methods and production costs will inevitably affect supply of unconventional oil sourced in the US and Canada, since it will become more difficult and expensive to technically "melt" the dirty, oily substances out of deeper and deeper shale layers or, in Alberta, deeper layers of sand and clay. Those costs will finally determine the availability of the current unconventional crude supply which now appears to be so readily available – ready in greater quantities for import by rail into the Bay Area.¹³

There is growing public acknowledgement, with plenty of evidence, that we are in the midst of a difficult transition to a different energy future, 30 years hence, that will entail energy production from diverse sources that government sources predict will be dominated still by coal and oil, with wind, solar, geothermal, hydro the minor contributors. However, the federal government's projections recorded in its *International Energy Outlook* present a future scenario for 2040 that is unsustainable, if one thinks of the "staggering consequences" (see quote below) to climate by continued dependence on the extraction and consumption of carbon-based fuels. An alternative post-carbon future must be imagined and worked toward, to conserve non-renewable resources and create a distributed energy system based on renewables to support a more localized

¹² See Phyllis Fox Report

¹³ *Snake Oil: How Fracking's False Promise of Plenty Imperils Our Future*, Richard Heinberg, 2013, Post Carbon Institute

economy *not founded on old hopes and false expectations of exponential growth*. I quote extensively below from an article published Sept. 10th, 2013, on the website Common Dreams, called, "Our Fossil-Fueled Future: World Energy in 2040" by Michael Klare, the Five College Professor of Peace and World Security Studies at Hampshire College in Amherst, Massachusetts. Discussing the IEO's projected scenarios about the future of oil, only 30 years away, Mr. Klare writes:

" . . . These projections may not in themselves be surprising, but if accurate, the consequences for the global economy, world politics, and the health and well-being of the planetary environment will be staggering. To meet constantly expanding world requirements, energy producers will be compelled to ramp up production of every kind of fossil fuel at a time of growing concern about the paramount role those fuels play in fostering runaway climate change. Meanwhile, the shift in the center of gravity of energy consumption from the older industrial powers to the developing world will lead to intense competition for access to available supplies. . . . Anyone searching for evidence that we are transitioning to a system based on renewable sources of energy will be sorely disappointed by the projections in the 2013 *International Energy Outlook*. Although the share of world energy provided by fossil fuels is expected to decline from 84% in 2010 to 78% in 2040, it will still tower over all other forms of energy. In fact, in 2040 the projected share of global energy consumption provided by each of the fossil fuels (28% for oil, 27% for coal, and 23% for gas) will exceed that of renewables, nuclear, and hydropower combined (21%).

". . . Oil and coal continue to dominate the fossil-fuel category despite all the talk of a massive increase in natural gas supplies -- the so-called shale gas revolution -- made possible by hydro-fracking. Oil's continued supremacy can be attributed, in part, to the endless growth in demand for cars, vans, and trucks in China, India, and other rising states in Asia. The prominence of coal, however, is on the face of it less expectable. Given the degree to which utilities in the United States and Western Europe are shunning coal in favor of natural gas, the prominence the IEO gives it in 2040 is startling. But for each reduction in coal use in older industrialized nations, we are seeing a huge increase in the developing world, where the demand for affordable electricity trumps concern about greenhouse gas emissions. . . . To fully appreciate the significance of the IEO's findings, it is necessary to consider four critical trends: the surprising resilience of fossil fuels, the degree to which the world's energy will be being provided by unconventional fossil fuels, the seemingly relentless global increase in emissions of carbon dioxide, and significant shifts in the geopolitics of energy. . . . If the trends identified in the Department of Energy report prove enduring, then the world of 2040 will be one of ever-rising temperatures and sea levels, ever more catastrophic storms, ever fiercer wildfires, ever more devastating droughts. Can there, in fact, be a sadder conclusion when it comes to our future than the IEO's insistence that, among all the resource shortages humanity may face in the decades to come, fossil fuels will be spared? Thanks to the exploitation of advanced technologies to extract "tough energy" globally, they will remain relatively abundant for decades to come. . . . So just how reliable is the IEO assessment? Personally, I suspect that its scenarios will prove a good deal less than accurate for an obvious enough reason. As the severity and destructiveness of climate change becomes increasingly evident in our lives, ever more people will be pressing governments around the world to undertake radical changes in global energy behavior and rein in the power of the giant energy companies. This, in turn, will lead to a substantially greater emphasis on investment in the development of alternative energy systems plus significantly less reliance on fossil fuels than the IEO anticipates. . . . Eventually, however, the destructive effects of climate change will prove so severe and inescapable that the pressure to embrace changes in energy behavior will undoubtedly overpower the energy industry's resistance. . . . Unfortunately, none of us can

actually see into the future and so no one can know when such a shift will take place. But here's a simple reality: it had better happen before 2040 or, as the saying goes, our goose is cooked. ¹⁴

NORTHERN
WATERFRONT
ECONOMIC
DEVELOPMENT
INITIATIVE

The DEIR must describe the viability and fate of the Project, thus through the Project's "lifespan," in the context of a near future (10 - 20 years out) when peak and decline of accessible, unconventional oil supplies is predicted.¹⁵ The reader must be enabled to envision the foreseeably widening negative environmental current and future "rippling effects" flowing from implementation of the Project and its potential indirect impacts overall, which may locally include "urban blight" (there is already a problem of attracting new businesses to the heart of the Benicia Industrial Park in the vicinity east of the refinery). But most grave in this context, are the effects over the Project's lifespan resulting from its contributions of greenhouse gases from direct and indirect Project operations (the actual transporting of crude by rail; the processing and refining of unconventional crudes). Impacts accumulate if we trace back to those crudes' sources and the incredible energy requirements to extract and produce the oil, the "cradle to grave" impacts of the Project, all inclusive – the "cradle" being the extraction process and any "upgrading" required such as what must be done to liquify bitumen, to produce diluted bitumen, and the "grave" being the burning of the resultant oil product, (see further comments), which should be considered as a final product, valuable as we understand it to be at the gas pump, of the ruination and destruction of pristine northern boreal forest, the draining of volumes of fresh water daily from three major Canadian rivers that flow to the Arctic, the consumption of natural gas to heat and pressurize water for the extraction processes, etc etc. All of these processes represent the *no-longer-hidden totality of environmental costs* of bringing greater quantities of unconventional oil into the Benicia refinery for processing, especially if all other projects created with similar intent are planned by other energy companies and Bay Area refineries.¹⁶ [see also footnote #5]

Research now demonstrates that there are evident increases of man-made global warming effects in California, as reported in the recently released "Climate Change Indicators Report of 2013"¹⁷ issued from Cal-EPA's Office of Environmental Health Hazard Assessment ["OEHHA"].

The rising level of CO₂ and other greenhouse gases – "metric tonnes of equivalent carbon dioxide" [MtCo₂e]¹⁸ – are now recorded at 400 parts per million,¹⁹ with 350 ppm considered by atmospheric scientists to be the "safe threshold level" that we must return to if we are to stabilize global climate through reducing GHG emissions from all sources to levels cited in state and local regulatory guidelines that call for

¹⁴ Our Fossil-Fueled Future: World Energy in 2040 | Common Dreams, article by Michael Klare, posted Sept 10, 2013

¹⁵ *Snake Oil: How Fracking's False Promise of Plenty Imperils Our Future*, Richard Heinberg, 2013, Post Carbon Institute

¹⁶ "... Every barrel of bitumen produced from the tar sands creates, on average, three times more carbon dioxide emissions (187 lbs) than a barrel of normal [conventional] crude (62 lbs.). . . All unconventional forms of oil are worse for greenhouse gas emissions than petroleum," noted the late Alex Farrell while he was an energy expert at the University of California, Berkeley. "When we face tradeoffs between economics, security and environment, the environment often ends up getting the short end of the stick." p.129, *Snake Oil: How Fracking's False Promise of Plenty Imperils Our Future*, Richard Heinberg, 2013, Post Carbon Institute.

¹⁷ <http://oehha.ca.gov/multimedia/epic/pdf/ClimateChangeIndicatorsReport2013.pdf>

¹⁸ "GHG" represent the panoply of gases, referred to as "CO₂EMT, or CO₂ Equivalent Metric Tonnes, that continue to contribute to global warming potential (GWP) – gases that linger in the upper atmosphere like a blanket, some far into the future, that besides CO₂, include methane, (which immediately has the highest global warming potential), nitrous oxide, carbon tetrafluoride, hexafluoroethane, sulfur hexafluoride, fluoroform, Tetrafluoroethane, difluoroethane.

¹⁹ Climate Tipping Point? Concentration of Carbon Dioxide Tops 400 ppm for First Time in Human History | Democracy Now!

reductions to be ratcheted down, at least back to levels recorded in 2000 by 2020. There are calls now for even greater, more drastic reductions in GHG to be accomplished by 2050. It is agreed by scientists worldwide that reaching a level of 450 ppm of equivalent metric tonnes of CO₂ would represent the likely uppermost threshold, at which, at the current rate of increase, could be reached within a few decades if we don't change course. The 450 ppm figure represents a tipping point, after which runaway global warming and climate change are predicted. That prediction is based on solid scientific evidence, through the study of deep ice-core samples from eons past that have trapped molecules of air and thus reveal the historical conditions over eons of the earth's changing atmospheric content of CO₂ – research which implicates the reasons for the related conditions known to exist at those times on land and water. In fact, with CO₂ recorded at 400 ppm today, the historical evidence, from deep ice core samples that trap air from the Eocene period some 50 million years ago, shows that at today's CO₂ level, there were once crocodiles roaming around Colorado and sea level was 300 ft higher than they are today, accounting for the existence of evidence in Colorado of an inland sea.²⁰ So, at the tipping point of 450ppm it is understood that climate instability would be irreversible, with drastic ecologic consequences for all species and prospects for relatively stable human civilization growing very dim for our children and their future generations.

The foreseeable expansion of the completely unsustainable²¹ tar sands extraction operations – which is being promoted by Alberta's provincial government, the Canadian government in Ottawa, as well as key investors in the energy sector, including oil industry giants, Shell, Chevron, ExxonMobil, Tesoro, ConocoPhillips that respectively own direct interests in the network of tar sands mines and greatly benefit from the Canadian and US governments' generous price supports and subsidies – therefore represents a calculated, demonstrable risk of passing the 450 ppm upper threshold for atmospheric CO₂, increasing the severity of global warming effects, thus causing greater climate instability overall. THIS, to support a now globalized economy based on the principle of "growth" seemingly at any price, e.g., *grossly unsustainable exponential growth*. Growth, even at the currently sluggish "business-as-usual" rate, is unsustainable in the 21st century, because the earth's ecology is a finite system with finite amounts of essential nonrenewable resources to supply human activities –activities that we have become accustomed to and therefore *assume* as equivalent to basic needs, such as our right to individual happiness through excessive consumerism supported by global manufacturing fueled by carbon-based fuels.

Foiled by oil industry hype, we could dream that North American-sourced crudes represent inexhaustible plenty into the far-flung future, making the US "oil independent." But falling into that industry and investors' dream, we ignore the colossal expense to global ecology including the human community. Consider the fact, for example, that the US population, which represents 5% of the global population, consumes 25% of the world's resources, including oil supply, and considering that US car manufacturers are setting their sites on expansion of the Chinese market for vehicles of all sorts, and that China has recently surpassed the US in production of GHG emissions. Consider also, for the foreseeable future, the contributions to GHG of China's

²⁰ "Field Notes From A Catastrophe: Man, Nature, and Climate Change;" Elizabeth Kolbert, 2006. Bloomsbury Publishing. p.127 - 129

²¹ *Tar Sands: Dirty Oil and the Future of a Continent*; Andrew Nikiforuk, 2009; David Suzuki Foundation.

"Bitumen is one of the most water-intensive hydrocarbons on the planet. . . On average, the open-pit mines require twelve barrels of water to make one barrel of molasses-like bitumen." — p.63.

"Planned expansions could bring the total to 3.3 barrels [of fresh water] per year, a volume that Natural Resources Canada website admits 'would not be sustainable because the Athabasca River does not have sufficient flows.'" — p. 65.

". . . every barrel of bitumen produced from the tar sands creates, on average, three times more carbon dioxide emissions (187 lbs) than a barrel of normal [conventional] crude (62 lbs.) — page 129

continuing use of coal as a fuel for manufacturing and home heating, etc. and add that to their use of refined oil for transportation.

The current drive to import tar sands by pipeline and rail into the US is evidence of what appears to be a Klondike-like “oil rush” by oil and energy companies to gain access – and competitive advantage – to the tar sands of Alberta and to shale formations in the Midwest and California. To get “on board” for those considerably favorable pricing discounts (\$3 per barrel)²² that, for example, Canada is offering for tar sands bitumen and dilbits, Valero has proposed the first, trend-setting Crude-By-Rail Project that would provide rail capacity for bringing into the refinery, *now or in the future, greater quantities of North-American sourced unconventional crudes, including tar sands diluted bitumen.* There can be no doubt, given the competition and pricing structures for tar sands dilbits in place right now,²³ that other Bay Area refineries would be making similar plans. The DEIR must investigate all such prospects by other oil industry players in the region in order to identify cumulatively considerable significant impacts to local affected communities and the region as a whole and considering the huge amounts of GHG emissions resulting from the tar sands mining operations, all told.²⁴

The DEIR must discuss these planned or anticipated projects with respect to Contra Costa County’s adoption, in 2012, of the “Northern Waterfront Economic Development Initiative,”²⁵ which envisions, encourages and sanctions, (surely with blessings from the California Energy Commission), more industrial development along the northern shore of the Sacramento River all the way to Stockton, the deepening (dredging) of existing ports and shipping channels for increased ship/tanker traffic on the river, as would be anticipated if such projects as the current one under CEQA review in the City of Pittsburg were to be approved, (the WesPac DEIR is under final public review, comments due on Sept 13, 2013): the WesPac Energy Infrastructure Project, a massive oil terminal proposed for Pittsburg’s waterfront, proposed by WesPac Energy-Pittsburg LLC, which I learned about on August 17th, reading a lead story in the Local News section of the Contra Costa Times.²⁶

For our Bay Area region, Valero’s Rail Project proposal may be the “first” and precedent-setting for other refineries in Contra Costa County; but it is clearly not the only proposal for a crude-by-rail import terminal operations.

Right now, there is potential for a proliferation of proposals for more rail capacity to be permitted for other Bay Area refineries for importing unconventional crude such as is being currently proposed by Valero Energy Corp. and WesPac Energy LLC. And given that the WesPac oil terminal would have the capacity to import by rail and ship, and store and export by pipeline up to 242,000 barrels of crude oil per day (88 million barrels annually) to Bay Area refineries, including Valero, the DEIR must raise the issue of which refinery might bite WesPac Energy-Pittsburg’s bait, if the WesPac Project were to be approved this year, considering that The WesPac Project similarly aims to access unconventional crudes from shale “plays” in the Midwest, but also, presumably from the tar sands in Alberta.

Why do both Valero and WesPac fail to publicly admit that they would likely pursue importing tar sands dilbits? The DEIR must find the answers!

²² See Goodman Group Report, 2013

²³ See Goodman Group Report, 2013

²⁴ *Tar Sands: Dirty Oil and the Future of a Continent*; Andrew Nikiforuk, 2009; David Suzuki Foundation

²⁵ Northern Waterfront Economic Development Initiative, pdf. available through <http://www.cccounty.us/DocumentCenter/View/26503>

²⁶ City of Pittsburg : WesPac Project Info “WesPac Energy Infrastructure Project”

It's my understanding that Phillips 66 in Rodeo currently is permitted for rail export of propane and other products; the company could seek permit for additional rail capability for *importing* and off-loading crude oil. There needs to be a thorough investigation of other potential crude-by-rail projects anticipated or in the planning stages by other Bay Area refineries that would seek the same competitive advantages that apparently have driven Valero Energy Corporation's and WesPac Energy - Pittsburg LLC's project proposals *within the same time-frame*.

Therefore, the DEIR must identify and discuss, under the various CEQA topics to be included in the DEIR, and especially under the governing rubric of sustainability and AB32, the foreseeable and myriad potentially significant local and regional environmental and public health and safety risks potentially stemming from direct and indirect impacts resulting from on-site and off-site operations – all pointing to further considerably cumulative negative ecologic impacts, that both the Valero Rail Project and WesPac Project, *together with other similar anticipated projects*, that if implemented, would pose, not only to respective affected communities, but all cities and rural areas of the region that could be affected by rail transport of crude oil, but also, to the impacts to global ecology such an expansion of extraction of “unconventionals” would represent over time to climate and life on earth.

Hence, the potential ramifying consequences of Valero's proposed Project – a rail terminal offloading facility that, as narrowly defined would be confined to its physical location on Valero's property, offloading 70,000 barrels each day of those unconventional crudes. Yet the amount to be imported represents *nearly half the total average amount of oil processed daily* at Benicia's refinery, with resulting *significant and cumulatively considerable* negative, “cradle to grave” staggering ecologic costs – those that cannot be “discounted” in Alberta and the Midwest, owing to the local devastation wrought to the natural environs in which these massive operations are conducted. When all operations and activities are taken into account that the Project involves directly and *supports indirectly*, the considerably cumulative impacts, especially to global climate, are ominously portentous, heinous and extraordinary; and so, this report would appear in the aggregate to be beyond the scope of CEQA to address. Yet, “cradle to grave” accounting of those accumulating environmental costs are still mostly considered “externalities” by an industry and its investors' community when ringing up a project's price tag, and by the absence of any regulation to do so, these “hidden costs” remain unaccounted for. (It was an initiative in 1994 under the Clinton Administration to require environmental cost accounting to determine the overall cost of a product.) By this time, in 2013, given the climate crisis humanity faces, with the US Defense Department in accord about the national and global security risks posed by rising sea levels, all of the environmental costs particular to the indirect impacts of a project and its operations, *back to the cradle and forward to the end of a project's lifespan*, should be weighed against the very short-term economic benefit to energy companies and their investors, and also against the economic benefits promoted by them to the cities and communities that host their industrial operations, for which only a relative handful of jobs associated to, say, the Valero Crude-by-Rail project would be added. These judgments arise as being at the heart of the meaning of California's Global Warming Solutions Act of 2006, if there is any meaning left to words that we can so casually otherwise throw around, such as “sustainability.”

In the spirit of AB32, then, it is imperative that the DEIR reference sources of information outside the oil industry in order to address the whole picture of what the “oil rush” to Alberta and the Bakken fields, or California's Monterrey Shale, would mean with respect to local, regional and global impacts to public health and safety and global climate. What I would characterize as the “business-as-usual-or-economically die” mentality promulgated by representatives of the Western States Petroleum Association is a kind of propaganda that is sometimes used by industry representatives to scare local publics into believing a refining company will “pack up and go” if their project isn't approved.

The DEIR should offer independent analysis about the evidence and research now accumulating from existing shale plays in the Midwest and gas wells in Texas and Oklahoma that demonstrate that the current “boom” in the availability of unconventional North-American sourced crudes, may in fact be peaking already at several sites where such limits were not anticipated; this bears on research that indicates that there will likely be a steady decline of supplies of unconventional crude beginning *within this decade*.²⁷ In part, this will presumably be owing to the technical methods and difficulties of extraction with exceedingly high and costly energy requirements, such that, if it weren’t for current government subsidies and discounting arrangements supporting an expansion of extraction from shale formations and tar sands, the industry and its investors might suffer a “bust” sooner than later – something they would not prefer to envision at all, or at least state publicly and in writing.

The cumulative contributions of GHG are of enormous concern, if we account for the “unconventional crude creep” into the Bay Area – contributions from those anticipated projects in the Bay Area that are comparable to the Valero and WesPac proposed projects. These cumulative impacts have to be added to existing emissions and other impacts that currently are generated by refinery operations. GHG are produced during the energy-intensive extraction and processing requirements for unconventional crudes, which involve hydraulic fracturing [“fracking” and “acidizing”] in shale formations, and for extracting and “upgrading” tar sands. Alberta’s tar sands networks of individual companies’ mining operations are the largest industrial mega-development project in the world, involving 125,000 acres of what was pristine northern boreal forest, with its planned expansion projected to encompass roughly 250 sq miles of the northern hemisphere’s most beneficial “carbon sink.” The network of mines and methods of extracting require Niagara Falls-like volumes of water each day, affecting the vast watershed of three major rivers, the MacKenzie, Peace and Athabasca – mighty rivers that flow from sources in the Columbia Icefield glaciers to the Beaufort Sea of the Arctic Ocean. Huge amounts of natural gas are used to heat the water and pressurize it for blast injections into the sands, by various methods, to melt and release the asphalt-like bitumen. The bitumen is a highly corrosive natural asphalt-like substance as viscous as molasses, which, in order to make it fluid enough for transport by pipeline or rail tanker cars, then requires complex “upgrading” processes, which are themselves energy-intensive, to dilute the bitumen.²⁸ The DEIR must take into account and address the amount of GHG emitted by this extensive, complex pre-refining process that produces the finished “crude product” referred to as tar sands dilbits.²⁹

²⁷ *Snake Oil: How Fracking’s False Promise of Plenty Imperils Our Future*; Richard Heinberg. 2013, Post Carbon Institute

²⁸ *Tar Sands: Dirty Oil and the Future of a Continent*; Andrew Nikiforuk, 2009; David Suzuki Foundation

²⁹ *Tar Sands: Dirty Oil and the Future of a Continent*; Andrew Nikiforuk, 2009, David Suzuki Foundation.

The Focused DEIR's CEQA TOPICS, with additional topics, and examples of concerns, foreseeable impacts and mitigation measures

The City of Benicia's Notice of Preparation announced calls for discussion of impacts pertaining to: **Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Transportation/Traffic.** However, disclosure of the full range of potential significant, direct and indirect impacts, including "on-site" and "off-site" operations and activities that contribute to local, regional and global consequences that may be cumulatively considerable would call for additional topics as I've suggested. These additional topics are typically seen in DEIRs for assessing large-scale projects proposed by refineries and energy companies, as well as other industrial or commercial development projects. For example, the following topics are listed (among others) in the index to the DEIR for the WesPac Energy infrastructure Project.

Public Health; Public Safety; Land Use Plans & Policies; Energy; Noise; Aesthetics, Visual Quality, Light & Glare; Public Services and Utilities; Growth Inducing Impacts & Urban Blight; Marine Terminal Operations; Greenhouse Gas Emissions; Cumulative Effects.

Air Quality

Because of the prospect that there will potentially be a greater amount of emissions produced from processing heavy tar sands dilbits, as well as lighter crudes that are highly volatile, it's crucial that the Benicia Air Monitoring Program finally be implemented. The need to implement a comprehensive public and independent air monitoring program that provides for access to real-time data via a website, provides for professional maintenance of equipment and data analysis in perpetuity, and that allows for various educational and early warning uses of the equipment, must be addressed in the DEIR and incorporated as a mitigation and monitoring plan and program.

There is as yet no ambient air monitoring program established in Benicia for residents to access real-time data about what's in our air. This was a required condition of the 2008 GNSC/Valero Settlement Agreement, with modifications made to the Agreement in 2010. The purchasing of equipment was accomplished and a trailer provided and a relatively brief period in which the equipment, housed in the trailer, was utilized, but without public access to the data generated. During that time, the website was not completed; but just as it was being finished, its activation was not allowed because Valero raised the concern that an independent owner of the monitoring equipment had to be identified. The City of Benicia refused to take on the responsibility for the monitoring program, citing that they could not provide staff time, (including fire department's). For these reasons, the Benicia community remains without an independent air monitoring program as called for in the 2008 - 2010 Settlement Agreement, thus, the community still lacks a source of realtime statistics that could register and record, for instance, "spikes" of toxic emissions that could occur at any time, but would be of special concern if and when Valero would be processing their maximum allowable throughput of 180,000 bpd, and considering the proposal that unconventional crudes would be processed with their very distinct chemical qualities. The Air District [BAAQMD] has several ground level monitors at the refinery perimeter measuring only two gases, sulfur dioxide and hydrogen sulfide; however there are no other locally based monitors run by the District measuring ambient air off-site of the refinery in the industrial park or in neighborhoods within a mile of the processing block and tank farm. There was a fence-line monitor purchased through the Settlement Agreement, but to my knowledge it has not yet been installed; Valero has stated that it hasn't been determined which fence-line it should be installed along. Full fence-line monitoring (all four sides) must be part of the mitigation measure. In fact, a second trailer with equipment should be provided so that there would be two monitoring stations, one for the east side of the refinery in the industrial park, and one to

be located near residential neighborhoods and Robert Semple Elementary School. The City of Benicia should contract an outside professional company with experience in air-monitoring systems and data analysis to take charge of the program and its maintenance.

To give one example of the kind of information and discussion that the DEIR needs to provide for the public's understanding of risks to public health posed by impacts to Air Quality:

The DEIR must present and discuss latest research and studies pertinent to understanding the public health and safety risks posed by the Project's operations, accounting for all foreseeable direct and indirect and cumulative increased toxic emissions which the Project would contribute. Risks that must be assessed are not only those that may induce cancer, but also, risks of inducing *decreased pulmonary function in sensitive receptors* that would be potentially resulting from occasional but repeated exposure to acute, spiking emissions of toxic gases, and also, chronic exposures to low-doses of toxic air pollution over time that could be attributed to proximity to the refinery and its operations and other sources of airborne pollution, and *given the known toxic chemical constituents of the types of unconventional crudes that would be imported from North American sources and processed as a result of the Project*. Exposure risks must be calculated based on *maximum* allowable throughput of a crude slate (180,000 barrels per day) and yearly averaged daily allowable throughput (165,000 bpd). It has been demonstrated that increased amounts of airborne emissions such as Volatile Organic Compounds [VOCs], and, *increased* amounts of the refining processes' residual waste product, petroleum coke, ["pet coke"] result from processing North American-sourced unconventional crudes. [See Phyllis Fox Report, also NRDC "Comments on IS/MND"]. Risks posed to local residents and workers in the vicinity of local railroad tracks and the Port of Benicia may be exposed to increases of *airborne particulate matter*, including increases in pet coke from its transport by rail from the refinery and offloading into ships' hulls from storage silos. Generally, increases in production of particulate matter is of huge significance locally and within the region. Example of an exposure pathway for airborne pet coke to reach human and wildlife receptors: as a residual waste of the refining process, pet coke is transported by rail from the refinery's "coker" to be stored in silos located in the Lower Arsenal. The coke trains pass through the Benicia Industrial Park on local tracks. The trains (as many or more than three per week, according to the VIP EIR) unload the hopper cars into exported as a "fuel product" by ship from the Port of Benicia to Asia. Pet coke is a highly toxic carbon residue when inhaled: its tiny, powdery particles – "particulate matter" measured in microns and ranging in sizes (denoted as PM10 - PM2.5 and smaller) – may contain an assortment of heavy metals such as cadmium, lead and nickel (depending on specific crudes processed), and those carbon molecules also carry with them VOCs and other toxic gases ubiquitously present in the vicinity of major pollution sources, including refineries, shipping terminals and freeways into lung tissue and bloodstream. Regular exposures to PM2.5 are highly destructive of young children's lung development as has been demonstrated and reported by epidemiologists from UC Berkeley's School of Public Health and also by the American Lung Association. Particulate emissions from all sources including from the Project if implemented, contribute to respiratory distress and increases of asthma attacks requiring hospital admissions, as reported.

Benicia Air Quality

Wolfram's Air Quality Research

Public Health

- 1) Consideration for sensitive receptors working or living in the vicinity of the Industrial Park, including near the Port of Benicia, who may routinely be exposed to airborne and/or spilled petroleum coke. Pet coke

must be characterized as a toxic particulate with health risks for inhalation and ingestion cited.

- 2) There has still never been a baseline health study conducted in the City of Benicia. Currently, there is no basis for comparisons or conclusions, such as were stated in the IS/MND, about either cancer or other non-cancer exposure risks for sensitive receptors living in the vicinity of the refinery and/or working in the industrial park, with no available statistics recording hospital admissions for respiratory distress or asthma, etc. The DEIR must address the need for a baseline health study must be a conditioned requirement of the Project as part of a mitigation measure, with historical and current stats collected from Solano County's Dept. of Public Health. Health statistics of a population, along with other criteria, is a key indicator of a community's health in all respects of livability.

http://www.euro.who.int/_data/assets/pdf_file/0017/101645/WA95096GA.pdf

In the East Bay, we live by enormous freeway systems and also, we have daily diesel exhaust from ship traffic on the strait. The transportation sources, tailpipe emissions and ship diesel, along with trains carrying petroleum coke from the refinery to the Port of Benicia produce carbon soot you see on decks and window sills locally. What's hidden: the soot can carry other metals and also VOC's ("volatile organic compounds"); particulate matter in the form of soot can affect lungs and lung development when the particulate is very small (range 2-5 microns or less penetrates lung tissue and enters bloodstream). The refineries are major pollution sources; but we in Benicia are also regularly impacted by pollution from Phillips 66 refinery in Rodeo, as well as by Shell, Tesoro, and Chevron and other industry polluters depending on variable and seasonal weather and temperature conditions, wind speed and direction.

Public Safety

A specific emergency response program that would be activated in the case of serious or catastrophic train accidents, must be designed for the community as a mitigation measure. The DEIR must review all current public safety protocols and procedures to be practiced at the time of such an accident, whether it occurs on-site or off-site Valero property. This must include designated evacuation routes for industrial park employees and for residential neighborhoods, including the lower Arsenal. Crude-loaded trains with 50 tanker cars take up a long stretch of track. It is foreseeable that a crude-loaded train would stretch along Bayshore Rd., from Park Rd intersection almost all the way to the Bridge. A graphic must be created that shows the actual length of a stationary train stopped along Bayshore Rd. to allow the public to envision the effect of dangerous, even life-threatening entrapment that employees would experience in the vicinity of UP's tracks in the case of a serious derailment/spill and/or fire.

Land Use Plans and Policies/Growth Inducing Impacts and Urban Blight

The appearance of the Industrial Park in the general area of Park Rd, Industrial Way and Bayshore Rd, e.g. the heart of the old park east of the refinery and north toward Lake Herman Rd is a sorry sight. The roads are in terrible condition and the signage is poor, especially at night, when driving on Industrial Way. The refinery dominates and represents the character of the park. If one thinks of adding two crude-loaded 50 car trains on a daily basis, with more coke trains heading for the port, and more empty railcars of all sorts parked on side tracks, with nothing yet done to upgrade the area with the exception of Union Pacific's latest rush to improve, replace and restore railbeds and tracks in the area, it would seem that the park was forever doomed to its look of neglect as long as the refinery was the dominant actor and influence affecting the park's character. The old 'heart of the park', through apparent lack of requirements and funds for any landscaping and road improvements, already looks like a blighted area, at the very least, neglected. This must be discussed in the DEIR, since the additional train traffic and all that has been presented by Ed Ruszel about traffic problems in

the park that would ensue owing to the Valero Project, give reason to address the matter in full through review of the Project and its impacts affecting the future economic outlook for the park and the City of Benicia. Does the Project's contribution to the City's tax base offset the effects of the refinery+Project's overall appearance, odors, transportation/traffic impacts over time? Does the expansion of rail activity cumulatively discourage investment in the park? Discourage potential companies from moving to Benicia and locating in the Bayshore Rd/Industrial Way/Park Rd area?

Energy

It was calculated for the VIP DEIR that the refinery actually would use more electrical energy than was first claimed. The DEIR for the current Rail Project must be explicit in its accounting of the specific and total energy requirements of the Project and its operations, on-site and off-site. Presumably, there are electricity requirements for pumps running crude to the storage tanks over the 8 hour off-loading period for each of the two 50-car trains.

Noise

Currently, we hear many trains throughout the day in Benicia, usually as they pass through the Strait on the Contra Costa side. The trains blast their horns, night or day, and they can be heard even when I am inside my house on East K Street. The DEIR must consider the impact of more horns tooting or blasting, depending on their distance and range. It would be of most concern to people living and working in the Lower Arsenal and Industrial Park, but it's quite possible that residential neighborhoods in Waters End development would hear the horns as well. The geography of the area bounces sounds around with echo effects. What are the reasons for locomotives to blow their horns? For warning on approach to crossings over public roads? What are other reasons that horns are used? Under the regime of the Project with regard to train movements at all hours within city limits how often would the public be subject to blasting horns?

Aesthetics

I've driven extensively around the old industrial park lately, trying to envision how the Project may impact the visual character of the park. I imagine, seeing so many empty rail cars sidelined along existing tracks and spurs along Industrial Way, that the park could begin to look like a train parking lot, especially if Union Pacific doesn't perfectly stick to the proposed schedule of crude-loaded train arrival and departure time. As has been said, Union Pacific controls all train movements and that includes when they decide to sideline a train or a number of empty cars. Amports already has vast amounts of asphalt dedicated to parking cars (on their own properties) in the industrial park. The DEIR must discuss the use of rail spurs for parking empty railcars and define, in a mitigation measure, aesthetic improvements –for example, plant clusters of hardy trees wherever possible!!!– that would screen or soften the general appearance of a train parking lot east of the refinery.

Visual Quality, Light and Glare

At night, there is only spotty lighting at best, if any, along Industrial Way, from Lake Herman Rd to Park Rd and Bayshore intersections. On winter nights, or rainy nights, it is nearly impossible to see while driving; there is hardly any striping down the center or along the sides of the road, making the big curve (nearing Valero's eastern office building) in the road nearly impossible to navigate safely, especially with oncoming cars and trucks barreling along at night and under low visibility conditions (fog, rain) which are typical in winter. For safety, considering new train movements are anticipated at night, the DEIR must identify the

existing lighting situation and address the lack of adequate (any!) street lighting on Industrial Way, as well as Park Road and Bayshore Rd. A mitigation plan is needed that would provide adequate proper lighting for the entire area along very busy roads.

Public Services and Utilities

Given the potential for accidents involving trains, vehicles and people in the industrial park especially, the DEIR must consider the need for a new fire sub-station that could respond within a few minutes to fires and other emergencies within the park extending to the Lower Arsenal area. Although Valero has its own essential fire department, the Initial Study had stated that the City's fire department would also be involved in emergency response, and there was a calculation of the department's response time, which should be analyzed with regard to "credible worst case scenarios" for accidents, spills, fires, explosions and any other emergencies that may occur off-site, while a crude-loaded train is traveling in the marsh or is approaching the industrial park and passing so near buildings/businesses on Bayshore Rd. The DEIR must discuss the need for an equivalent response team as now exists for ensuring rescue and emergency help on water, the Marine Spill Response Team.

Marine Terminal Operations

Because the Project will involve movement of trains in and out of upland areas of the Port of Benicia, the DEIR must consider the impacts around the Bridges and recreation areas provided for public access to the river (for fishing, etc), and ensure that crude-loaded trains (or coke trains) temporarily stopped along Bayshore Rd do not interfere with the public's right of access or need to exit those recreation spots.

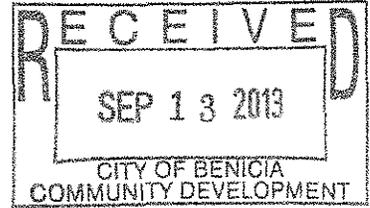
Greenhouse Gases

[See Comments!]

Cumulative Effects

[See Comments!]

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.



Page 23 of PDF:

Combustion emissions from refining lower quality oil

Presented at the City of Richmond 4 April 2012 Greg Karras, CBE

Full WesPac DEIR Comment/Document:

Addressed below are my concerns pertaining to:

***POTENTIAL ENVIRONMENTAL IMPACTS NOT
ADDRESSED IN THE PITTSBURG WesPac DEIR :***

I. PHYSICALLY-INTERRELATED REFINERY PROJECTS FOR THE EVALUATION OF CUMULATIVE REGIONAL EFFECTS,

II. CUMULATIVE REGIONAL GREENHOUSE GAS AND NOXIOUS POLLUTION EFFECTS, AND

III. A CRITICALLY SIGNIFICANT INCREASE IN TOTAL BAY AREA REFINING CAPABILITY ENABLED BY THE WesPac PETROLEUM STORAGE DEPOT.

CONCLUSION: The WesPac PITTSBURG ENERGY INFRASTRUCTURE PROJECT, aka THE PITTSBURG PETROLEUM STORAGE DEPOT, WILL CRITICALLY ENABLE A SIGNIFICANT INCREASE IN TOTAL BAY AREA REFINING CAPABILITY AND OFF-SITE GREENHOUSE GAS PRODUCTION; LIKELY OFF-SITE EMISSIONS NOT DOCUMENTED IN THE DRAFT EIR.

Off-site emissions due to additional regional refining capability are dependent upon the WesPac Oil Storage Depot and are not directly addressed in the DEIR, but can be inferred by the size and scope of the overall oil storage and associated marine/ railroad/pipeline enhancement project.

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

The Pittsburg WesPac DEIR omits mention of the potential deleterious impacts on regional air quality, which the aforementioned Bay Area's destination refineries for WesPac crude will accrue when the WesPac Project is completed.

The WesPac oil terminal and storage tank project should not be seen in isolation in terms of off-site air emissions that it will enable and that need a full regional emissions assessment. The WesPac DEIR neglects to mention the recent and proposed changes in refinery technology and throughput that will impact WesPac's off-site emissions assessment. The WesPac DEIR, therefore, omits mention of the potential impacts that the destination refineries will engender for crude transiting the terminal, namely a significant increase in volume of refined products, in addition to refining a likely increased percentage of high-sulfur heavy crude oil, such as Canadian Tar Sands crude.

These quantity and quality factors related to the WesPac-transited crude will require far larger volumes of regional refinery hydrogen production and more heat production. Consequently, the refineries will also produce more greenhouse gasses and other airborne pollutants in the Bay Area and beyond, when considering the increased volume of manufactured end-products. Therefore, it is inaccurate and misleading to mention only the WesPac project's on-site air emissions analysis into emissions declarations, while ignoring

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

secondary off-site emissions for purposes of invoking the presumption that the project will have no significant regional impact.

The Pittsburg WesPac DEIR should be amended to include off-site GHGs, from the terminal's various destination refineries and also from their end-products, which will be engendered both by the terminal-enabled increase in yearly Bay Area refinery input quantity and the probable lower quality of the crude passing through the facility, in order to produce a more complete cumulative evaluation of regional effects.

Furthermore, for the WesPac DEIR to be in compliance and to have a more complete cumulative evaluation of regional air pollution effects, all recent and proposed major, relevant upgrades to WesPac crude destination refineries, which were omitted in the draft EIR, must be considered in detail.

Table 2-6: Refineries that May Receive-Crude-Oil-from and/or Deliver- Crude-Oil-to the Terminal Oil Refines

Address:

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

Shell Martinez Refinery - 3485 Pacheco Boulevard Martinez, California 94553

Conoco Phillips Refinery - 1380 San Pablo Avenue Rodeo, California 94572

Tesoro Golden Eagle Refinery - 150 Solano Way Martinez, California 94553

Valero Benicia Refinery - 3400 East 2nd Street Benicia, California 94510

The Pittsburg WesPac Draft EIR failed to mention, as required, these “POTENTIAL PROJECTS FOR CUMULATIVE EFFECTS EVALUATION,” which are collectively listed below and are either proposed or recently completed, namely:

WesPac Pittsburg Petroleum Tank Project: Proposed

ConocoPhillips proposed the Clean Fuels Expansion Project (CFEP): Completed

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

[The Clean Fuels Expansion Project (CFEP) added new facilities and modified existing facilities to produce additional low-sulfur clean fuels. The Refinery would use the Heavy Gas Oil (HGO) that is normally produced at the Refinery and is currently sold into the HGO market, to produce cleaner-burning gasoline and ultra-low-sulfur diesel (ULSD) fuels targeted for the California market or fuel oil for the global market.]

PHILLIPS 66 PROPANE RECOVERY PROJECT:

Currently Proposed (*Propane and butane currently used as refinery gasses (RFGs) for heat, electricity and hydrogen production will subsequently be sold as de-sulfured commercial end-products and the RFG would be replaced by currently inexpensive natural gas*)

Chevron Richmond Revised [Hydrogen] Renewal Project and (proposed) Hydrogen pipeline to Martinez Shell Refinery.

City of Benicia: Valero Crude by Rail Project:

Plus: Marine Terminal Leases for Shell Martinez Refinery, NuStar Selby Marine Terminal and Tesoro Amorco.

The collective and significant increase in refining volume of the five local Bay Area Refinery Projects that are not on the Pittsburg WesPac site, but will be connected to WesPac, will

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

generate additional refinery and end-product Greenhouse Gasses and other pollutants in significant volumes. This enhanced Bay Area and consumer end-point GHG production will be significantly facilitated when the WesPac Project is completed. *Off-site emissions due to additional regional refining capability dependent upon the WesPac Oil Storage Depot are not directly addressed in the DEIR, but can be inferred by the size and scope of the overall oil storage and associated marine/railroad/pipeline enhancement project.* According to the WesPac DEIR:

“The total annual throughput for the entire Terminal would be approximately 70,200,000 BBLs of crude oil and/or partially refined crude oil per year.”

The regional refineries that will be connected to WesPac each have their own aforementioned projects that lock in coking, a process that require dense crude, such as the cheapest diluted bitumen from Canadian tar sands and high-sulfur heavy California shale oil. Coking removes carbon from the remaining refinery feed, leaving a product that can

From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

be burned in the place of coal for electrical plants or for making steel. All Bay Area refineries have increased or plan on increasing hydrogen production, pipeline transport and consumption in order to accomplish desulfurization and hydrocracking, thereby increasing greenhouse gas production inherent in currently used methods of industrial hydrogen production. The coking for heavy process requires greater heat than is required for refining lighter crudes, and therefore, more production of GHGs and other airborne pollutants. Koch Carbon owns a petroleum coke (i.e., petcoke) storage/shipping plant in Pittsburg, right on the water at 707 E. 3rd St.. Several Bay Area refineries use this bulk storage plant to send their petcoke to Asia from there.

Phillips 66 CEO Greg Garland “told analysts that the company was looking at railcars capable of transporting Canadian heavy crude to the West Coast.” The Valero project would provide the ability to process lower grades of raw crude and provide flexibility to substitute raw crudes. In addition, the project would optimize operations for efficient production of low-sulfur fuels, requiring more hydrogen production and consumption.

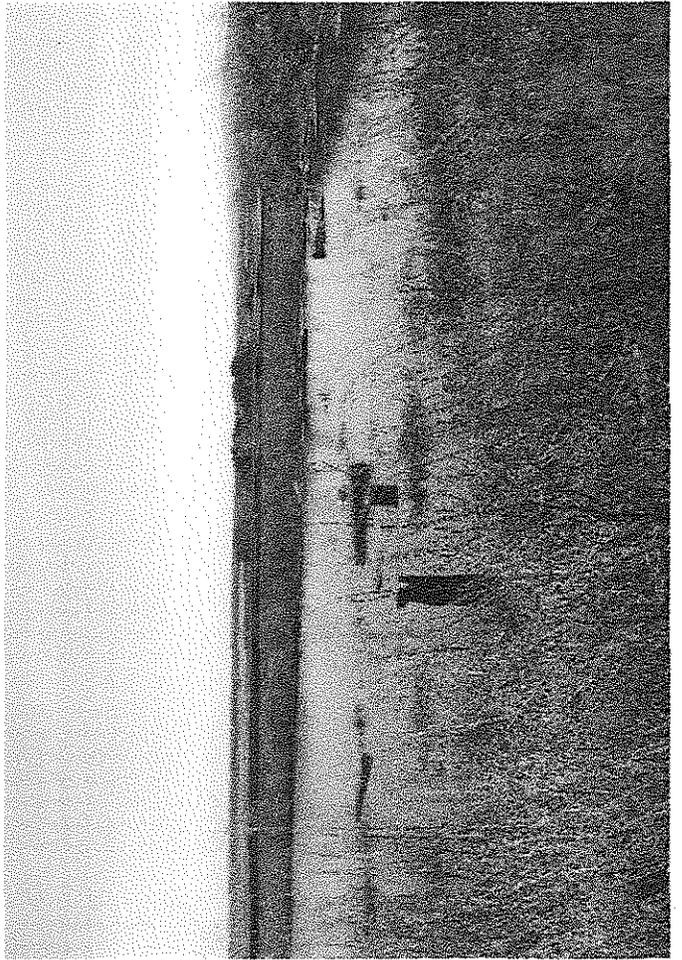
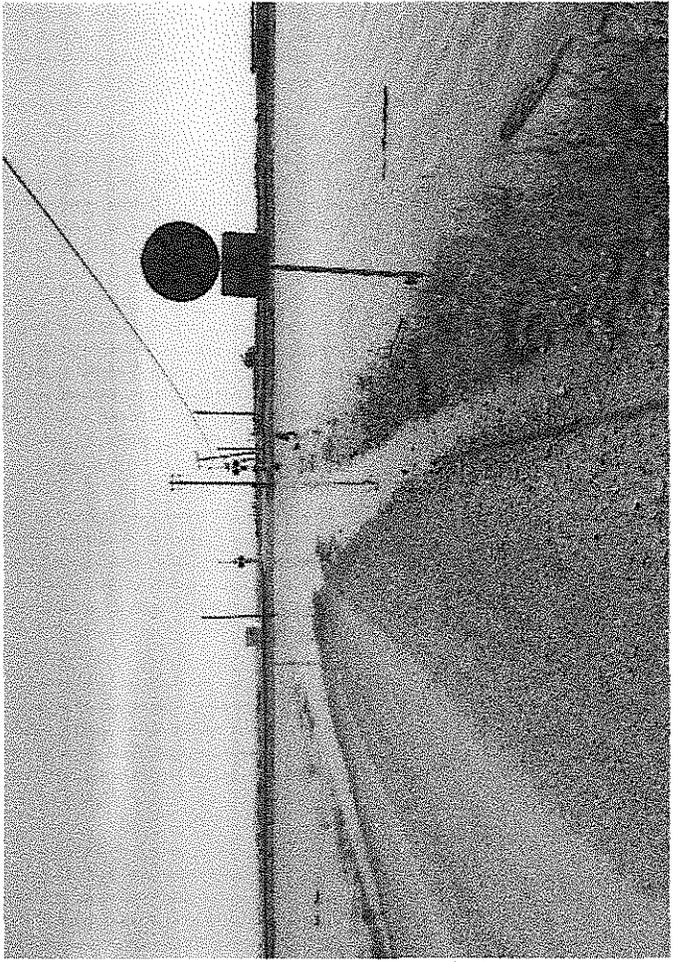
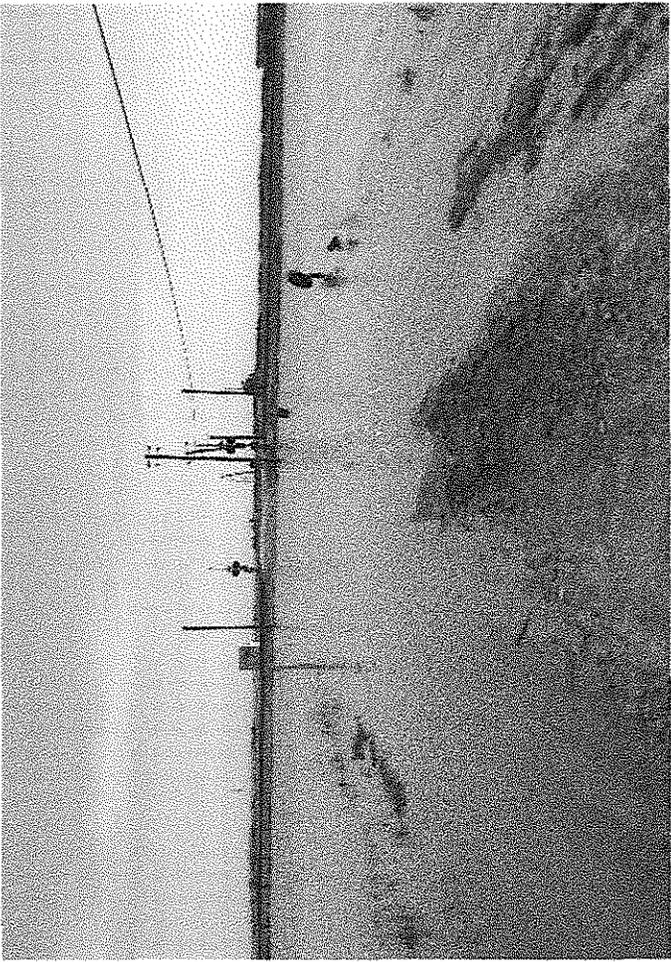
The EIR process for this WesPac Project presents a critical opportunity to engage in a genuine and thorough review of the full environmental impacts of WesPac’s proposed Project, specifically in the context of both the increased crude delivery capacity, the overall switch to lower crude quality by Bay Area

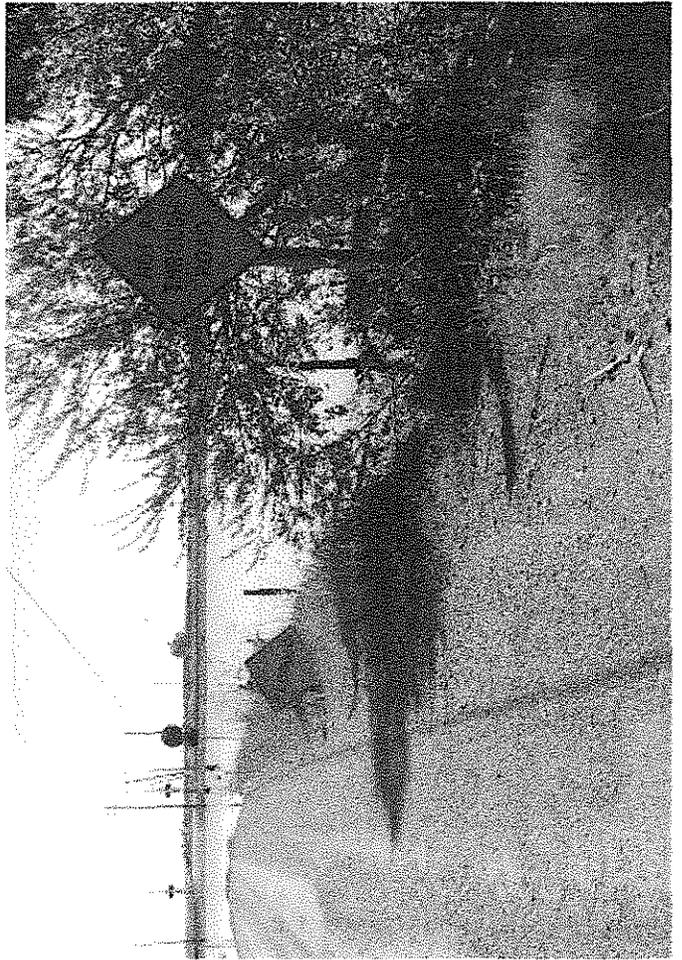
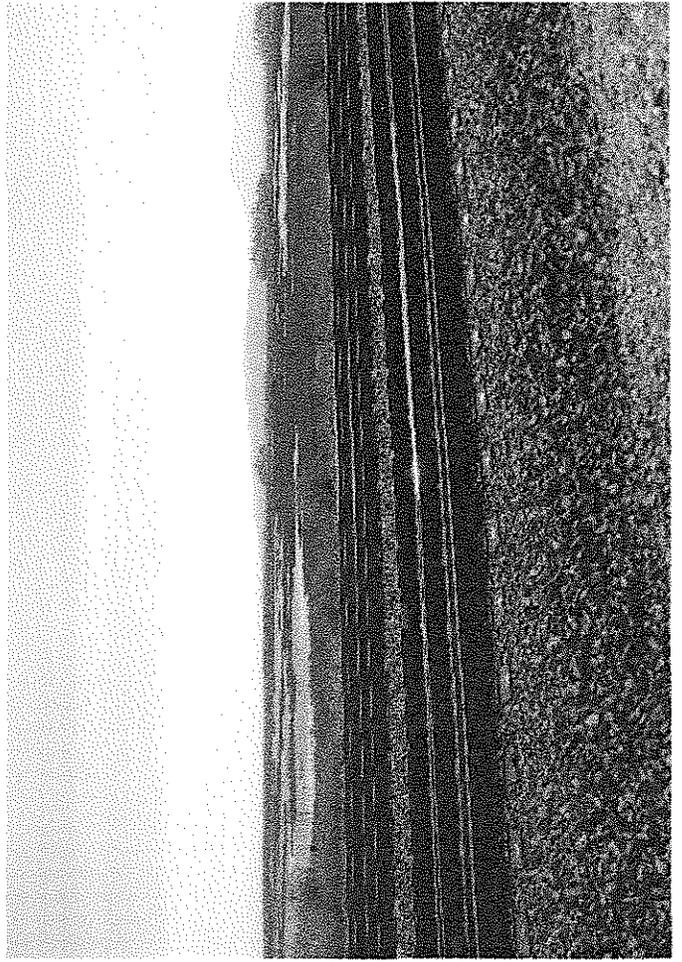
From Greg Karras: Communities for a Better Environment, email, Sept 12, 2013. on WesPac Project for Pittsburg.

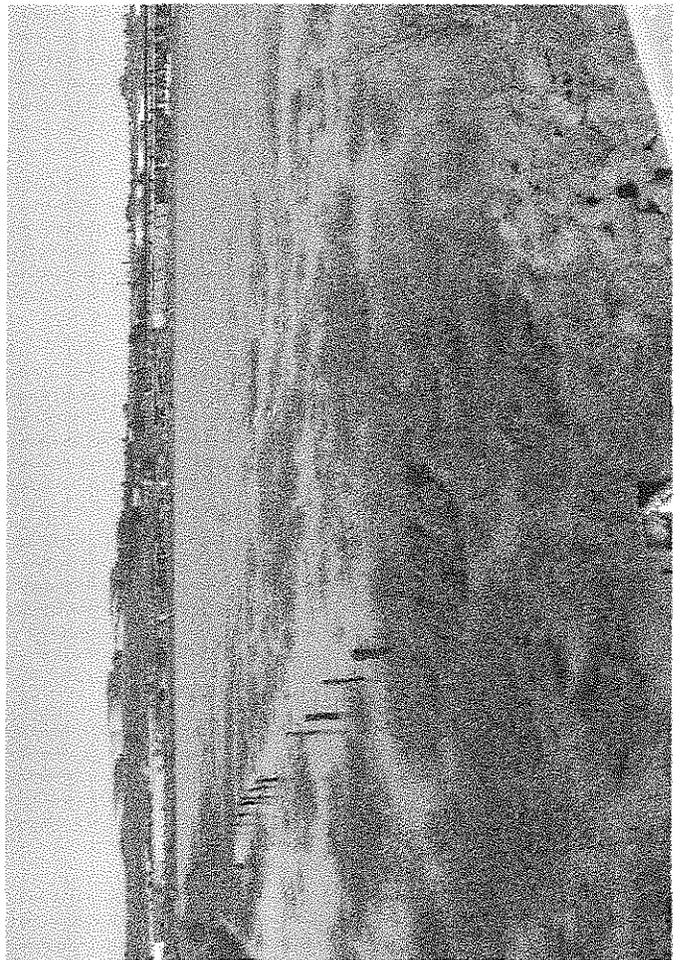
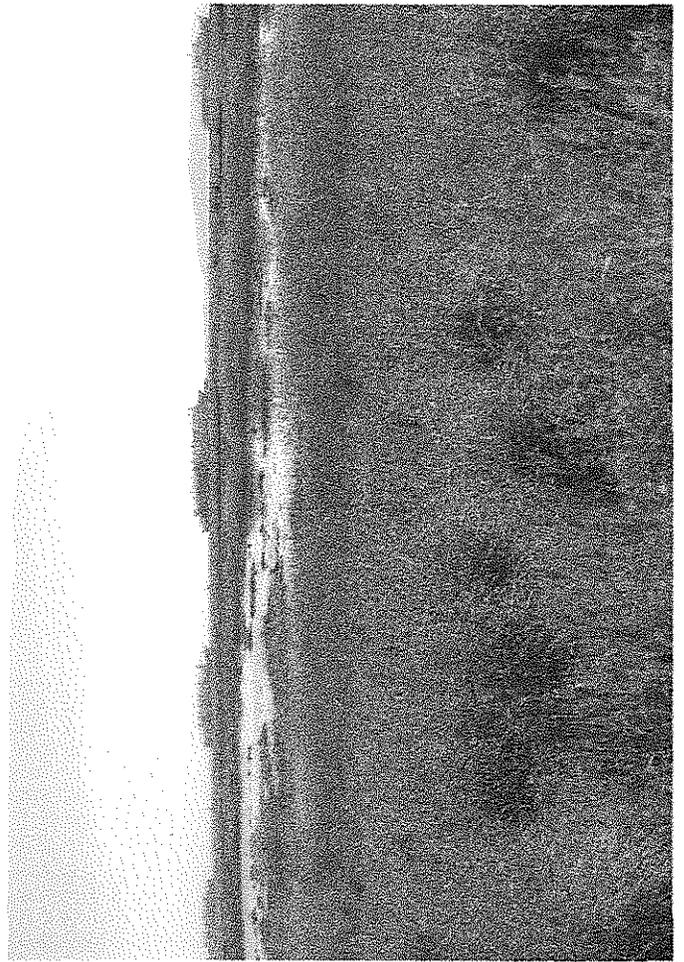
refineries connected to WesPac and the increased need for regional refinery hydrogen production.

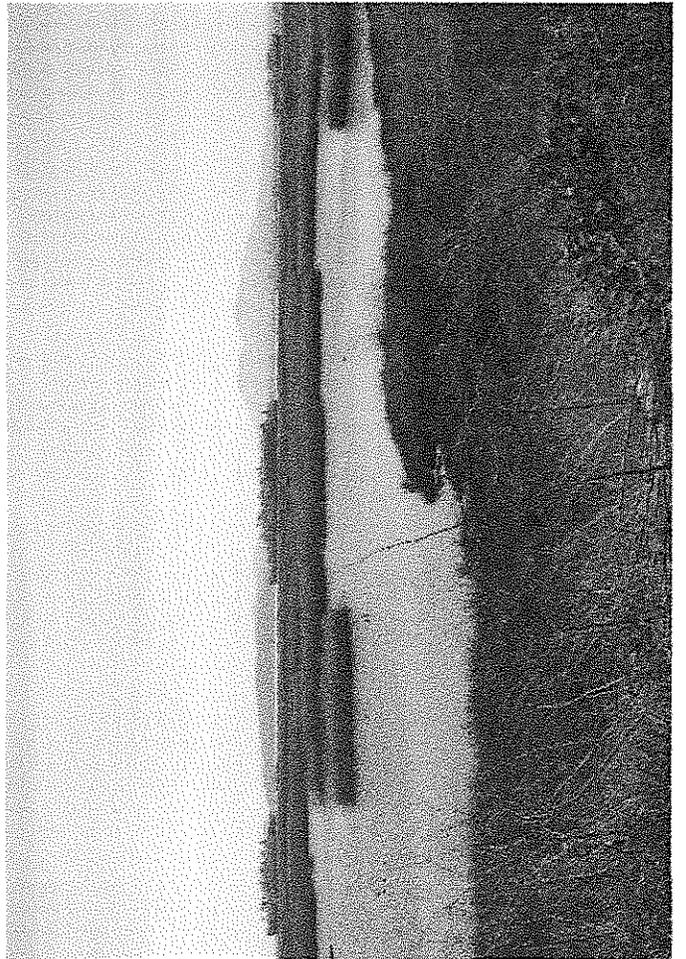
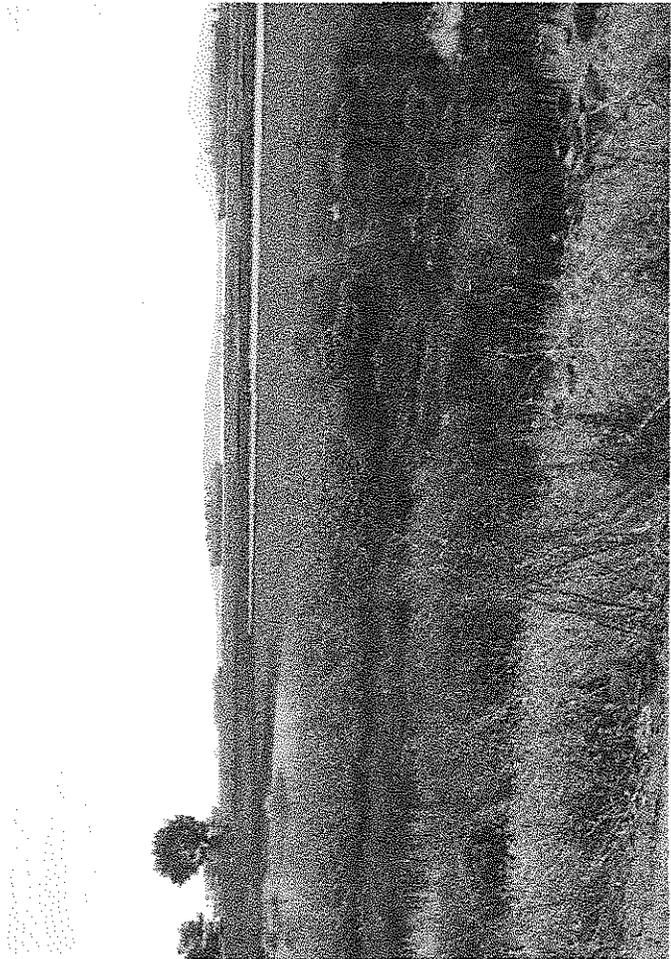
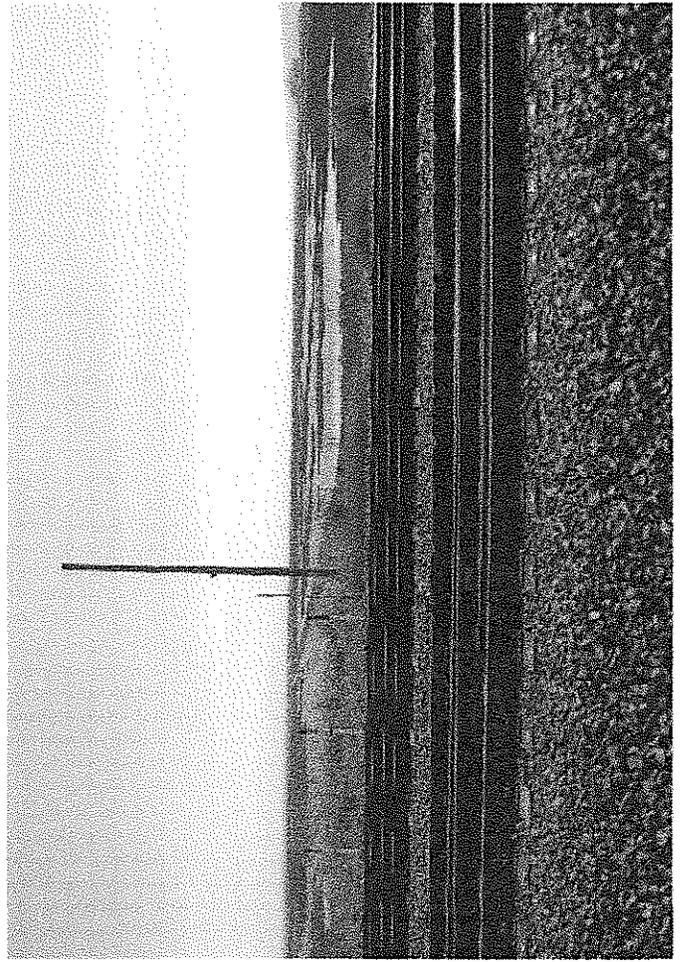
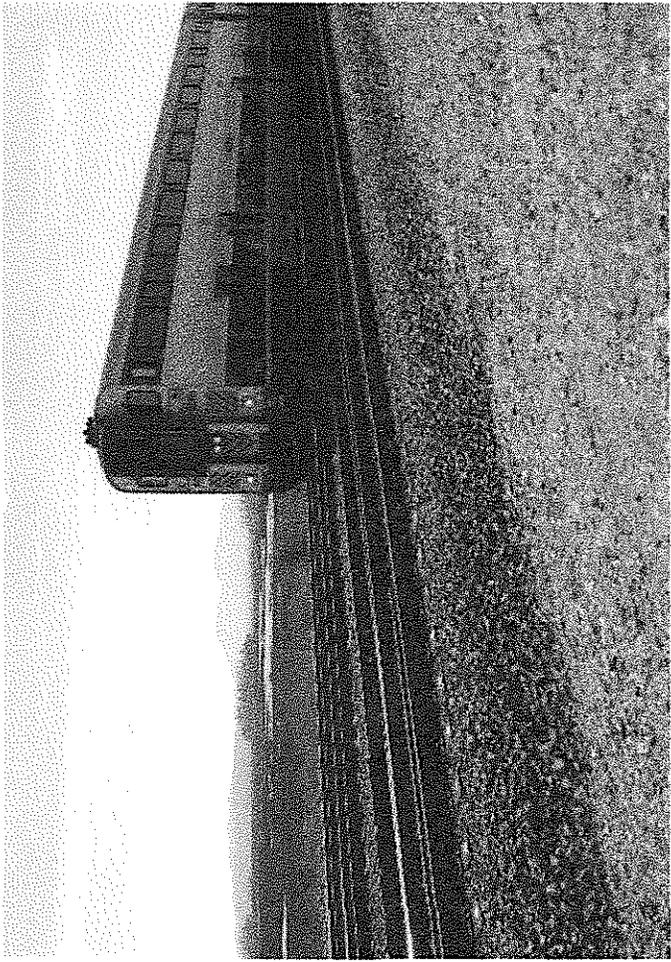
The proposed WesPac Project makes fundamental transportation (marine terminal and rail roads spurs), storage and associated equipment changes *designed specifically to enable the long-term crude quality switch* in refineries connected to WesPac. These Bay Area refinery changes are potentially irreversible, and although they are indirect to the WesPac Depot itself, the depot project will have *regional* environmental impacts that demand public and agency attention, and a full review from an air quality management perspective.

[http://www.ci.pittsburg.ca.us/Modules/ShowDocument.aspx?
documentid=5675](http://www.ci.pittsburg.ca.us/Modules/ShowDocument.aspx?documentid=5675)

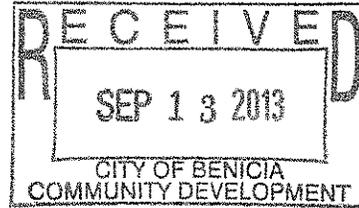








TO: City of Pittsburg, Sep. 11th 2013
 Development Services-Planning Division
 Attention: Kristin Pollot
 65 Civic Avenue, Pittsburg CA 94565



RE: Recirculated DEIR, EIR, NEPA and Environmental Justice Studies for WesPac
 Pittsburg Energy Infrastructure Project West 10th Street

Please include the following statements, questions and exhibits in the administrative record OF ANY AND ALL LOCAL, STATE AND FEDERAL AGENCY INVOLVED IN REGULATION OR SITING OF THIS PROJECT.

For the purpose of clarity all comments and questions herein offered are to be considered as NEW COMMENTS AND QUESTIONS by the Recirculated DEIR and answered in writing in accordance with the California Environmental Quality Act (CEQA). These comments and questions are based on new evidence submitted by WesPac, and as such they are new to this proceeding. Failure to answer in writing as requires by law will be denial of my rights to participate in this proceeding. *Use of discriminatory State and Federal laws is a denial of my right to due process under the law as granted to all Citizens of the United Sates of America by our Constitution.*

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Executive Summary: The Residents of Pittsburg in the Impact Zone

The WesPac Pittsburg Energy Infrastructure hydrocarbon storage tank farm project is literally a stones throw away from a predominantly low-income, minority community consisting of approximately 120+ homes, two churches, one school and two community parks; Marina Park and Riverview Park. It is common in the summer time to see windows and doors of residences wide open for cooling due to the lack of air conditioning of homes. Residents retreat to the Riverview Park during the summer to cool off in the Delta breeze. Water sport and nature enthusiast use the park as access to the delta. Families bring their children to the park. **The homeless use the park for shelter.** . Subsistence fisherman use Riverview Park for access to the delta for fishing. The fish they are catching are known to be contaminated with industrial toxins and mercury. Residents report high levels of cancer and asthma. **WesPac Original Draft EIR estimates the increase in cancer at 14 in a million which is in excess of the thresholds of significance** identified in the Bay Area Air Quality Management District California Environmental Quality Act (CEQA). This is in addition to the 2005 EPA estimate of 50 in a million cancer rate for Pittsburg; brings the total cancer rate to an **estimated 64 in a million.** WesPac Project will result in an increase in cancer rates to all that use this park. **It is clear Pittsburg low-income minority community bears a disproportionate share of the cumulative burden of environmental exposure.** Furthermore these facts would indicate that Riverview Park is an important sensitive receptor site adversely impacted by the project. **Riverview Park needs to be included in the Recirculated Draft EIR as a sensitive receptor.**

Executive Summary: Facility Constructed as PG@E Power Plant with Fuel Storage for Plant

Bunker fuel #2 was imported to PG@E for the power plant needs and latter as back-up supplies for PG@E. The power plant was built and permits as such. It was never permitted as a primary retail or wholesale storage faculty for rail, ship or pipeline exports. The use of this facility as proposed is a NEW USE.

Executive Summary: Sighting and Construction Concerns

The hydrocarbon tank farm was built over 50 years ago by PG&E on very poorly compacted marsh mud and sand; highly susceptible to **liquefaction, flooding and settling.** Many earthquake faults are nearby with an estimated **98.006% probability of a 5.0 quake, 61.613% probability of a 6.6 quake, and a 7.5 quake predicted as max in next 50 years.** Existing tanks are made of what is now known to be the wrong metals and used outdated welding techniques. The tanks have been abandoned with little or no up keep. Some tank tops have collapsed and other are severely rusted. 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 a 7.5 earthquake; hydrodynamic loads on tanks during an earthquake will be 25 percent higher than current code specification. This combined with a near total loss of hydrocarbon tank foundation due to liquefaction and no reinforced hydrocarbon tank support down to bedrock will result in 25 percent of tank farm contents flooding neighborhood homes, a major Northern Californian electrical substation, a train yard full of industrial tank cars, and the Delta.

Executive Summary: The project is in a flood zone from both storm run off and Tidal Surge There is a reasonably foreseeable probability that the entire site along with the rail car could be submerged, tanks and rail cars afloat and leaking due to storm and tidal surge. (The "Ark Storm Scenario," prepared by the U.S. Geological Survey and released at the Ark Storm Summit in Sacramento on Jan. 13-14, combines prehistoric geologic flood history in California with modern flood mapping and climate-change projections to produce a hypothetical, **but plausible**, scenario aimed at preparing the emergency response. We think this event happens once every 100 or 200 years or so, which puts it in the same category as our big San Andreas earthquake/tsunami for this type of hazard <http://pubs.usgs.gov/of/2010/1312>

Executive Summary: 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 100000bbl crude oil storage tank did extensive damage to four block area, damage 8.5 million.

Executive Summary: Fires and Explosions are the Biggest Immediate Threat to Live and Property during a Hydrocarbon Spill

The hydrocarbon storage facility is very vulnerable to **fire and explosions** 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 live and property are fires and explosions. Within 15 minuets of a hydrocarbon spill an extremely explosive condition can result as the released heated hydrocarbons vaporizes and mixes with the 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 stands require hydrocarbon spills be completely foamed in 15 minutes to prevent this catastrophic explosion from happening.** Each rail car must be filled and stored in its own blast bunker, similar to how Concord Naval Weapons Station loaded rail cars. Rail right of way through Pittsburg protected on both sides with blast burms. A clear zone constructed .25 of a mile wide on each side. Remember Roseville train explosions of 1973? <http://www.insensitivemunitions.org/history/railroad-train-fires-and-munition-explosions/>

Executive Summary: Secondary Barrier Must Contain Shock Wave and Extreme Heat; NOT JUST SPILLED 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 fire ball.

[https://www.google.com/url?](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&ved=0CD0QtwIwAw&url=http%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Dzf7m7hN5Szc&ei=wEkrUp6IEOXF2wW0o4GgDw&usg=AFOjCNEykviJ9JHCR0rj8qK8NJYBq8gfKA)

[sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&ved=0CD0QtwIwAw&url=http%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Dzf7m7hN5Szc&ei=wEkrUp6IEOXF2wW0o4GgDw&usg=AFOjCNEykviJ9JHCR0rj8qK8NJYBq8gfKA](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&ved=0CD0QtwIwAw&url=http%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Dzf7m7hN5Szc&ei=wEkrUp6IEOXF2wW0o4GgDw&usg=AFOjCNEykviJ9JHCR0rj8qK8NJYBq8gfKA)

Executive Summary: Need for Onsite Safety Equipment to Protect Live and Property

It is reasonably foreseeable that in place safety equipment and trained personal will be needed: backup power supply capable of running the entire facility even if facility is completely under water. A self contained on site foaming rings around each tank top, foaming into double wall constructed tanks, **secondary blast containment structure** around each hydrocarbon tank equipped with self contained foaming ring and capable of stopping any lateral blast of complete storage tank assembly into another storage tank 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. All vapors from all scores must be collected and not allowed to be released into the environment where it might get detonated. **If you have a vapor release point into the environment you have oxygen introduction point into the system.** All has to be able to withstand extreme temperatures, total loss of foundation stability do to liquidation, 7.5 earth quake (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 ships, tank, pipes, double halls and rail car as crude is removed. This will significantly lessen but not stop the chance of a highly explosive condition forming of oxygen and hydrocarbon vapor. 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, 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. Blast shelters and walls need to be built at near by schools, churches and community accessible places. Blast shelters to be equipped to handle multiple severely burned and injured patients. School personal 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 Pittsburg burning to the ground in the event of fire if the aforementioned safeties are not in place.

Executive Summary: Need for State of the Art Monitoring

The tanks must be constantly monitored for water buildup at bottom of tank. Water build up can lead to a very dangerous and uncontrollable condition known as a boil over. 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.

Executive Summary: Need For Protection Agents Terrorist Attack

This extreme flammability, easy access to facility by already existing public access, and nearby major electrical substation, rail cars full of flammable and toxic materials, military ammunition trains; possibly with nuclear war heads (neither confirmed or 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 world wide. This project will have NO defense agents such attacks. **Loss of a very near by major electrical substation could leave Northern California blacked out for weeks, costing the Nation's economy billions. (Congressional report Contra Costa County is potential target terrorist attack**

<http://www.co.contra-costa.ca.us/archives/42/Terrorism%20SFC%207.7.05.pdf>)

There is such a high and real present danger to the citizens of Pittsburg to a terrorist attack that specifics of the Congressional study have been classified. This fact standing on its own is enough to warrant the stopping of this project. If government agencies allow this project to go forward it will be sending only one message. Persons who can afford an air line ticket are more valuable than the citizens of Pittsburg.

To this day government agencies have done **absolutely nothing** to protect the citizens of Pittsburg. There are rail cars after rail cars of some of the most dangerous materials known to man just yards away from homes and schools. It is literally possible to pull over to the side of the road, get out of your car and walk right up to these rail cars. No fences, no blast berms, no security force. These rail car stay next to schools even though just a few miles west there is a rail facility that was built and run by the U.S. government which was specifically built to handle and secure dangerous rail car materials: Concord Naval

Weapon Station. This facility is now in the process of being dismantled so rich developers can get even richer at the expense of Pittsburg residents' safety.

Executive Summary: Need For Protection of Wildlife, Scenic, Recreational Habitats and Antioch Dunes National Wildlife Refuge

West Pac tank farm is 3000ft upwind of Browns Island Regional Shoreline; 14000ft up wind of Dow Wetland land Persevere and Sherman Island Water fowl Management Area, and 24000ft up wind of **Antioch Dunes National Wildlife Refuge**. All have endangered plants and animals. All will be adversely affected by air pollution and hydrocarbon spill damage during flood tide. Their scenic value obscured by ships and pollution haze. 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.

Executive Summary: Need for Project not Supported by Evidence

The need for this terminal has not been verified or supported by the evidence. The California Energy Commission (CEC) reports cited by the Recirculated Draft EIR does not take into account refineries in the S.F. bay are well aware of projected decrease of hydrocarbon delivery to refineries by pipe line. Refineries are in the process of at least doubling their ship handling capacity. All refinery ship terminals provide a shorter shipping route than the Pittsburg terminal. **Using refinery terminals directly will result in millions of tons of reduction of air pollution compared to using the WesPac facility.** Air pollution that is produced will be spread out over a larger area with lower concentration in any one location. There is also a less likelihood of tanker mishaps in bay and delta, and less likelihood of invasive species contaminating the bay and delta.

Executive Summary: The California Energy Commission (CEC) Report in Violation of CEQA

The CEC report was produced without public notifications and input, furthering the self interests of the oil industry. The CEC has a record for discouraging public input (calfree.com). **The CEC has no authority in sighting oil facilities.** Yet the Recirculated Draft EIR quotes the CEC as unquestionable authoritative proof of need. It is obvious the decision to build has already been made by the CEC. The process at this point is nothing more than a smokescreen to disguise this fact.

Executive Summary: History of Discrimination of Pittsburg Residents by Public Agencies

The Recirculated Draft EIR still does not address why the applicant stated in the Original Draft EIR air pollution and ship traffic is of major concern when it is located in the middle of the playground of rich yacht owners and homeowners but is ok when concentrated in the midst of homes, schools, churches and playgrounds of low-income, minority community. Is it because the applicant is convinced that agencies are more likely to approve the project if they believe the project will benefit the wealthy over low-income communities? Humanity deserves an answer to this question.

A cursory look at S.F. bay area agency actions might support such a conclusion. The BAAQMD, CARB and the state of California continue to support a discriminatory practice of letting applicants buy pollution credits from outside the adversely affected community and concentrating pollution within already polluted low- income, minority communities, even when the affected community is already above state and federal pollution levels.

BART and highway extension through Pittsburg did not include the completion of Range Road overpass even though the City, police, fire department, school district and emergency responders all testified that the overpass was needed to better protect and serve the community. Agencies response was that Pittsburg was not deserving of an overpass and splitting the community permanently was not their problem. When we look at what those same agencies did for Lafayette and Walnut Creek we see for Lafayette they built 6 under passes (between Acalanes Rd to Pleasant Hill Rd on Highway 24) and for Walnut Creek two major over passes (between Pleasant Hill Rd to Ygnacio Valley) to serve only a few wealthy homeowners, homes that had other means of access to the nearby community.

A thriving, finically lucrative and community supporting fishing industry in Pittsburg was destroyed by public agencies allowing the Delta water to be diverted away and polluted by industry. This destruction of Pittsburg fishing economy was for the so purpose of making rich property owners, developers and industry stock holders richer.

Pittsburg Unified School District had to close a school and sign a voluntary letter of compliance to answer concerns of racial discrimination.

Keller Canyon land fill was located in Pittsburg so that wealthy equestrians would not lose their riding range even though their location would have been more centrally located, producing less truck traffic and pollution

The CEC, BAAQMD, CARB and the state of California allowed power plants to use outdated emissions controls and concentrate pollution in Pittsburg by use of pollution credits from outside the affected area. CEC did not require an EJ analysis as there are **“not enough minorities in Pittsburg to study.”** The CEC went as far as to hold seminars for other state agency to teach them how to handle low income minority comminutes, thus institutionalizing discrimination against EJ comminutes in California.

Local and state agency allow GWF to build several small dirty Petroleum Coke burning power plants instead of one large one to get around strict pollution standards

PUC only gave PG&E a warning when it was found out PG&E went ahead with power line upgrades without public input, thus denying Pittsburg the opportunity to have high power lines underground. High voltage power lines are now strung all over Pittsburg, detracting from the landscape and bringing down property values.

Pittsburg Unified School District Files EJ complaint agents the City of Pittsburg, BAAQMD, CEC and CARB because of these agencies continued attracts on the health and welfare of Pittsburg Students and **the major adverse effects on the learning environment, due to health problems from air pollution.**

Los Medanos Community College was built with false smoke stacks and fake industrial doors so student would become accustomed to the environment in with they are expected to live.

Original Draft EIR attempts to use past discrimination to justify continued discrimination:

The original Draft EIR suggests continued discrimination is OK since public agencies have already destroyed Pittsburg recreational and scenic value as a tourist destination by killing off sport fishing, filling Pittsburg's hills with trash and by walling off the delta from public view and use with industrial blight. They have made sure that Pittsburg residents will not prosper by providing poor educational opportunities and closing off access to near by health care. They have blighted the City with high voltage lines, cut the City in halve with BART and allowed the air to be polluted above State and Federal standards. Original Draft EIR goes on to suggest that if public and private agencies have been successful in dummied down a community's expectations that this dummied down expectation is what should be used to judge a project; not what is right: That every man, women and child desires the right to live in a as clean and as beautiful an environment as anyone else. **Civil Rights title VI, Cal Gov. Code 11135, Presidential Executive Order 12898**

The Recirculated Draft EIR once again tries to use discriminatory Federal law to justify continued discrimination of the residents of Pittsburg. "As railroad operations are preempted from local and state environmental regulations by federal law (under the Interstate Commerce Commission Termination Act), the movements of locomotives to and from the Rail Transload Facility and within areas of potential impact for the project are included in this EIR for evaluation and discussion purposes only. The City of Pittsburg and other state and local responsible agencies are preempted from imposing mitigation measures, conditions or regulations to reduce or mitigate potential impacts of BNSF train movements"

Imagine if:

- Ralph Abernathy (1926–1990) clergyman, activist, Southern Christian Leadership Conference (SCLC) official
- 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⁽¹⁾
- 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, 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) early 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) one of the founders and the leader of the 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, SCLC co-founder, initiated 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, and the pioneer of the modern 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, advisor to U.S. Presidents
- 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 it’s ok for them to discriminate.”

And again in the **Recirculated Draft EIR** as in the **Original Draft EIR** they make this ridiculous claim that somehow this project will reduce the number of ship in the SF bay; knowing tanker ships have to transfer some of their load to other tanker ships in order to move into the shallow upper bay.

Wait: this just in!

Northern Waterfront Economic Development Initiative - Authored by Supervisor Federal Glover <http://www.cccounty.us/DocumentCenter/View/26503> **Note: Shipping Channel Deepening Project Study Area - 35 feet increased to 45 feet (See map on page 6 in cc county project link) PITTSBURG CA**

"Gateway to Pacific Rim and Western U.S." (for Dirty Tar Sands Crude and Petroleum Coke.) Note: Existing Koch Carbon marine shipping facility in Pittsburg for Petroleum Coke (i.e., PetCoke) Export - derived from Bay Area Refineries that have increasingly received PetCoke-producing low-quality Canadian Tar Sands heavy crude oil by railroad, i.e., Valero, etcetera.

("Bottom-of-the-Barrel" garbage in, PetCoke garbage out.)

April 23, 2013 Board of Supervisors Approve Northern Waterfront development Initiative Work Plan -

What is the Northern Waterfront?

• **Approximately 50-miles of shoreline stretching from Hercules to the Antioch Bridgehead area - San Pablo Bay to the Sacramento and San Joaquin Rivers**

• **Approximately 15% General Plan designation for Heavy Industrial (HI) use**

• **Covers both cities and unincorporated areas**

• **Hosts several major petroleum/chemical manufacturing facilities, other manufacturing industries, class 1 railroads, docks, and ports**

• **Gateway to Pacific Rim and Western U.S. - Why Northern Waterfront?**

• **Rail-served by the UPRR and BNSF**

• **Deep-water wharfs for exports/imports, as well as, transbay shipments**

Primary Contact: Rich Seithel (925) 674-7869 Rich.Seithel@dcd.cccounty.us

Ok I see, with Federal Glover leading the charge and the CCC Supervisors and CEC right behind him it must be a slam dunk for approval of deep water shipping channels throughout the upper Bay going to all refineries and new projects (tax payers money used to maintain them of course). **But how in June of 2012 when the original draft EIR came out did the authors know the Contra Costa County Supervisors would Approve Northern Waterfront development Initiative Work Plan, April 23 2013? Is this why a Recirculated DEIR; so the dates of these action would be in the proper order of independent agency action?**

Executive Summary: Wetland Lease is in Violation of the "Public Trust Doctrine"
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 nonnavigable 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

It is clear that the WesPac facility is not for the benefit of all the people. Will have a detrimental effect on fisheries, wildlife habitats and water- oriented recreation and is in violation of public trust doctrine. Terms of Trust require lands to stay open to and for public use.

The City is legally bond by the use condition of the trust to deny lease of wetlands.

Executive Summary: Project Dose not Conform to the Mandate of State Legislature
Johnston-Baker-Andal-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 coequal goals of providing a 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 unveeved 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.

Executive Summary: Less Discriminatory Alternatives

Less Discriminatory Project Alternatives. Best protection of bay endangered species

1:

Have Bay Area refineries build a pipe line out to sea so that ships can unload out side 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 pipe line from refineries to the Central Valley used to transport raw product to a rail faculty away from residential housing. For those of you that are now hopping up and down proclaiming this to be preposterous, ludicrous, outlandish, unthinkable, undoable and dose not conform to the **Master Plan already pushed through the CEC**; here is a link to a map of The Golf Mexico showing some of the:

25,000 miles of pipe line in the Golf. And you say you do not have the expertise to build and run just one? What dose this say about your ability to build and run a complete shipping/rail and storage facility? <http://stateofthecoast.noaa.gov/energy/gulfenergy.html>

Less Discriminatory Project Alternatives 2:

Have bay refineries at least double their ship handing capacity and add on site storage. All refinery ship terminals provide a shorter shipping route than the Pittsburg terminal. **Using refinery terminals directly will result in millions of tons of reduction of air pollution compared to using the Wes Pac facility.** Air pollution that is produced will be spread out over a larger area with lower concentration in any one location. The existing pipe line from refineries to the Central valley used to transport raw product to a rail faculty away from residential housing. There is also a less likelihood of tanker mishaps in bay and delta, and less likelihood of invasive species contaminating the bay and delta. No rail export of raw or partially refined crude.

Less Discriminatory Project Alternatives 3:

Continue the current practice of holding ships in the bay until needed by refineries. No rail export of raw or partially refined crude. The existing pipe line from refineries to the

Central valley used to transport raw product to a rail facility away from residential housing.

Less Discriminatory Project Alternatives 4:

Find a suitable site west of Bay Point to Martinez. Most of this land is zoned industrial with very few residents. No rail export of raw or partially refined crude. The existing pipe line from refineries to the Central valley used to transport raw product to a rail facility away from residential housing.

Executive Summary: Cumulative Impact

It is reasonably foreseeable project will lead to higher PM10 and PM2.5 concentrations, air pollution, greenhouse gases, explosions, exposure to carcinogenic compounds and poisonous chemicals, **higher illness and asthma rates** and deaths within Pittsburg. **Higher illness rates among students and family members have been shown to be a major detriment to student learning.** It is reasonably foreseeable there will be an increase in non-indigenous species and deterioration of the delta habitat, reducing the economic prosperity of the delta. This project will have no significant impact on reducing air pollution in the SF bay as stated in Original Draft EIR. It is reasonably foreseeable Project may become a target for terrorist attack. **(Congressional report Contra Costa County is potential target terrorist attack**

<http://www.co.contra-costa.ca.us/archives/42/Terrorism%20SEC%207.7.05.pdf>)

It is reasonably foreseeable there is a 98.006% chance of tank failure within the next 50 years just 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, tornados, high winds, terrorists, boil over and explosions from overheating hydrocarbons, operator or human error is very likely.

It is reasonably foreseeable a nearby facility failure could easily cause major tank failures. These include but are not limited to the power plant, under ground pipe lines **(remember San Bruno? http://en.wikipedia.org/wiki/2010_San_Bruno_pipeline_explosion)**, a major PG&E substation and Pittsburg Power, s trans-bay terminal (both are very high energy ignition point), a rail yard full of explosive liquids, train derailment, or terrorist attack. The barbeques in the backyards of some of the homes are close enough to set off tank fumes.

It is reasonably foreseeable a problem at any one of these sites would quickly spread to all the others. Everything within .5 mile could be destroyed, a major electrical blackout of the Bay Area, rails, pipe lines and tank cars destroyed with major release of toxins, local industry unable to receive or ship supplies, millions of barrels of crude oil in the Delta and bay and substantial loss of life.

With the successful destruction of Pittsburg's very last recreational and scenic habitat it is reasonably foreseeable the demise of the marina, yacht club and down town redevelopment. It will be slow but enviable. Boaters and wild life enthusiast

will find that their wonderland on the delta has been replaced with messy oily stained ships. Their nostrils filled with a smelly noxious hydrogen sulfide and sulfur Dioxide gas that turns their stomach, burn their eyes and throat. The sky turned brown and the scenic view obscured with ships, particulate matter and smog. Wild life gone, stinky algae blooms and fish kill more prevalent from the increase in nutrients in the water from ships stirring up the sediments. Their view obscured by a brown haze reaching far into the Central Valley. Persons who never experienced breathing problems before will find their lungs getting tighter and breathing getting labored. For those who already have breathing problem more emergency room visits more missed days from work and school. The community will experience a higher death rate from cancer and *chemically induced asthma*. (Yet we sham others for gassing their own people). Those who can will leave and not come back to Pittsburg. Pittsburg downtown will become boarded up as before, the housing become predominantly low income and section 8: a place for the "poor" as it was once envisioned by some to always remain.

Executive Summary: Statistical Analysis; Science or Pseudo-Science?

The age old dispute (science or Pseudo-Science?) 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 has once again been shown to be fundamentally flawed! The question is not what is most likely to happen but what can happen! **Everything in this report has already happened and is reasonably foreseeable will happen once again.** It is not a question of if but where, when 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 buck.

Executive Summary: Conclusion

Video of a very, very small crude oil tank boilover going up, 30 burned, Texas USA March 02 2011

<http://video.msnbc.msn.com/documentaries/41907756/#41907756>

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 easy 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". Let's put America back to work doing what The United States of America was second to none in doing and made you proud to be an American: building it right.**

Questions:

1 Why no heath studies of Pittsburg residents living in the down town? Pittsburg, especially the area around the project, is a low-income, minority community. Pittsburg

residents are burdened with an unfair amount of pollution while having the least access to health care. Pittsburg air pollution is above State and Federal standards. Pittsburg residents' health is deserving of protection under the Federal Environmental Justice Memorandum of Understanding and Presidential Executive Order 12898 (Environmental Justice).

2 Why not include near by parks, churches and schools in this study? The selection of sensitive receptors .5 miles around the project does not accurately represent the possible impact zone for this project. BAAQMD records should show complaints of very foul odors and eye and throat irritation caused by former operator Mirant's transfer of fuel several years ago; odors from tank can still be smelled at times to this day. Complaints came from residents at least one mile down-wind and very wide spread. A community meeting was held by Mirant to apologize to the community for being such a bad neighbor. Air model studies should be performed to detail total area that may be affected by the project. A minimum of 10 miles down wind should be studied.

3 Why not include the following sites in your study?

Senior housing complex, Railroad Ave and 8th Street

Marina Vista Elementary School, Railroad Ave and 8th Street

St Peter Martyr School, West 4th Street

Riverview Park, River Park Dr.

Stewart Memorial Christian Methodist Episcopal Church, Linda Vista Way and Front

First Baptist Church, Odessa Dr.

St. Peter Martyr Catholic Church, Black Diamond St. and 8th St.

Greater McGluthen Memorial Temple Church, 550 Black Diamond St.

Parkside Elementary School, within 1000ft of KLM alt 1 connection.

Pittsburg High School, School St.

El Pueblo Federal Housing Project, El Pueblo

All section 8 housing within 5 miles of project

4 What are all possible compounds that may be in crude, their percentages and known health effects on children and the elderly? Which of these compounds cause eye, throat and skin irritation; asthma, bad smells and/or vomiting?

5 Why not documented, monitor and determine long term effects on residents' health?

6 Why not give free health services, including but not limited to cancer and asthma screening and treatment in the exposure zone?

7 Can anyone build electric or hydrogen powered ships and trains?

8 Will ships going to Pittsburg need to moor in the SF bay to "lighter" (transfer some of their load to other ships to reduce their draft) before entering the upper bay and Delta?

9 Why not build a pipe line out to sea to off load from? Ocean-going ships are a major source of non-indigenous species of clam, plants, crabs and parasites in the Delta. This invasion has damaged the quality and economic vitality of the Delta habitat.

10 What will you stop shoreline and levee erosion from ships?

11 how will you stop the stirring up of sentiments from the ships water displacement and props?

12 What emergency staff and supplies will be on site incase of accident?

13 Can WesPac get air pollution credits from sources that currently effect near by residents?

14 In the event of an accident what agency will be notified and what will be their response? How fast and in what number will help come?

15 How much money will applicant put toward getting, maintaining and training fire fighters per year?

16 The concept of "shelter in place" implies that there is something the homeowner can do to save themselves incase of a catastrophe. Will residents be given home fire fighting equipment, gas masks, first aid supplies and fire resistant suits?

17 Which agency has been notified for their input on Environmental Justice issues for this project?

18 Which agency does the City of Pittsburg expect to do an Environment Justice study?

19 Why not a study on a reasonably foreseeable worst-case scenario: sabotage to the facility, including the possibility 5000,000BBL tank content vaporizing into an explosive air/fuel mix and detonated? With LPG, ammonia, and chlorine storage railroad cars being engulfed in shock wave and flames at their storage site approximately ¼ mile south of the facility What effect would such a worst-case scenario have on the nearby residents and power substation just northwest of project? The electric power substation is a major supplier of power in California. It is vital to both the economic success of California and National Security that this substation remains safe from any possible threat.

20 how much insurance coverage dose applicant have?

21 Will applicant be required to put up a bond covering the total expense of insurance coverage for the next 30 years or more?

22 How close to existing water ways are tanks?

23 CCC fire department is being downsized and is already under manned. How much would it cost to have onsite fire fighting equipment and personal to completely foam site and within the industry standard of 15 minuets?

24 Will Riverview Park be closed or made smaller?

25 What is the cancer rate and pollution for Brown Island?

26 What is the cancer rate and pollution for the Pittsburg yacht Club?

27 How many persons in Pittsburg have asthma? How many die from asthma?

28 What are you going to do to protect the scenic value of the Delta?

29 Will the facility be closed down on spare the air day?

30 Will the facility be closed down when wind speeds drop below 10 miles an hour?

31 What steps will be taken to trap air pollution so that it dose not pollute the environment?

32 Why should children be allowed to get asthma so WesPac can make a profit?

References:

PUSD's OCR Complaint 4/17/00

<http://www.calfree.com/OCRDelta.html>

EPA 94565 web site

[http://www.epa.gov/myenv/myenvview2.html?](http://www.epa.gov/myenv/myenvview2.html?minx=-122.11853&miny=37.94041&maxx=-121.73744&maxy=38.07837&ve=11,38.00946,-121.92805&pSearch=94565,CA)

[minx=-122.11853&miny=37.94041&maxx=-121.73744&maxy=38.07837&ve=11,38.00946,-121.92805&pSearch=94565, CA](http://www.epa.gov/myenv/myenvview2.html?minx=-122.11853&miny=37.94041&maxx=-121.73744&maxy=38.07837&ve=11,38.00946,-121.92805&pSearch=94565,CA)

Congressional report Contra Costa County is potential target terrorist attack

<http://www.co.contra-costa.ca.us/archives/42/Terrorism%20SFC%207.7.05.pdf>

safety

www.intergraph.com/assets/pdf/.../HydrocarbonEngineeringJune2011.pdf- Block all

[www.intergraph.com results](http://www.intergraph.com/results)

File Format: PDF/Adobe Acrobat

most oil storage tank damage is attributable to age deterioration, corrosion or (in some locations) ... these tanks stored such materials as crude oil, gasoline, fuel oil and ... tanks. In the us in 1978, a tank failure at a complex in Texas City, texas...

[Failure Analysis of a ... - ASM Materials Information - ASM International products.asminternational.org/fach/data/fullDisplay.do?...](http://products.asminternational.org/fach/data/fullDisplay.do?...) - Cached- Block all products.asminternational.org results

Abstract: A 100000 barrel crude oil storage tank rupture caused extensive property damage in Dec. 1980, in Moose Jaw, Saskatchewan, Canada. Failure was ...

[REVIEW OF FAILURES, CAUSES & CONSEQUENCES IN THE ...](#)
www.lightningsafety.com/nlsi_11s/Causes-of-Failures-in-Bulk-Storage.pdf
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The cataclysmic events, which occurred at the Buncefield Oils Storage Depot in. Hertfordshire ... The failure of above ground atmospheric storage tanks, of which a variety of types are ... June 2003, where a floating roof crude tank was struck by ...

[Tank Failure Modes and Their](#)
www.risk-support.co.uk/vmt-tank_failure.pdf
File Format: PDF/Adobe Acrobat - [Quick View](#)

by VM Trbojevic - [Cited by 2](#) - [Related articles](#)

atmospheric (Crude Oil) designs. An analysis of the consequences of an assumed axisymmetric mode of failure of a liquid storage tank is presented in an effort ..

[REVIEW OF FAILURES, CAUSES & CONSEQUENCES IN THE ...](#)
www.lightningsafety.com/nlsi_11s/Causes-of-Failures-in-Bulk-Storage.pdf
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The cataclysmic events, which occurred at the Buncefield Oils Storage Depot in. Hertfordshire ... The failure of above ground atmospheric storage tanks, of which a variety of types are ... June 2003, where a floating roof crude tank was struck by ...

[Catastrophic Tank Failures: Highlights of Past Failures along with ...](#)
www.epa.gov/oem/docs/oil/fss/fss02/cornellpaper.pdf - [Block all www.epa.gov results](#)
File Format: PDF/Adobe Acrobat

A few of the more prominent failures have been listed below. On November 31, 2001, a storage tank holding almost 100000 gallons of crude oil ignited, throwing ..

[Geospatial Settlement Monitoring of Above Oil Storage Tank](#)
jeteas.scholarlinkresearch.org/articles/SUBSIDENCE%20MONITORING.pdf - [Block all jeteas.scholarlinkresearch.org results](#)

File Format: PDF/Adobe Acrobat - [Quick View](#)

by R Ehigiator-Irughe - 2010

There are ten crude oil tanks each 21m high and diameter 76.2m (Ehigiator, 2005). Others are two emulsion tanks, and continuous hydration tanks. Storage ...

[Fawley Crude Oil Storage Tank - TWI](#)
www.twi.co.uk/content/oilgas_casedown25.html

Two storage tanks failed during hydrotest after receiving weld repairs. Assessment of the material ... Fawley crude oil storage tank failure. Storage tank failure ...

On line documents

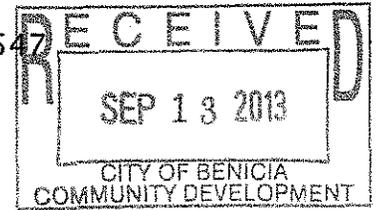
<http://www.mediafire.com/?o5oiyj4jiganh>

Sincerely,
James B. MacDonald
274 Pebble Beach Loop
Pittsburg, Ca. 94565
jbmd56@yahoo.com

To: Kristin Pollot, kpollot@pittsburg.ca.us, City of Pittsburg CA Planning Division

From: Charles Davidson. 2108 Drake Lane, Hercules CA 94547

RE: WesPac PITTSBURG ENERGY INFRASTRUCTURE PROJECT



Dear Kristin,

I do not live in Pittsburg, but I live in Hercules near Phillips 66, a refinery connected to and very much dependent upon the scope and capabilities of the Pittsburg WesPac Energy Infrastructure Project, aka the WesPac Pittsburg Petroleum Depot Project.

Addressed below are my concerns pertaining to:

POTENTIAL ENVIRONMENTAL IMPACTS NOT ADDRESSED IN THE PITTSBURG WesPac DEIR :

I. PHYSICALLY-INTERRELATED REFINERY PROJECTS FOR THE EVALUATION OF CUMULATIVE REGIONAL EFFECTS,

II. CUMULATIVE REGIONAL GREENHOUSE GAS AND NOXIOUS POLLUTION EFFECTS, AND

III. A CRITICALLY SIGNIFICANT INCREASE IN TOTAL BAY AREA REFINING CAPABILITY ENABLED BY THE WesPac PETROLEUM STORAGE DEPOT.

Please consider my recommendation to amend the following omissions stated in sections I to III.

Regards,

Charles Davidson
(510) 837-8441

CONCLUSION: The WesPac PITTSBURG ENERGY INFRASTRUCTURE PROJECT, aka THE PITTSBURG PETROLEUM STORAGE DEPOT, WILL CRITICALLY ENABLE A SIGNIFICANT INCREASE IN TOTAL BAY AREA REFINING CAPABILITY AND OFF-SITE GREENHOUSE GAS PRODUCTION - LIKELY OFF-SITE EMISSIONS NOT DOCUMENTED IN THE DRAFT EIR.

Off-site emissions due to additional regional refining capability are dependent upon the WesPac Oil Storage Depot and are not directly addressed in the DEIR, but can be inferred by the size and scope of the overall oil storage and associated marine/railroad/pipeline enhancement project.

The Pittsburg WesPac DEIR omits mention of the potential deleterious impacts on regional air quality, that the aforementioned Bay Area's destination refineries for WesPac crude will accrue when the WesPac Project is completed.

The WesPac oil terminal and storage tank project should not be seen in isolation in terms of off-site air emissions that it will enable and that need a full regional emissions assessment. The WesPac DEIR neglects to mention the recent and proposed changes in refinery technology and throughput that will impact WesPac's off-site emissions assessment. The WesPac DEIR, therefore, omits mention of the potential impacts that the destination refineries will engender for crude transiting the terminal, namely a significant increase in volume of refined products, in addition to refining a likely increased percentage of high-sulfur heavy crude oil, such as Canadian Tar Sands crude.

These quantity and quality factors related to the WesPac-transited crude will require far larger volumes of regional refinery hydrogen production and more heat production, and consequently, the refineries will also produce more greenhouse gasses and other airborne pollutants in the Bay Area and beyond, when considering the increased volume of manufactured end-products. Therefore, it is inaccurate and misleading to mention only the WesPac project's on-site air emissions analysis into emissions declarations, while ignoring secondary off-site emissions for purposes of invoking the presumption that the project will have no significant regional impact.

The Pittsburg WesPac DEIR should be amended to include off-site GHGs, from the terminal's various destination refineries and also from their end-products, which will be engendered both by the terminal-enabled increase in yearly Bay Area refinery input quantity and the probable lower quality of the crude passing through the facility, in order to produce a more complete cumulative evaluation of regional effects. Furthermore, for the WesPac DEIR to be in compliance and to have a more complete cumulative evaluation of regional air pollution effects, all recent and proposed major, relevant upgrades to WesPac crude destination

refineries, which were omitted in the draft EIR, must be considered in detail.

BACKGROUND AND DISCUSSION

I. PHYSICALLY INTERRELATED REFINERY PROJECTS FOR CUMULATIVE REGIONAL EFFECTS EVALUATION ARE REQUIRED FOR WesPac's DEIR, BUT WERE OMITTED.

The main components of the project consist of the modernization and reactivation of the existing fuel storage and distribution systems at the facility, including: (1) the marine terminal; (2) the onshore storage terminal, including both the East and South Tank Farms; and (3) the pipeline connection to the existing San Pablo Bay Pipeline and a proposed new pipeline connection to the existing KLM Pipeline. An existing 1-mile-long railroad siding leading into and around the GenOn Pittsburg Generating Station would allow for the facility to receive crude oil by rail cars, instead of—or in addition to—waterborne vessels.

The WesPac Pittsburg Energy Infrastructure Project (i.e., Petroleum Tank Storage Depot) DEIR, however, does not disclose pertinent information relating to the anticipated source and quality of the crude feedstock moving through the WesPac facility, for stored crude oil, that the destination refineries need for the crude slate that they plan on processing. The WesPac Tank Project must be seen within a larger context to the Bay Area refineries, that it is connected to, that each have undergone recent (or have planned) renovations allowing for the processing of lower quality feedstock, such as Canadian Tar Sands.

The Pittsburg WesPac Draft EIR, failed to mention, as required, several other "POTENTIAL PROJECTS FOR CUMULATIVE POLLUTION EFFECTS EVALUATION", at local Bay Area refineries, that are critically enabled by the WesPac project.

See: *Orinda Ass'n v. Board of Supervisors* (1986) 182 CA3d 1145, 1171 ("A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.").

The named, likely destination Bay Area refineries for crude transiting the Pittsburg WesPack Oil Storage facility are Chevron (Richmond) , Shell

(Martinez), Phillips 66 (Rodeo) , Tesoro (Martinez) and Valero (Benecia).
According to the WesPac DEIR:

**Table 2-6: Refineries that May Receive-Crude-Oil-from and/or
Deliver- Crude-Oil-to the Terminal Oil Refinery**

Address

Shell Martinez Refinery
3485 Pacheco Boulevard Martinez, California 94553

Conoco Phillips Refinery
1380 San Pablo Avenue Rodeo, California 94572

Tesoro Golden Eagle Refinery
150 Solano Way Martinez, California 94553

Valero Benecia Refinery
3400 East 2nd Street Benecia, California 94510

**The Pittsburg WesPac Draft EIR, failed to mention, as required, these
“POTENTIAL PROJECTS FOR CUMULATIVE EFFECTS EVALUATION”,
which are collectively listed below and which are either proposed or
recently completed, namely:**

WesPac Pittsburg Petroleum Tank Project: Proposed

**ConocoPhillips proposed the Clean Fuels Expansion Project (CFEP):
Completed**

[The Clean Fuels Expansion Project (CFEP) added new facilities and modified existing facilities to produce additional low-sulfur clean fuels. The Refinery would use the Heavy Gas Oil (HGO) that is normally produced at the Refinery and is currently sold into the HGO market, to produce cleaner-burning gasoline and ultra-low-sulfur diesel (ULSD) fuels targeted for the California market or fuel oil for the global market.]

PHILLIPS 66 PROPANE RECOVERY PROJECT: Currently Proposed

(Propane and butane currently used as refinery gasses (RFGs) for heat, electricity and hydrogen production will subsequently be sold as de-sulfured commercial end-products and the RFG would then be replaced by currently inexpensive natural gas)

Chevron Richmond Revised [Hydrogen] Renewal Project and (proposed) Hydrogen pipeline to Martinez Shell Refinery.

City of Benicia: Valero Crude by Rail Project:

Plus: Marine Terminal Leases for Shell Martinez Refinery NuStar Selby Marine Terminal and Tesoro Amorco.

The collective and significant increase in refining volume of the five local Bay Area Refinery Projects that are not on the Pittsburg WesPac site, but will be connected to WesPac, will generate additional refinery and end-product Greenhouse Gasses and other pollutants in significant volumes. This enhanced Bay Area and consumer end-point GHG production will be significantly facilitated when the WesPac Project is completed. **Off-site emissions due to additional regional refining capability dependent upon the WesPac Oil Storage Depot and are not directly addressed in the DEIR, but can be inferred by the size and scope of the overall oil storage and associated marine/railroad/pipeline enhancement project.** According to the WesPac DEIR:

“The total annual throughput for the entire Terminal would be approximately 70,200,000 BBLs of crude oil and/or partially refined crude oil per year.”

Moreover, the indirect nature of these off-site emissions, from both additional Bay Area refinery emissions and the emissions of the refined end-products, cannot be ignored as “it is inaccurate and misleading to mention only the WesPac project's air emissions analysis into on-site emissions, while ignoring secondary off-site emissions for purposes of invoking the presumption the project will have no significant regional impact.” Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 717. Thus the DEIR requires a sufficient analysis and discussion of these emission sources.

II. CUMULATIVE REGIONAL GREEN HOUSE GAS AND NOXIOUS POLLUTION EFFECTS REQUIRE EVALUATION:

The Pittsburg WesPac DEIR omits mention of the potential deleterious impacts on regional air quality, that the aforementioned Bay Area destination refinery's for WesPac crude will accrue when the WesPac

Project is completed. These deleterious effects are due to both the increased crude oil delivery capacity facilitated by the proposed Pittsburg WesPac Oil Storage Depot and the increased crude oil refinery throughput, that was not mentioned in the WesPac DEIR, but which is predicated upon the need for a regional depot facility such as WesPac. The WesPac-related and pipeline interrelated refineries are namely: Chevron (Richmond) , Shell (Martinez), Phillips 66 (Rodeo), Tesoro (Martinez) and Valero's (Benecia),

The regional refineries that will be connected to WesPac each have their own aforementioned projects that lock in coking, a process that require dense crude, such as the cheapest diluted bitumen from Canadian tar sands and high-sulfur heavy California shale oil. Coking removes carbon from the remaining refinery feed, leaving a product that can be burned in the place of coal for electrical plants or for making steel. All Bay Area refineries have increased or plan on increasing hydrogen production, pipeline transport and consumption in order to accomplish desulfurization and hydrocracking, thereby increasing greenhouse gas production inherent in currently used methods of industrial hydrogen production. The coking for heavy process requires greater heat than is required for refining lighter crudes, and therefore, more production of GHGs and other airborne pollutants. Koch Carbon owns a petroleum coke (i.e., petcoke) storage/shipping plant in Pittsburg, right on the water at 707 E. 3rd St.. Several Bay Area refineries use this bulk storage plant to send their petcoke to Asia from there.

Phillips 66 CEO Greg Garland "told analysts that the company was looking at railcars capable of transporting Canadian heavy crude to the West Coast." The Valero project would provide the ability to process lower grades of raw crude and provide flexibility to substitute raw crudes. In addition, the project would optimize operations for efficient production of low-sulfur fuels, requiring more hydrogen production and consumption.

The EIR process for this WesPac Project presents a critical opportunity to engage in a genuine and thorough review of the full environmental impacts of WesPac's proposed Project, specifically in the context of both the increased crude delivery capacity, the overall switch to lower crude quality by Bay Area refineries connected to WesPac and the increased need for regional refinery hydrogen production.

The proposed WesPac Project makes fundamental transportation (marine

terminal and rail roads spurs), storage and associated equipment changes designed specifically to enable the long-term crude quality switch in refineries connected to WesPac. These Bay Area refinery changes are potentially irreversible, and although they are indirect to the WesPac Depot itself, the depot project will have regional environmental impacts that demand public and agency attention, and a full review from an air quality management perspective.

III. WesPac PETROLEUM STORAGE DEPOT WILL CRITICALLY ENABLE A SIGNIFICANT INCREASE IN CUMULATIVE BAY AREA REFINING CAPABILITY:

The WesPac project should not be seen in isolation in terms of off-site emissions that it will enable and that need a full regional emissions assessment. The DEIR omits mention of the potential impacts that several of the destination refineries' now produce a significantly increased volume of refined products and it fails to explicitly detail how exactly the Project will meet stated projected Bay Area refinery export objectives, using their expected surplus above domestic market needs nor does it the account for GHGs produced by those exports.

Importantly, current and proposed regional refinery projects substitute inexpensive natural gas in place of each of the refineries' former usage of heavy gas oil (HGO), propane or butane (all collected during the refining process) as the refinery fuel gas of choice, for heat, electricity and hydrogen production. Switching to natural gas in order to operate the refinery allows for significantly more refined value-added products to be produced for sale by each of the refineries connected to WesPac. In turn, this refinery gas switch to an external input of natural gas will require that each of the refineries supplied by the WesPac Depot be provided with proportionately more crude petroleum input (ie, feedstock in order to accomplish their increased production goals). For example, Phillips' recently completed CFEP, that converted to using cheap HGO for refinery operations rather than for sale, that yielded 35% more highly valued gasoline and 21.5% more diesel fuel per day compared to before the CFEP was completed. Phillips' currently proposed Propane Recovery Project will capture the propane and butane for sale, instead of using it as another refinery fuel gas (RFG) and replacing them with inexpensive natural gas.

The interconnectedness of the Pittsburg WesPac Project with the various Bay Area refineries is perhaps most apparent in light of the WesPac DEIR that calls for the existing San Pablo Bay Pipeline, a 42-mile-long pipeline

extending from the Chevron Refinery in the City of Richmond, to be extended to the Pittsburg WesPac Depot by reactivating an unused, adjacent 13.2-mile-long currently idle section of the pipeline.

The reactivated pipeline would be used to transport crude oil between the WesPac Terminal to nearby San Francisco Bay Area refineries, terminals, and other existing active common-carrier pipelines. In turn, the Richmond Chevron hydrogen pipeline DEIR is proposed to go back north to the Phillips 66 refinery in Rodeo and will end at the Shell refinery in Martinez.

The total annual throughput for the entire WesPac Terminal would be approximately 70,200,000 BBLs of crude oil and/or partially refined crude oil per year, corresponding to a proportionate increase in total, overall Bay Area Refining capacity, which is increasingly dependent upon a corresponding massive increase in the natural gas usage by the WesPac-connected Bay Area refinery operations.

<http://www.ci.pittsburg.ca.us/Modules/ShowDocument.aspx?documentid=5675>

City of Pittsburg 1.0 Introduction and Project Goals and Objectives

The proposed petroleum Terminal is located at 696 West 10th Street in the City of Pittsburg (City) in Contra Costa County (County), California, approximately 32 miles northeast of Oakland and along the shores of Suisun Bay. The Terminal would consist of approximately 125 acres of land situated within the current NRG property/facility. The land and facilities for the project, including storage tanks and the dock, are expected to be purchased from NRG by WesPac.

1.2 PROPOSED PROJECT SUMMARY

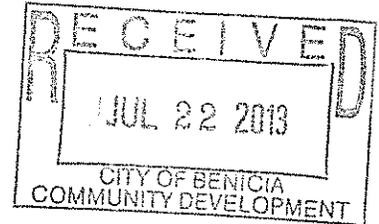
The proposed project would modernize and reactivate an existing oil storage and transportation facility, to be known as the WesPac Energy-Pittsburg Terminal (Terminal). The Terminal includes existing oil storage tanks that would be updated to accommodate the storage of crude oil and partially refined crude oil on-site. The Terminal would be designed to receive shipments of oil from trains, pipelines, and marine vessels; store these oil shipments for varying periods of time; and transfer stored oils out to local refineries via new and existing pipelines connected to the site. The Terminal would also have the capability to load marine vessels for shipment to other destinations. For the delivery of crude oil and

partially refined crude oil by train, the project would include the construction of a new Rail Transload Operations Facility (Rail Transload Facility) within a nearby BNSF Railway Company (BNSF) rail yard. As stated above, all products received at the Terminal would be transported to the Terminal by rail, pipeline, ship, or barge. The proposed project includes no product transportation via truck.

1.2.1 Locomotive Operations

All movements of trains bringing rail tank cars to and from the Rail Transload Facility would be performed by BNSF, on BNSF property, and on trains operated by BNSF employees. The City of Pittsburg and other State and local responsible agencies are preempted from imposing mitigation measures, conditions, or regulations to reduce or mitigate potential impacts of BNSF train movements.

MARILYN J. BARDET
333 East K Street, Benicia CA 94510
707-745-9094 mjbardet@comcast.net



July 17, 2013

City Manager Brad Kilger and Amy Million, Community Development Department;
Planning Commissioners: Chair Sherry, Oakes, Smith, Grossman, Sprague, Dean and Young
Mayor Patterson, Vice Mayor Campbell & Councilmembers Hughs, Schwartzman & Strawbridge
City of Benicia, 250 East L Street, Benicia CA 94510

SUBJECT: Valero Crude-By-Rail Project Initial Study/Mitigated Negative Declaration

Dear Mr. Kilger, Amy Million, Planning Commissioners, Mayor and City Councilmembers;

In my original comments submitted on July 1st, I had made a statement that I now would like to correct based on information I've received from a reliable source, a community member involved with Phillips 66 refinery (formerly ConocoPhillips) in Rodeo. Jay Gunkelman is a neuroscientist who over many years has participated as a community member in discussions with the Air District and with Conoco over operations, emissions, and the refinery's community air monitoring system operating along the refinery fence line.

I had said (quote from original statement, page 2 of my introductory letter) "Valero's Project would replace equivalent deliveries of crude by ship, and would be the second refinery rail project in the Bay Area. According to online news reports, Phillips 66 (formerly Conoco-Phillips) in Rodeo currently imports crude by rail."

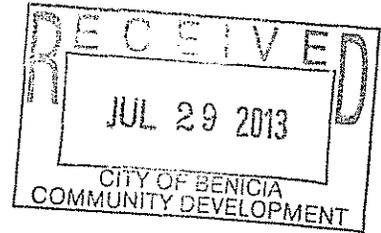
According to Jay Gunkelman, the Phillips 66 refinery (formerly ConocoPhillips) has a rail facility that to date only *exports* refinery products. He said that to change the facility for *importing* crude would require a new use permit from Contra Costa County. At this writing, I do not have information as to Phillips 66 intentions. I do know, however, from my own reading on the subject of the tar sands mining operations [*Tar Sands: Dirty Oil and the Future of a Continent*, by Andrew Nikiforuk, renown Canadian journalist and author] that Conoco has investments in tar sands mining operations in Alberta (as does Shell and Tesoro). Thus, it is highly plausible and foreseeable that other Bay Area refineries, including Phillips 66, Shell, Tesoro, Chevron and Valero may be intending to import tar sands diluted bitumen or "dilbits." NRDC's research states that Valero already imports a small percentage of tar sands-sourced "crude." Although I don't have statistics, it's likely that other Bay Area refineries are doing the same. The question is, to what extent the importation of tar sands crude is to be expanded by Valero through their proposed rail project, and also, to what extent are other refineries in the area also planning to expand importation of bitumen or diluted bitumen by rail or other means.

Thus, despite my misstatement re current rail use at Phillips 66, calculations for potential and *cumulative* impacts of large-scale rail projects that could be constructed during the lifetime of the Valero crude-by-rail project and would contribute significantly to total toxic emissions for the Bay Area air basin should be factored into analysis of Valero crude-by-rail project emissions with respect to processing heavier crudes and especially tar sands bitumen and/or diluted bitumen. Total cumulative GHG emissions would also have to be calculated for same.

Thank you for consideration of my additional comments,

Marilyn Bardet

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July 29, 2013

City Manager Brad Kilger, and Amy Million,
Planning Commissioners: Dean, Oakes, Smith, Grossman, Sprague, and Young
cc: Mayor Patterson, Vice Mayor Campbell & Councilmembers Hughs, Schwartzman & Strawbridge
City of Benicia, 250 East L Street, Benicia CA 94510

SUBJECT: Additional comments on cumulative impacts of transporting crude-by-rail in the Bay Area: Valero Crude-By-Rail Project Initial Study/Mitigated Negative Declaration [IS/MND]

Dear Brad, Amy, and Planning Commissioners,

My initial comments (July 1st) cited the absence of any reference or analysis in the IS/MND of cumulative impacts that could be foreseeable during the construction and lifetime of the proposed Valero Project of other potential industrial developments (including Valero's planned new hydrogen unit) in the area that would contribute to cumulative emissions impacts to local air quality as well as to the whole Bay Area air basin monitored by BAAQMD.

A point in fact is that the oil industries represented by refineries in the Bay Area, besides Valero — Royal Dutch Shell, ConocoPhillips, Tesoro and Chevron—all have heavily invested in tar sands extraction mines in Alberta. All of these corporations benefit from the very low, almost negligible royalties charged by Alberta's provincial government, as well as that of Canada's federal gov't. That discount rate has been trumpeted in Texas since at least 2005 by the Canadian government that heavily subsidizes tar sands development and keeps few records of the costs of the environmental destruction wrought by the operations. Therefore, the tar sands appear to be a "gold mine" at least in the near-term for the industry giants generally.

This being the case, it is highly likely that other Bay Area refineries, within the next 2 - 5 years, *while the high discount rate is maintained by the Canadian and Alberta governments, thus making importing tar sands "dilbits" a potential financial windfall for US refiners in the near term*, that at least one, if not ALL Bay Area refineries may seek to import by Union Pacific as much tar sands dilbits, as well as Bakkan tight oils from the Dakotas, (and other fracking sources, including Monterrey Shale) as Valero proposes to import by rail at the rate of 70,000 barrels per day.

Under CEQA, the possibility of development of other such large-scale industrial projects that are either "on the books" as plans or are envisioned within the time-frame of the proposed project must be described based on planning evidence and information available, whether through industry investor reports, or independent reliable news sources. Cumulative emissions impacts, as well as cumulative transportation impacts must be analyzed.

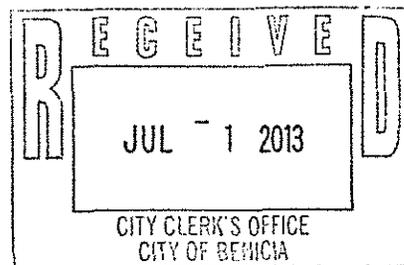
The IS/MND fails to account for the potential impacts to Benicia, its community and sensitive environs, considering the likely probability in a "near future" scenario, when more crude-loaded "50-car unit trains" are running through our city on their way to other refineries in our area that today, could possibly be in the planning stages of developing crude-by-rail off-loading terminals. The fact that UP tracks access all of the CC County refineries already is a case in point. The research shouldn't be a guessing game but based on available fact. If this info can't be found or determined, the benefit of doubt should reside with communities with regard to future scenarios that could impact local and regional community health.

Cumulative diesel emissions from all locomotives that pass through Benicia on a daily basis should be factored in to cumulative GHG calculations as well as public health impacts. Cumulative emissions of PM10 and PM2.5 from increased pet coke production, storage, transport and terminal/shipping operations must also be calculated from a public health perspective.

Thank you again for addressing my comments.

— Marilyn Bardet

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June 30, 2013

City Manager Brad Kilger,
Planning Commissioners: Chair Sherry, Oakes, Smith, Grossman, Sprague, Dean and Young
Mayor Patterson, Vice Mayor Campbell & Councilmembers Hughs, Schwartzman & Strawbridge
City of Benicia, 250 East L Street, Benicia CA 94510

SUBJECT: Valero Crude-By-Rail Project Initial Study/Mitigated Negative Declaration

Dear Mr. Kilger, Planning Commission Chairman Sherry, Planning Commissioners, Community Development staff, and Mayor Patterson and Councilmembers:

My comments overall reject the City's determination that a Mitigated Negative Declaration {MND} is a sufficient level of environmental review of Valero's Crude-by-Rail Project as described and discussed in ESA's Initial Study and Environmental Checklist. With regard to determining whether a more thorough environmental review is necessary, CEQA Guidelines §15064 describe the conditions under which an Initial Study is called for, and when an EIR is determined to be required:

"Must A Lead Agency Prepare an Initial Study?"

- *If the need for an EIR is unclear, the lead agency must prepare an initial study.*
- *If the lead agency can determine an EIR will be required, an initial study is not required."*

It follows from the fact that an Initial Study was prepared that the City-as-lead-agent was *at the very least unclear, if not confused*, about whether a full EIR was necessary to review the proposed rail project.

We need clarity. There are too many missing discussions in the Initial Study and too many unanswered questions. My hope, and the hope of many, is that you will agree that sufficient, thus, more specific description, evidence and evaluation of potentially significant negative impacts are needed to enable the public to understand *"the whole of the project,"* as required under CEQA. Mitigation measures that would reduce or eliminate the severity of those environmental effects must be designed and submitted *at the time of the environmental review*. The mitigation measures must address the proposed Project's operations *over the course of the Project's lifetime*.

My comments give examples of the regrettable limitations of the Initial Study's Project Description and reject the conclusions of the Checklist. The Initial Study's limited findings suggest that there would be no further concerns than those already exposed by its review, and that the burden of a comprehensive investigation of any other foreseeable and potentially significant adverse impacts should not be necessary. I disagree.

The City's sign-off on an MND on May 31, 2013, by the former Community Development Director, is perhaps owing to the many constraints on staff's time in reviewing the Study. This is understandable, but not acceptable: the MND basically echoes the Initial Study's findings without evidence of independent questioning and further scrutiny. A reader should not have to read between the lines of the Initial Study to

WRITTEN COMMENT # C19

discover the extent of the environmental ramifications of the Project, nor what further discussion is necessary.

Valero's Project would replace equivalent deliveries of crude by ship, and would be the second refinery rail project in the Bay Area. According to online news reports, Phillips 66 (formerly Conoco-Phillips) in Rodeo currently imports crude by rail. This fact was not discussed anywhere in the Initial Study or Environmental Checklist; yet learning this fact from other sources only underscores that we are not yet sufficiently informed by Valero, ESA or the City about the extent of the Project and its contributions to cumulative impacts: for example, the number of foreseeable crude-loaded trains that would be moving through Benicia and the Bay Area on Union Pacific's tracks. Other refineries in Contra Costa may be considering similar rail projects in the future (Tesoro's Golden Eagle, in Martinez). We therefore have no real idea, based on accurate estimates, of the potentially significant and even catastrophic impacts that could occur, given the foreseeably intensified use of Union Pacific's tracks for transporting crude and other hazardous materials. It is required under CEQA to identify and address potential cumulative negative impacts of other similar large-scale projects that would be concurrent or that are planned for the future in the region.

The importation of new "North-American-sourced crudes" – the vague, unqualified term used throughout the Initial Study – is not discussed with regard to the Phillips 66 crude-by-rail operation or other Bay Area refineries' future plans for crude-by-rail projects; nor, for that matter, the cumulative adverse impacts that are foreseeable wherein other CC County refineries, which are now already processing a variety of sour crude types, might also be planning to import by rail, in the near future, and/or by whatever *indirect* means, more heavy "North-American-sourced crudes," especially from Alberta Canada's tar sands. (Chevron Refinery, Richmond).

Valero has declared publicly (at CAP meeting and recent Economic Development Board meeting) that they will not be importing "tar sand crude" and their explanation has been that bitumen has to be transported in heated railcars and would have special off-loading conditions. If this is truly the case, why is there no discussion in the Study that would reflect Valero's commitment and explanation? And if they have made a "spoken" commitment to Benicia residents, why is this not committed in writing? Perhaps because they would not be importing "pure bitumen," which they assume, to their advantage, that members of the public mean when they refer to "tar sands" crude. Neither Valero nor the Initial Study have discussed a "diluted bitumen" blend or "dilbit" such as "Western Canada Select." (see my Comments).

Importing crude by rail using existing RR routes is a relatively recent phenomena now pushed by the oil industry to access various sources of heavy crude types that are being mined from shale formations in North Dakota and elsewhere in the Midwest, in California's Central Valley, and also from the vast network of open pit mining operations in Alberta's tar sands. If we're to grasp and assess "the whole" of the Valero rail project, we must not only ask Valero to be forthcoming about local and regional environmental ramifications of switching to rail as the method of importing crude, but also about the heavy crude types that would be imported under the proposed Project to be processed in Benicia. Getting access to "North American-sourced crudes" explains Valero's switch from ship to rail, and their desire to have had the Crude-by-Rail Project on time and on track for operation by late 2013 or early 2014, (from the Project construction timeline outlined in the Study. See comments).

Over the last 15 years, I've reviewed project applications, initial studies and draft EIR's, and have always tried my best to inquire into the details and facts of a proposed project and to imagine their

foreseeable effects for Benicia: the Koch Industries' "Coke Dome" project for the Port; the Tourtelot military cleanup for Southampton's residential build-out; the Valero Improvement Project [VIP]; Valero's EIR Addendum for VIP; several Seeno project draft EIRs; and also the draft EIR for the Arsenal Specific Plan. These projects envisioned land-use changes and/or long-range consequences for the community over project life-spans of 25 years and beyond. Of those mentioned, only the Tourtelot Restoration Project and Valero's VIP have gone forward successfully, much to everyone's credit.

As a member of the Good Neighbor Steering Committee [GNSC] for 13 years, and as a continuing member and former chair of Valero's Community Advisory Panel, I've worked hard with others to learn about the refinery, its VIP upgrades and local impacts. Representing the GNSC, I also currently serve as a non-voting member on the Community Sustainability Commission. I recognize the global effects of burning fossil fuels – the increasing, higher levels of atmospheric CO2 pumped into our atmosphere by human activities that contribute to global warming and climate changes. There is a growing local, regional and national consensus that we must conserve non-renewable resources, conserve energy and water, and transform our economy into a more sustainable one by working toward creation of reliable, alternative energy systems that do not put global climate further at risk for even more rapid, unprecedented changes.

Challenges made to Valero with regard potential impacts of their VIP and its later additional upgrades were aimed to ensure that their technical improvements would reduce water and energy use, reduce significant "criteria" emissions, and comply with the intent and spirit of AB32, the California Global Warming Solutions Act. The Project also must conform to the Benicia General Plan whose overarching goal is "sustainable development" [General Plan, page 22]. This governing goal explicitly declares the widening and rippling effects of whatever we do here in Benicia – how we conduct business and live our lives. The Benicia Climate Action Plan sets local strategies for modifying and changing our habits to create a more sustainable community.

As part of the VIP's permitting requirements, Valero was required to install a scrubber that ultimately replaced its main stack and has proven to greatly reduce ozone precursor gases – a benefit to our local community and the regional air basin. But now we must look forward and exercise our critical faculties to assess Valero's new Crude-by-Rail Project with its deep and wide ramifications that are local, regional and global.

Thank you for your consideration of my comments. I am glad to join you in the Project's review.

Marilyn Bardet

A handwritten signature in black ink, appearing to read "Marilyn Bardet". The signature is written in a cursive style with a large, looping initial "M".

COMMENTS:

1. General observations regarding the limited scope of review of the Initial Study and Environmental Checklist's Evaluation of Environmental Impacts:

The MND, signed off on May 31, 2013, by the former Community Development Director, summarizes the findings of the City-as-lead-agent:

"The City of Benicia finds that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because mitigation measures have been added to the project that avoid or reduce all impacts to a less than significant level."

The introduction to the Checklist, "Evaluation of Projects" [p II-1] outlines a number of CEQA criteria for evaluating impacts of a project. Criteria #2 states: *"All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts."*

In reviewing ESA's Initial Study ["Study"], the City apparently found no foreseeable problems or impacts that were not addressed in the Study and the Environmental Checklist ["Checklist"]. The City's review apparently concurred *to the letter* with ESA's narrow Project Description and their assessments of impacts. The Checklist mainly focuses on impacts that would occur *during the Project's construction phases*. The Study does not describe the life-span of the Project, nor, thus, the foreseeable *and cumulative* potential significant negative impacts *over time* to Air Quality, Biological Resources; Geology/Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use Planning; Noise; and Transportation and Traffic. (See further comments for examples). It would be the job of an EIR to fully explore each of the CEQA areas of concern. There is minimal discussion, (seemingly meant to reassure the reader), about the actual operations of the Project.

According to the limited Project Description, Project operations would occur almost exclusively at the rail rack off-loading facility, located on Valero property east of the storage tanks. Scant, cursory description is provided about Union Pacific's role and involvement – running Valero-bound, Valero-owned, crude oil loaded railcars. Which corporation will be managing the crude-loaded trains with regard to scheduling, and considering *all trains* running on Union Pacific tracks? There is little or no evidence given to substantiate claims that there would be no significant off-site impacts that could not be mitigated. Mitigation Measure TRAN-1 is an example of an extremely limited view of possible impacts from trains traveling in and out of Valero property and beyond. There is no discussion of potentially *catastrophic* impacts – the potential "off site" impacts – that could foreseeably occur given where the Project's trains would be traveling, conveying "North American-sourced crudes" through miles of sensitive ecological areas.

The Project Description, therefore, seems to piece-meal the Project, as if the Project operations were limited to Valero property, and as if, somehow, they were not extended to the "off-site property" owned by Union Pacific – the RR tracks extending for miles to be used in the transport of crude to Valero's off-loading racks. Further, there is no adequate account of the potential effects over the lifetime of the Project of processing the various "North American-sourced crudes" projected to be imported by rail and processed in Benicia over years or decades.

The Project's construction phase was slated to begin in early 2013 and be completed in late 2013, thus operational by late 2013 or early 2014 [Appendix A1. "Air Permit Application. BAAQMD Overview 1.2, p. 1.]. From Valero's time-table for construction and operations' startup, the reader might assume that Valero had counted on the City to recommend its MND, and that therefore, the company, in planning its Project timetable, was not expecting that further environmental review would be required, or, that any other delay would hold up construction.

The Planning Commission hearing is scheduled for July 11; thus, the Project's construction startup date has long passed. Is the delay in reviewing the Project owing to the City's scheduling of the environmental review? Or, is there any *technical* reason for the delay on Valero's part? Although the BAAQMD Air Permit Application [Overview 1.2, p. 1.] reiterates Valero's assertion that no modifications to the refinery processing equipment would need to be made for the Project to proceed, is there any planned VIP technical upgrade that hasn't been completed that would be required to be completed and operational in order for the Project to be permitted? Has the Coker Unit expansion project that was scheduled to be completed in March 2013, indeed been completed? [VIP EIR Addendum, Table 2.5.1.1 "Project Schedule: Expand CKR, Light Ends, Silos..."]. I could find no mention in the Study of whether there would be increased production of residual coke from the processing of any of the "North American-sourced crudes" that might be imported – the bitumen-based crude (a diluted bitumen or "dilbit") produced from Alberta Canada's tar sands. (See related comments under #9, "Mandatory Findings of Significance.")

Regarding the Initial Study and Environmental Checklist on global warming effects: The Bay Conservation and Development Commission [BCDC] must be involved in evaluating potential impacts to the Suisun Marsh of the Crude-by-Rail Project. BCDC has issued public reports that present evidence-based modeling of the projected sea level rise that would inevitably affect San Francisco Bay and the Carquinez Strait. BCDC's publicly available map of shoreline areas that would be affected by sea level rise show the effects on Benicia's marsh and floodplain environs over the next 25 - 50 years through the end of the century. The Study and Checklist should reference and discuss the implications of the BCDC map as related to the Union Pacific rail routes through the Suisun Marsh, which is projected to be more prone to greater seasonal flooding over the next decades – the probable lifespan of the Project? – increasing the intensity and number of winter rain storms, whose effects may be made more severe by high tides in the Strait and earlier snow melt. The Union Pacific tracks are visible along a long stretch of



Goodyear Rd., within Benicia's city limit. The gravel railbed appears to be elevated approx. 18" - 24" above the marsh. The railbed itself was not flooded during the February, 2011 storm event that occurred along the length of Benicia's marsh surrounding the tracks. In the storm's immediate aftermath, I took pictures capturing the train tracks leading from the Industrial Park through the marsh, and specifically where flooding and pooling of the marsh around the tracks had most severely occurred. One of the only small service roads that crosses the tracks (not far from Organic Solutions, a company along Goodyear Rd.) was completely submerged except where it briefly crossed the tracks; therefore it was impassable to vehicular traffic, including emergency vehicles. A sign was

posted at the dirt road's junction with Goodyear Rd that said "Flooded.") Trains carrying crude could conceivably be threatened if there was any erosion or disturbance of the gravel rail bed and tracks. Trains



could be held up, (where? side-lined?), potentially stalled or derailed, with spills of crude oil. Description and analysis of potential significant impacts that might flow from such a *credible* worst case scenario are missing from the Study.

How would crude-loaded railcars be accessed in the case of a flood in Suisun Marsh if there were a train accident and spill of crude? What would be the emergency response plan? What would be the cleanup method? For diluted bitumen? The Initial Study doesn't provide answers.



3. AIR QUALITY IMPACTS:

[Initial Study; Environmental Checklist: 3. Air Quality p. II-10]

Mitigation Measure Air-1, "added to the project:" Air-1 references existing Bay Area Air Quality Management District's [BAAQMD] protocols and policies that are meant to protect against dust and diesel emissions during construction phases of development projects. It also refers to "2010 CAP" which is a recent Air District plan. It bears quoting from the Study's *minimal description* of the 2010 CAP. The thresholds for judging significance of air impacts are said by the Study not to be exceeded by the Project. It is not stated whether the air impacts evaluated are ones owing *only* to construction phases.

[From the Environmental Checklist – p. II-10]

"The 2010 CAP serves as a multi-pollutant air quality plan to protect public health and the climate." . . . "The 2010 CAP's control strategy includes revised and updated, and new measures in the three traditional control measure categories, including stationary source measures, mobile source measures, and transportation control measures. In addition, the 2010 CAP identifies two new categories of control measures, including land use and local impact measures, and energy and climate measures." . . . "BAAQMD recommends that the agency approving a project where an air quality plan consistency determination is required analyze the project with respect to the following

questions: 1) does the project support the primary goals of the air quality plan?; 2) does the project include applicable control measures from the air quality plan?; and 3) does the project disrupt or hinder implementation of any 2010 CAP control measures? If all the questions are included in the affirmative, BAAQMD considers the project consistent with air quality plans prepared for the Bay Area (BAAQMD, 2012).”

Apparently, ESA expected the public to know what BAAQMD’s “control strategies” and “new measures” are, but this is an unfair expectation. The Appendix does not include a pdf of the actual CAP 2010 document, or any other explanatory material to help our understanding of the Air District’s regulatory guidelines for judging “thresholds” for emissions impacts, etc. The reader should not have to hunt for documentation on the BAAQMD’s (nearly inscrutable) website. The reader reviewing the above quoted text can therefore have no idea whether the ESA in drafting the Initial Study, or the City in recommending the MND, accurately analyzed the Project *with respect to the questions the Air District recommended be raised*, as stated in the above quote. Accordingly, the adequacy of Mitigation Measure AIR-1 is highly suspect in this case. For example: there is no description or analysis of local air quality impacts to sensitive receptors who are employees in the industrial park, thus of persons who might be affected by cumulative emissions from *increased daily emissions* from all sources within the refinery, including the Rail Project.

Regarding emissions expected during operation of the Project:

[Environmental Checklist p.II-13]

Under item 3c, the proposed Project’s emissions are evaluated relative to BAAQMD’s thresholds for “attainment” for the Bay Area air basin that are protective of human health. Project emissions (including diesel, VOC’s and Particulate Matter - PM10 and PM2.5) are contributors to smog production. “Net emissions reductions” that are accounted for in the Study, *if they are reliable*, are calculated using statistical averaging to arrive at a figure that would represent a finding of “attainment” or “non-attainment” of federal and state standards for general smog conditions *within the region as a whole*. Accordingly, it is not explained by the Study that local emissions impacts cannot be assumed to be reduced by evaluations made using BAAQMD calculations that assess emissions impacts to the whole air basin.

“ . . . New stationary sources at the Refinery would include unloading rack and pipeline, which would result in fugitive emissions of ROG. The project would also include a change in service to existing Tank 1776 to allow it to store crude oil; however, because there would be no change in the amount of crude oil stored at the Refinery, there would be no net increase in tank-related storage mass emissions relative to baseline conditions. Overall, the proposed Project would result in reduced air emissions compared to the existing operations because delivering crude oil by rail car results in less emissions with the BAAQMD compared to delivering crude oil by marine vessel. See Table 3-2 for a summary of net emissions reductions that would be associated with the Project. ”

“ . . . Regardless, long-term operations of the proposed Project would result in a beneficial impact to air quality in the BAAQMD. ”

The final sentence in the evaluation reads like a statement of religious belief in the “*beneficial impact to air quality to the BAAQMD* [the Bay Area Air Basin]” that would be brought about by the advantages of the Project, mainly, replacing ship transport by train transport. There is no account of *local* air quality impacts from long-term Project operations, including cumulative impacts of exposure risks to

the Benicia community from existing and future-anticipated refinery toxic emissions (including from accidental releases with “spiking” of emissions, leaks, fires, etc.) in addition to Project-related emissions.

Under item 3d, the Study recommends that the lead agent (City of Benicia) evaluate the “*incremental toxic air contaminant (TAC) exposure risk to all sensitive receptors within a 1,000-foot radius of a project’s fenceline.*” The summary sentences in the discussion are as follows:

[Checklist: Air Quality, 3d, p. II-14].

“Long-term operations associated with the Project would generate TAC emissions from locomotive idling, locomotive transit, locomotive switching and from fugitive equipment and routine Tank 1776 leaks. The Applicant provided a screening level health risk assessment, as summarized in Table 3-3 which modeled the following sources using the ISCST3 air dispersion model: . . . [Table 3-3: Maximum Cancer and Noncancer Risk].” . . .

“The closest sensitive receptors to the proposed Project would be residences off Lansing Circle, approximately 2,700 feet northwest of the proposed Project site. There are no sensitive receptors within 1,000 feet of the proposed Project components.”

Lansing Circle is a residential cul-du-sac located in the northeastern corner of the Water’s End development that overlooks the refinery processing block, which is just south and east of the cited street, alleged to be the nearest location of “sensitive receptors” to the proposed Project railcar off-loading racks. There is no analysis in the Study or Checklist of emissions from the Project that would affect, for example, sensitive receptors – employees – working in businesses near the Union Pacific tracks and/or near the refinery’s off-loading racks.

The air emissions dispersal modeling referred to in the quote cited above is inadequate to address how toxic, volatile emissions can travel given different wind conditions, winds’ seasonal patterns and the topography of the area. The “wind rose” pictured in Figure 4.2-2 and Figure 4.2-3, on pages 44 and 45, in the Valero VIP EIR’s “Response to Comments” document should be included in the Appendix. Cumulative exposures to refinery emissions over time may present “non-cancer risks” to sensitive receptors – for example, *Benicia residents who are also employees of the industrial park*. It is well known that chronic bronchitis and asthma are aggravated and/or triggered by diesel exhaust emissions and other refinery/industrial processing operations (particulate matter - PM10 and PM2.5; VOCs, black carbon, and other Toxic Air Contaminants). Cumulative and chronic health impacts should be discussed and analyzed for receptors within residential areas nearest the refinery fencelines and also for those employees in the industrial park. Other contributing sources of air pollution must be considered in evaluating health effects that are related to potential significant *cumulative emissions* – air pollution conditions that can be chronic over time or “spiked” (acute) during releases, fires, etc – that would impact sensitive receptors in the community. (Contributors to cumulative air impacts from sources of PM 10 and PM 2.5 include freeway emissions, diesel emissions from ships and Valero’s coke trains, soot from fireplaces, pollen, and TAC emissions from other existing industrial polluters in the area.) To evaluate cumulative air emissions, other similar large-scale development projects that are proposed and planned for the area must be included in the calculations of air emission impacts in addition to Project-associated air emissions over time.

Further, cumulative air emissions from additional trains coming from CC County refineries (Phillips 66 and very possibly other refineries in the future) should be calculated as contributing to total cumulative Air Quality impacts, since Benicia, for most of the year, is downwind of Phillips 66, and Union Pacific’s rails run through CC County and into Benicia and continue north and eastward.

Regarding odors, Item 3e [Checklist, Air Quality, p. II-15]. This item discusses whether there would be “objectionable odors” that might affect “a substantial number of people.” The limited discussion of both potential impacts from construction phase and operations is as follows:

“Diesel equipment used to construct the project may emit objectionable odors associated with combustion of diesel fuel. However, these emissions would be temporary and intermittent in nature, thus odor impacts associated with diesel combustion during construction activities would be less than significant. There would be no change expected in the existing operational odors resulting from implementation of the proposed Project. This impact would be less than significant.”

Diesel fumes are considered by most people as highly noxious and offensive to smell, let alone that diesel exhaust fumes are toxic and can cause respiratory distress in sensitive receptors, *especially if the air is still and emissions are not dispersed*, as during weeks in winter when a cold damp fog sits on the ground and there is no wind. The Study’s discussion shows little concern about four train trips daily entering and leaving the industrial park, 365 days a year, that would create “unpleasant odors.” Locomotive exhaust would add cumulatively to the daily odors emanating from the refinery’s processing block, tank lids, and other sources (asphalt plant) that can be noticed and smelled “off site” in the industrial park southeast and east of the refinery. The Checklist’s assumptions do not take into account the numbers of people working in the vicinity of the Project.

Further missing from the Study’s discussion of odors and emissions impacts: westerly winds carry toxic gases and their odors eastward from the refinery processing block and would similarly waft emissions from the Project. According to calculations derived from the wind rose published in the VIP EIR “Response to Comments,” [cited above; Figures 4.2-2 and 4.2-3] approximately twenty percent (20%) of the of the year, mostly during late fall and winter months, the winds change direction and often die down, causing negative “off site” odors and air quality impacts to Benicia’s residential neighborhoods west and south of the refinery but also in the surrounding industrial park northeast, east and south of the refinery fencelines.

Cumulative adverse impacts from odors emanating from the Project should be calculated as potential *additional effects from toxic emissions from all sources, under favorable and unfavorable wind conditions, and, should be discussed as related to health risks to sensitive receptors in both the industrial park and residential neighborhoods.*

The following comments are intended to lend contextual breadth and depth from a local perspective to the Study’s evaluation of Air Quality impacts and are pertinent to my rejection of the Initial Study’s Environmental Checklist of Air Quality impacts and the alleged sufficiency of Mitigation Measure Air-1, the Study’s lack of analysis of cumulative emissions impacts and concern for health of local sensitive receptors. The comments also discuss the problem of analysis of local ambient air quality. These observations regard BAAQMD’s role and public mandate under the federal Clean Air Act.

BAAQMD’s mandate under the federal Clean Air Act is, as the Air District repeatedly advises, to ensure the general safety of the Bay Area’s air basin *as a whole* for human health. Accordingly, as a department of CAL-EPA, the Air District monitors the Bay Area air basin to ensure that the region meets “attainment” standards – safe thresholds set by federal and state regulation for smog-producing gases – e.g. ozone precursor gases including nitrogen oxides, sulfur dioxides, volatile organic compounds [VOC’s <http://>

iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/termsandacronyms/search.do], greenhouse gases and particulate matter (PM10 and PM2.5). The Air District monitors polluting industries' emissions and quantifies them, using statistical averaging, to calculate the cumulative negative impacts to the air basin *as a whole*, thus to report to state (and federal) EPA regarding non-compliance with "attainment" goals for the region. However, it is little understood that The Air District has generally not seen it as their particular responsibility to be concerned or involved with monitoring ambient air quality with respect to human health in local neighborhoods and communities living in close proximity to a major polluting industry, such as a refinery or chemical plant. Local communities' desires to have monitoring stations installed within neighborhoods affected by refinery or other polluting industrial operations (with the purpose to better understand exposure risks, to accurately monitor for emission "spikes" in real time during accidental releases, etc.), have been mostly dismissed over the years as *not part of the general mission of BAAQMD*, and this is an ongoing frustration and active dispute with the Air District by the concerned communities of Richmond and Rodeo/Crockett, and also by concerned Benicians. A spectacular failure of the Air District to track "off site" emissions in real time during the Chevron Refinery fire in August 2012 is a prime example of the District's lack of preparedness or interest (or mandate as public servants?) to address *local emissions impacts* that may affect ambient air quality and thus human health in the vicinity of a major polluting industry, especially during time of accidental releases, fires or explosions.

Right now, in Benicia, various air-monitors that were purchased *for the benefit of the community* under specific terms of a Settlement Agreement negotiated in 2008 between Valero and the Good Neighbor Steering Committee have been unplugged and the trailer housing them closed up and stored on Valero's property, thus remaining inactive until further notice. Since the equipment's initial installation above Tennys Drive, a public access website has yet to be fully completed. (Participants in its development are Argos Scientific, the Good Neighbor Steering Committee and Valero.) The question hanging over the intended independent program is one of ownership. The City has refused to take ownership of the equipment on the community's behalf for what was intended to be a permanent, independent, educational Benicia Community Air Monitoring Program ["BCAMP"] to sample and analyze ambient air quality in real time and make data available to the public via a public access website. This equipment was meant to be flexibly used, including for mobile monitoring during accidents, monitoring air at school sites, and for such purposeful uses by Benicia High School's Green Academy science students.

It is a fact that the Air District has also shown little interest in the Benicia community's attempt to establish the local air-monitoring program as discussed here. It is unfortunate that the City of Benicia has not wanted to take responsibility for the monitors – equipment purchased for \$200,000 by the 2008 Settlement Agreement, which also provided support (\$50,000) for two years of maintenance and data analysis by an independent contractor (Argos Scientific). *Funding for an on-going program is not the point here. It is disturbing that the City would reject ownership of the very tools to be useful for local ambient air monitoring on any given day, yet sign off on an MND for the Project, expecting the public to believe that the City has given the Initial Study its foremost attention with care to Air Quality impacts, with due consideration to protecting the public's health from potential negative "off-site" cumulative emissions effects of the Project,* thus the refinery's *total cumulative emissions impacts* on the local community.

4. Biological Resources, [Checklist, p. II-19]. Mitigation Measure BIO-1: concerns Project construction activities during "*nesting season, Feb. 15 through Aug 31.*" If construction occurs during the nesting season, the Study states: "*a biologist experienced in conducting nesting bird surveys shall survey*

the Project area and all accessible areas within 500 feet." The account goes on to briefly describe how nests would be protected during construction. Has the Department of Fish and Wildlife been contacted to review the Project?

The problem is, the Project is so narrowly defined that it appears to be limited to the immediate area surrounding the off-loading racks on Valero property.

For example, in item 4c, the following CEQA question is posed: *"Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?"*

The answer given presumes that "the Project" would only materially exist on Valero property, when logically, by extension, and common sense, it also exists along Union Pacific's tracks, upon which trains would be carrying crude through significant stretches of protected marsh areas with seasonal pools and wetlands and through river flood plains. The Delta Plan envisions Suisun Marsh as an area for restoration, where certain endangered fish species and plants could be at risk from spills. And although the Project would only add a small amount of new track on Valero property, it is not clear in the Study or Checklist whether potentially significant impacts owing to Valero's crude-loaded railcars traveling through sensitive ecologic areas on existing Union Pacific tracks would actually "count" as being potentially generated *as a result of the Project*, albeit such impacts are foreseeable, and *should* be discussed as a "credible worst case scenario" associated to Project operations. This begs a question about the limited Project Description and what it leaves out: there is no discussion of Union Pacific's rail routes by which crude-loaded railcars would travel, and whether those RR routes are to be considered part of the Project as a whole.

5. Mitigation measure GEO-1 [Checklist, Geology & Soils, p. II-29]:

Mitigation GEO-1 is *promised* to be provided, presumably at a later date, which violates CEQA's requirement that mitigation measures be planned and submitted at the time of a project's review.

GEO-1 raises the question of seismic risks to the area of the Project including possible liquefaction. GEO-1 does not discuss what would possibly happen if a severe earthquake occurs when a train is traveling within Benicia along the marsh where subsidence of rails could occur or rail misalignment, or in the case when railcars are off-loading crude at the racks. Given the active seismic area of the Project, this is a "credible worst case scenario" that is not envisioned in the Checklist's discussion of potentially significant seismic impacts that could indirectly affect the safety of Project operations and increase hazard risks, and also, potentially affect sensitive marsh and wetlands near Union Pacific's tracks.

6. Greenhouse Gas Emissions [Checklist: Greenhouse Gas Emissions, p. II -34,35]

The Study's discussion and Checklist is short on the subject of GHG emissions: according to the Checklist, construction GHG would not have a significant impact, *"directly or indirectly."* The Checklist states that BAAQMD does not identify a *"construction threshold of significance"* for GHG; however, the Air District does *"identify a quantitative threshold for annual operations of 1,100 metric tons of carbon dioxide equivalent (CO₂e)."* The Checklist states that this is a conservative estimate, since *"for stationary source projects, the quantitative threshold is 10,000 metric tons of CO₂e per year."* BAAQMD's threshold of 1,100 metric tons of CO₂e per year for non-stationary sources is applied in analysis of the construction-related Project emissions.

Thus, for operational contributions to GHG, the Project is given a "pass:"

"Project operations would result in a net reduction of GHG emissions over existing conditions (see Table 8-2) as the overall capacity of the Refinery would be unchanged, but there would be less crude

oil deliveries by marine vessels that have higher emissions compared to deliveries of crude oil by rail transit. The proposed Project would reduce GHG emissions by up to approximately 3,543 metric tons of CO₂e per year compared to existing conditions. Therefore, implementation of the Project would represent a beneficial impact."

The problem in evaluating GHG contributions is that, again, the Project appears to be so narrowly defined as if it were to exist materially only within Valero's property, and not extended through its train movements over miles. Are GHG emissions to be accounted for as Valero railcars, both loaded with crude or "emptied", are moving within Benicia limits? What about leakage of gases from railcars? What about trains moving through other cities and unincorporated areas – e.g., out and beyond Benicia's city limits? Where does the Project begin and end? Under CEQA, the Crude-by-Rail Project must be understood and evaluated in its entirety, "as a whole." (Please see my further comments on the need to identify, describe and evaluate "the whole of the Project.") There can be no doubt that total GHG emissions from crude oil processing and including the proposed rail Project operations would be even greater if assessments took in GHG emissions from hydraulic fracking and tars sands mining operations as well as long-distance rail transport of crudes – operations that, *by logical extension*, are the essential *raison d'être* of the Project.

Ultimately, we must know about the extent to which Valero seeks to meet AB32 GHG reduction targets, and how they will achieve those state and federal goals for 2020.

7. Regarding Hazards and Hazardous Materials: [Checklist 8; p. II-37];

Valero's rail project is slated to be completed in 2014. The Study is without benefit of any reporting of crude-by-rail local/regional/national experiences; thus there is no documentation of the kinds of impacts we might expect over the life-time of the project. Yet, there are growing numbers of articles, (see Google news, click on email alerts, and type in "railroad, crude oil") about crude-by-rail transport happening across the country. Available information about other experiences with crude-by-rail transport into refineries, or the transport by rail of other hazardous materials, in the Bay Area and beyond, should be cited and discussed in order that the public be aided to recognize and meaningfully anticipate problems and potentially significant negative impacts. The highly relevant topic of foreseeable, unpredictable necessary adjustments or changes in train schedules by Union Pacific, considering the number of trains of all kinds including passenger trains that would be passing through CC County and Benicia, is not discussed.

Risks of Union Pacific RR transport of crude oil: What kinds of accidents could happen while trains are traveling? Would there be switching of tracks and change of locomotive engines at any place enroute from the loaded trains point of origin that may be occasion for accidents? What is the safety record of Union Pacific generally as a hauler of hazardous materials in California and elsewhere? Has Union Pacific been a carrier of crude for Phillips 66 or Tesoro (in Washington)? If so, what has been their experience and safety record transporting crude oil? What, if any, are federal policies and regulations that specifically govern transport of crude oil by rail? What would be Union Pacific's plans be in the case of stalled trains, derailment and/or failed railcar or uncoupling, etc.? What are "credible worst case scenarios" that are foreseeable hauling crude by rail? What about the *unexpected*, therefore *unanticipated* "black swans" – accidents that could be catastrophic in impact? What are the City's emergency measures in the case of catastrophic releases (or fires, explosions) that could require evacuation of parts of the industrial park near Union Pacific tracks? What would the effect of adding Valero's crude-loaded trains to the over-all number of passenger and commercial train trips traveled daily on Union Pacific routes

passing through Benicia and cities “up county” and beyond? What kinds of equipment failures could occur at the off-loading racks on Valero property? What about any potential for side-lining of crude-loaded rail cars? Or problems that could occur with scheduling of crude train arrivals and departures that could interfere with schedule for coke trains that travel to and from the refinery to the coke silos and ships at the Port of Benicia?

What are Valero’s risk management plans associated to the Project?

[Study: Project Description, p. I-9]

“The new rail car unloading facilities would include liquid spill containment. The rack would be sloped inward toward the centerline of the rack. A roadside curb would be provided east of the tracks near the fenceline to further contain any minor spills and leaks.” . . .

“Part of the existing containment berm for the tank field would be removed and a new concrete berm would be constructed approximately 12 feet west of the existing earthen berm. The resulting containment capacity would continue to meet or exceed minimum regulatory containment requirements.”

Is the containment berm, which is described as “*exceeding minimum* [my emphasis] *regulatory containment requirements*” capable to control a major spill involving more crude released than “*minor spills and leaks*?” What would routine daily risk management involve? What emergency response would be involved in the case of an overflow of the berm, (which, if seen in a larger context, would seem the size of a kid’s swimming pool)?

Discussion of “off-site” potential hazards are not considered except as portrayed in Mitigation Measure TRAN-2 of the Checklist, (see comments below on Transportation and Traffic), wherein an accident is envisioned that could occur at the intersection of the RR tracks and Park Road. TRAN-2 is thus narrowly limited in scope. The lack of any descriptive analysis of potential off-site hazards represents to this reader an extreme, obfuscatory oversight of the Project Description, especially given that there is no evidence given of the performance record of Union Pacific, and the national record to date of accidents involving crude-loaded trains.

8. Transportation and Traffic [Checklist; p. II-62 - 69]

With regard to performance and operational risks: under CEQA, a discussion of credible worst-case scenarios posed by a project must be considered. There will likely be a number of businesses in the industrial park that will want to comment on this issue considering that trains will be passing four times daily to and from Valero through the industrial park and crossing Park Road. Estimates are given with regard the likelihood of accidents at Park Rd. The Checklist’s answer to the question “Would the project result in inadequate emergency access?” acknowledges that

“According to the 2012 emergency response data provided by the fire department, an average of about two emergency incidents a month occurred along the industrial areas of Park Road and Bayshore Road. The probability of an emergency incident occurring at the same time as a proposed Project train crossing is low. It is unlikely that the Project would cause the average emergency vehicle response time to increase to over 7 minutes for the Park Road and Bayshore Road industrial areas.”

The Mitigation Measure TRAN-2 is designed to ensure that the City of Benicia Fire Department coordinates with Valero, and (presumably) other emergency services or county agencies

“ . . . to prepare an action plan in the event that an emergency occurs during a Project train crossing. The action plan would provide methods of adequately informing the Fire Department of the expected train crossing schedule and alternate routes to access the Park road and Bayshore Rd. industrial areas during the event that a train crosses Park Road.”

CEQA requires that a mitigation measure must actually have a plan prepared and delivered to the lead agency at the time of the environmental review. The public must be able to review the mitigation plan. Thus, a mitigation plan cannot be promised and submitted at a later date, as suggested by the strange wording of TRAN-2, which makes it sound like an emergency response plan would be designed (only) *“in the event that an emergency occurs.”* This notion of casual response planning is how the the Kalamazoo River spill in 2010 of “diluted bitumen” was horrendously mismanaged. (See Comment #10)

[Study: Project Description, p. I-11]

“A train with 200 feet of locomotive and 50 railcars in length would take about 7.3 minutes to cross Park Road at a speed of 5 mph. The at-grade crossing traffic controls provide a 30-second buffer time before and after each train crossing on Park Road. Each 50-railcar train movement is estimated to block traffic on Park Road for approximately 8.3 minutes. Operations would occur 24 hours per day/ 7 days per week/365 days per year.”

Would there be need for signaling at Park Road to warn cars and trucks routinely traveling in the Industrial Park of a slow-moving approaching train? Which businesses would be most affected by the Project's use of the Union Pacific tracks through the area? (Traffic, Noise). What is the City's responsibility for traffic risk management in the Industrial Park? What recourse would businesses in the area have that use Park Rd. in the case where trains may be delayed, stalled or stopped on tracks? What “alternate route” plan for vehicles and trucks has been designed?

9. Mandatory Findings of Significance: [Checklist 18; p.11 - 74]

Item 18a

addresses whether the Project would degrade the quality of the environment, substantially reduce habitat of wildlife species, fish, biota etc. No significant impact is imagined. The Checklist of mandatory Findings of Significance apparently does not attempt to envision “off site” toxic spills or releases that could potentially degrade a sensitive ecologic area in the case of a severe, unexpected accident involving a crude-loaded train. Again, the Project is defined in such a way as seeming *not* to include the twice daily crude-loaded trains, each with 50 railcars destined for the Benicia refinery and traveling on Union Pacific tracks “off-site” through ecologically sensitive areas, nor account for potential significant impacts involving hazardous, toxic crude oil spilled into the Suisun Marsh or other such biologically diverse areas (wetlands, vernal pools, etc) in the Delta floodplain through which Union Pacific tracks extend.

A credible worst case scenario would be a train derailment, with leak or spill into the Suisun Marsh during the winter months when seasonal flooding occurs and vernal pools are created and/or, during nesting season for birds, the Suisun Marsh being part of the Pacific Flyway. Since no accident or spill is discussed as a potential impact scenario, the Checklist doesn't provide any mitigation measure or

emergency plan for cleanup and recovery of a spill-site that would have to be sensitive to biota and wildlife.

It has been claimed by Valero publicly that the railcars that would be used are built with double walls, such that punctures to the cars would be next-to-impossible in the case of a derailment. That is a statement of *ideal conditions*. What about the foreseeable possibility of a crude-loaded train colliding with another Union Pacific train traveling at high speed – a “black swan” event? In any case, there is no visual representation in the Initial Study that shows the design features of a railcar built to carry crude oil safely. Are there special valves for off-loading that are safeguarded against accidental releases? Any special connectors for pipes used in loading and off-loading crude? What safety features are there to ensure that spills cannot occur in the case of train collision at usual traveling speeds off-site in the marsh area?

Emergency planning for a potential accident involving crude-loaded railcars cannot be routine. For example: Mitigation Measure TRAN-2 alludes to an *existing* emergency response plan in the limited case of an accident the Study does discuss– an accident envisioned at Park Road, where a crude-loaded train is crossing the road traveling at 5 mph toward the proposed off-loading rail rack on Valero property. The *existing* response plan referred to, (the “plan” is not described in full nor provided in the Appendix) is said to involve Benicia’s and Valero’s fire departments, and county officials involved with hazmat and public health risks – accordingly, the usual protocol in the case of any accident at the refinery with potential off-site consequences.

However, in the case of an off-site possible spill in Suisun Marsh of a sour crude blend that contains a diluted bitumen called “dilbit” – (bitumen being the actual product/substance extracted from mining Alberta, Canada’s tar sands) – there is currently no known method, practiced by EPA, to safely recover bitumen that doesn’t cause further damage and destruction to the environment. A case in point: the tragic, still unresolved Enbridge Energy pipeline spill in Michigan, July 2010, involving an Alberta tar sands “dilbit,” which poured into a stream that flowed into the Kalamazoo River. Kalamazoo River oil spill - Wikipedia. The Initial Study does not describe bitumen, nor identify it as a particular “problem” constituent of a “North American-sourced crude” type. Bitumen must be described. It is a heavy, thick, viscous, gooey, tacky, highly acidic, corrosive tar-like substance that cannot move through pipelines or be transported in railcars without having other lighter petroleum based products added to it. When spilled on the ground or in a stream or riverbed, the bitumen has been found to separate from the other lighter, more liquid petroleum-based additives and sink down into whatever material it is spilled into. The volatile compounds themselves become a toxic gas. So, while those “dilutants” disperse in air, (releasing toxic air contaminants and GHG) the heavy sulfur and lead-laden toxic bitumen sinks into the biologically alive and stoney matrix of a riverbed, streambed, pool, marsh, wetland or floodplain, remaining stuck to gravel and rocks and embedded in soil structures. The only cleanup strategy for removing dilute bitumen that had been considered in the Kalamazoo spill was dredging the river bottom – an obviously highly destructive procedure that would further degrade, strip and ruin the 25 - 35 mile-long affected spill area in the river and floodplain. To date, the river and its river bank, its biota, rocks, soils and fish spawning areas remain impacted, subject of a \$765 million dollar cleanup effort (as of summer 2012) that still has not been resolved. Reporting on the spill’s cause, “NPR reported that “NTSB investigators determined that the six-foot gash in the pipe was caused by a flaw in the outside lining which allowed the pipe to crack and corrode.”

Item 18b

addresses the question of whether the Project would have impacts *“that are individually limited, but cumulatively considerable.”* The meaning of *“cumulatively considerable”* is given as

“... incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

With respect to calculating cumulative air impacts and potential effects to the local environment and our Bay Area region with its many special ecologic areas: There is no mention in the Initial Study of the fact that Phillips 66 is now importing crude by rail, and that other Bay Area refineries may be jumping on board to build rail facilities for importing “North American-sourced crudes.” It would be most interesting to know whether Phillips 66’s rail project was permitted with an MND signed off by Contra Costa County or if an EIR was required. [Rodeo and Crocket are unincorporated communities]. Was the City of Benicia alerted to the Phillips 66 project at the time of its environmental review for its rail project? And concomitantly, has the City of Benicia, as lead agent, notified surrounding cities and unincorporated areas to let them know about the review of the Valero’s Crude-by-Rail Project and to invite their comments?

CEQA requires that cumulative effects of a Project be evaluated that would potentially cause significant adverse impacts to air quality, water, biota and sensitive habitat. The number of trains carrying crude oil into Bay Area refineries is likely to increase because of the new movement in the industry to access “North American-sourced crudes,” for which Union Pacific rails and the refineries’ rail off-loading facilities would serve. If this is the case, and there is projected to be more crude-loaded train traffic on Union Pacific routes through the Bay Area, the Initial Study lacks any discussion of current and future similar crude-by-rail projects in Contra Costa County that would increase the level of risk of accidents and damage to sensitive ecologic areas through which increased numbers of crude-loaded trains would inevitably pass.

The question of responsibility for “off site” environmental impacts is not dealt with in the Initial Study but deserves to be considered. The crude-loaded trains would be traveling many miles to get to Benicia. Would Union Pacific, as a corporation, account for the “vehicle miles traveled” of Valero’s trains? Which corporate entity would be ultimately responsible to report VMT with respect to AB32, the California Global Warming Solutions Act? Calculations of VMT for Valero’s train travel in miles would provide quantified evidence of a crucial transportation cost to the environment of transporting crude by rail; but this subject is not part of the Study’s evaluation of GHG contributions of the Project. Nowhere is any mention of AB32 in the Initial Study or Environmental Checklist. Accordingly, there is no respect demonstrated in the environmental review of the intent and spirit of AB32. Where are the origin(s) of the loaded trains? What are the train routes that will be traveled by Union Pacific trains carrying crude to Benicia? How many highly sensitive ecologic areas would Valero’s and other refineries’ crude-loaded trains pass through? What would the operational risks at the trains’ *loading* ends that could impact Air Quality and Biological Resources at that location? Whatever facts exist are hidden from the public by the Initial Study.

10. There is much deserved concern in Benicia, and beyond in the Bay Area, about the issue of what crude types would be imported by railcars to Benicia. There is growing public concern that tar sands “diluted bitumen” is planned to be among those “North American-sourced crudes” transported to Benicia and other Bay Area refineries by rail.

The primary reason for Valero's rail project in the first place is to be able to access certain crude types "that have recently become available" in North America. [Overview - I-1]. The 100 railcars per day that would contain sour crude blends with specific chemical properties and densities. These crude types, destined to be refined as part of Valero's daily processing "mix", are *specific* products being transported for processing, so must indeed be considered intrinsic to the Project. Certainly, the essential reason for proposing and implementing the Project is to be able to import the various "North American-sourced crudes" that heretofore have been *inaccessible* to Valero by other means of transport (pipeline and marine vessel). Without this reason, the Project could not be characterized as needing to exist.

Among the heavy "North American-sourced crudes," some, if not all, have presumably been "off limits" for Valero's Benicia refinery because of lack of feasible access; for even if the Keystone XL Pipeline were to be approved, Valero Benicia would not be accessing the particular tar sands "dilbits" (diluted bitumen) at the end of the Keystone pipeline's route. Rail transport from the midwest and Canada would serve to provide that access. In other words, without rail transport, there would be little opportunity, economically speaking, for Valero to import certain North American crude blends into Benicia, including tar sands blends from Alberta Canada. This issue was not discussed in the Initial Study. The general descriptive term "North American-sourced crude" implicitly suggests "proprietary information" that is not, *by corporate insistence*, to be disclosed. Regulatory agencies participate in protecting company "trade secrets." The Project Description basically tells the reader, "trust Valero's word:" that it will make little or no difference where the "North American-sourced crudes" actually come from or what their chemical composition consists of.

[Study; Project Description, p. I-2]

"The Refinery does not anticipate a need to change the existing Refinery operations or process equipment, nor would emissions from Refinery operations change (with the exception of the storage tank service and rail unloading emissions) as a result of accepting and refining the proposed North American-sourced crudes."

AND,

[Study, Project Description, I-6]

"The North American-sourced crude oil gravity is expected to range from 20 to 43.5° API, so it would be similar or somewhat lighter than some of the current constituent crude oils used in blending. The North American-sourced crude oil sulfur content would range from 0.06 to 3.1 by weight percent, but on average [my emphasis] would be similar to that of the current constituent crude oil used in blending. The North American-sourced crude oils are expected to replace crude oils of similar gravity and sulfur content that are currently brought in by ship. The Refinery's crude oil feedstock is currently blended to achieve Refinery feedstock specifications, and the North American-sourced crude oils would be blended in the same manner. Since the North-American sourced crude oils would replace crude oils with similar properties, it is anticipated that the Refinery would continue to operate within its existing specifications for crude oil gravity and sulfur content range."

The public has a right to know more about higher levels of sulfur and other constituents such as lead that the Study studiously avoids being clear about, especially alluding to "on average" comparisons with currently processed sour crude types. The obfuscation is dramatic. Obviously, the Study hits a sensitive nerve: there is no account of the corporation's reasons for non-disclosure, nor acknowledgement of "trade secrets." The most extensive reference in the Study to the types of crude to be imported is given as

"North American-sourced crudes that have recently become available" [Study: Overview, p I-1]. This is hardly informational. On the contrary, *what it doesn't say* represents the Initial Study's enormous data gap. The *only mention* in the MND of the crude to be imported by rail into Benicia is entombed in the following sentence in the MND's introduction:

"The crude oil to be transported by rail cars is expected to be of similar quality compared to existing crude oil imported by marine vessel."

The Study does not say what specific types of "North American-sourced crudes" are intended to be imported to Benicia and where they would be coming from. This omission is purposeful and morally wrong, especially given the context of global warming and climate change caused by human activities and the increased GHG emissions represented by "the whole of the Project." The Project Description gives no account of those actual sources, e.g., *actual locations where trains would be loaded with types of crude oil* (shale oil, "tight oil", tar sands bitumen/dilbit). The Description gives only generalities about crude mixtures in feedstocks and similarities of "North American-sourced crudes" to currently imported and processed sour crude types; thus, basic information required to evaluate potential negative effects of the "Project as a whole" is wholly lacking!

The Study's Overview [p.I-1.2] asks the public to accept generalities and comparisons about the range of qualities of acidity and density of "blended crude oil slate" regularly processed. The description wants to assure the reader that nothing possibly could be different, nor needs changing as a result of adding a percentage of the newly accessible "North American-sourced crudes" to the feedstock mix of crudes processed daily. Where is the actual evidence and data to support the Initial Study's conclusions and assumptions about "benefits" to Air Quality, or that contribution to Greenhouse Gases will be minimal during the Project's operations over time? Again, the Project Description doesn't account for the intended lifespan of the Crude-by-Rail Project, nor its extensions, reaching out by rail far and wide.

[Initial Study, Overview, p I-1,2] :

"The quality of crude oil varies by oil well locations and reservoir formations; therefore, the quality of crude oil received from the same source may vary over time. Refineries are designed and equipped to process crude oil of a specific quality that is broadly defined by a range of gravity and sulfur content."

"A blended crude slate is comprised of multiple individual crudes that when combined provide a crude mix that refinery hardware is designed to process. The proposed North American-source crudes will be a constituent in the Refinery's blended crude oil slate." . . . "The Refinery's various crude oil feedstocks are currently blended to achieve Refinery feedstock specifications, and the North American-sourced crude oils would be blended in the same manner. Since the North American-sourced crude oils would be replacing crude oils [that have been imported by marine vessel] with similar properties, it is anticipated that the Refinery would continue to operate within its existing specifications for crude oil gravity and sulfur content range.

The Refinery does not anticipate a need to change the existing Refinery operations or process equipment, nor would emissions from Refinery operations change (with the exception of the storage tank service and rail unloading emissions) as a result of accepting and refine the proposed North American-sourced crudes."

Why be concerned? The MND seems to say, “don’t be.”

We have known since the Valero Improvement Project was introduced to the community in 2002-03 that Valero would be retooling/upgrading the refinery to be able to accommodate a greater variety of heavy sour crudes. These were explained to be more corrosive (because of higher sulfur content) and also more productive of certain emissions; but the Valero Improvement Project would make technical improvements to account for the requirement to reduce increased sulfur emissions and other toxic air contaminants associated to processing more types of sour crudes and sour crude feedstock blends. It is my understanding, from conversations over the years with Valero regarding VIP, that early on after purchase of the refinery from Exxon, Valero foresaw that the corporation – the largest independent refiner in the U.S. – would be more dependent on purchasing sour crudes on the open market, after their initial 10-year contract with Exxon expired that had allowed Valero to continue to process a great percentage of Alaskan sweet, light crude (that had been extracted from Exxon’s own fields near Prudhoe Bay). And since the Benicia refinery had originally been designed to process Alaskan sweet crude, the VIP Project was essential to Valero’s intention to import more types of sour crudes.

The higher levels of sulfur in sour crudes also contributes to a growing risk of corrosion, which was the presenting cause of what became a catastrophic leak and fire at Chevron’s Richmond Refinery in August, 2012. The refining industries’ increased processing of more sour and heavier crude types represents a potential cumulative risk to safety of local communities, local air quality and public health.

“The North American-sourced crude oils are expected to replace crude oils of similar gravity and sulfur content currently brought in by ship.” [Study: Overview, p. I-2]

“Thus, the proposed Project could reduce marine vessel deliveries by up to 25,550,000 bbl per year. Based on a 3-year baseline period from December 10, 2009 through December 9, 2012, annual marine vessel deliveries could be reduced by up to 81 percent. Crude delivered by rail would not displace crude delivered to the Refinery by pipeline.” (Study: Overview, p. I-6]

The first sentence quoted does not claim *absolutely* that “North American-sourced crude oils” would replace crude oils of similar gravity and sulfur content as those crudes imported by ship; it simply says that Valero has the *expectation* that the crude oil types imported by rail will be *comparatively similar* to those sour crudes now being imported by marine vessels. The meaning of the second sentence, about advantages of replacing ships with trains, which would cause a reduction in total annual diesel emissions, may be taken at face value as a “good.” However, such value statements should be contextualized in the larger frame of total emissions calculated for the Project; thus, such a “good” must be factored as part of the the refinery’s *total emissions over time* that are owing to the processing of more sour crudes with greater sulfur content, metals such as lead, and other toxic air contaminants present, for example, in highly corrosive, acidic diluted bitumen, to make the point clear.

Cumulative potentially significant negative impacts to air quality and an account of *cumulative* GHG emissions that are related to the specific “North American-sourced crudes” planned to be imported must be described and discussed in sufficient detail with data to support claims in the context of the projected life-span of the Valero Project and other existing and planned Bay Area rail projects as well as other existing and planned large-scale industrial developments: therefore, to evaluate the cumulative impacts from all existing emissions sources within the vicinity of the Project, so that emissions contributed by specific “North American-sourced crudes” can be understood in full context of cumulative risk.

Accordingly, if Valero's crude feedstock may, by virtue of permitting the Crude-by-Rail Project, regularly have as part of its mix a percentage of those tar sand dibits, this must raise the potential for significant and catastrophic foreseeable environmental effects of diluted bitumen (dilbit) if and when spilled. Without details of the chemical makeup of tar sands blends as well as other crude types imported by rail, the public cannot judge the toxicity and extent of potential environmentally significant impacts, and the difficulty, *if not impossibility* of cleaning up after a spill, say, in the Suisun Marsh or Sacramento River floodplain or Carquinez Strait or other such sensitive interior landscape through which Union Pacific tracks pass.

So I ask: if Alberta's tar sands bitumen blends are intended to be transported by rail to Benicia, then, with as little information as provided by ESA's Initial Study, how can the public accept a finding of *no potential significant impact to the environment anticipated that cannot be mitigated?*

Enbridge Resisting Final Clean-Up of Its Michigan Oil Spill | InsideClimate News. See also The Exxon Oil Spill in Mayflower, Ark.: Slide Show of Annotated Photographs and Maps | InsideClimate News

One only has to "think Kalamazoo."

11. Under the rubric of the full intent of AB32, the Project should be discussed and evaluated with regard to the vision for a sustainable economy that AB32 upholds – an economy and way of life that doesn't continue to destroy the environment and the atmospheric conditions that make life on earth livable. I am talking about how I believe this Project represents the status quo and a level of desperation in the industry to continue to pursue the mining for crudes of every type, in every possible place of "reserves" in North America, to reap the benefits near term, in the case we are reviewing here, of what the industry would like to consider an "inexhaustible supply of crude" that would be consumed indefinitely into the future.

Twenty-five percent (25%) of America's "oil" is now coming from Alberta's vast network of tar sands mining operations, Alberta Energy: Facts and Statistics, by means of a highly energy intensive and water-demanding open pit mining operation to extract bitumen – a tar-like substance which is not an oil, but which is naturally occurring in deep sand formations. It is heavy, highly acidic and so thick it must be washed out of the sand deposits by extraordinary amounts of hot water under pressure, using tons of natural gas to supply the energy to heat the water, and thus contributing to massive GHG emissions. The bitumen itself is too dense and heavy to be pumped through a pipeline without being made "lighter." To get the consistency required for pipelines or unheated railcars, the raw bitumen must be diluted with other lighter more liquid petroleum products.

To my knowledge, BAAQMD has not described the heavy crude "blended" types that have been created from the bitumen extracted from Alberta tar sands. Although the Initial Study doesn't give it a name, or any specifics, easy research online tells that the Canadian government is price-supporting Alberta tar sands' "crude blend," which is called "Western Canada Select," to compete against "West Texas Intermediate", the light sweet crude used historically as the pricing benchmark in the industry. Bitumen may contain metals –high lead levels – besides its high concentration of sulfur. Has the Air District made public whatever it knows about the processing of "Western Canada Select?" We need to know from the Air District or other experts if this particular blend would be imported to Benicia and whether it would cause emissions that might meet or exceed "thresholds of significance."

Wikipedia entry on WCS

Cenovus Marketing page for WCS

CrudeMonitor.ca technical profile for WCS

In the absence of more information from Valero, the public has the burden of trying to imagine the consequences of a 10 - 50 year life-span of the project. Again, there's no indication in the Initial Study of the Project lifespan.

12. [Initial Study: Overview p I-5]

"The Refinery is limited by its BAAQMD permit (condition 20820, part 50) to processing crude oil at a feed rate of 180,000 barrels per day on a maximum daily basis and 165,000 barrels per day on an annual average basis."

Thus, we must try to understand how the community might be impacted on any given day when the processing "feed rate" is at its maximum capacity permitted, of 180,000 barrels per day, as compared to how those impacts might be seen in the context of an annual average permitted feed rate of 165,000 barrels per day. To add to the complexity of estimating and evaluating emissions impacts, we have to consider the possible increased health risks from processing diluted bitumen blends if and when they are added to the feedstock to be processed at its maximum capacity on any given day.

13. There are no facts mentioned in the Study about other Bay Area importers of tar sands crude blends, yet getting the facts is essential to assessing the claims in the MND with regard to potential cumulative air quality impacts of the project and the possibility especially of dilbit-loaded trains involved in accidents.

"The crude-by-rail spike has also led to more U.S. railway oil spills -- 14 from 2007-09 to 158 between 2010-12, according to the Pipeline and Hazardous Materials Safety Administration. In a recent International Energy Agency report based on U.S. Department of Transportation data, the risk of a train spill was six times greater than a pipeline incident between 2004 and 2012. . . . On March 27, a train derailed in Minnesota, spilling 15,000 gallons of Canadian tar sands crude."

Canadian tar sands crude heads to refineries. Benicia's Valero may be on list - Vallejo Times Herald

14. FINALLY, IN CONCLUSION:

Under CEQA, a thorough environmental review, a full EIR, should enable the public and stakeholders to understand the "whole of Valero's Crude-by-Rail Project" and its ramifications and thereby to fairly judge, based on sufficient evidence and scientific information, the long-term, potentially significant and cumulative environmental impacts that would affect our local community, our local and regional lands and waters. CEQA would also require, in a full EIR, a thorough discussion of "Alternatives" to the Project, including the option of "No Project", in order to more fully capture the contexts in which the proposed Project should be judged.

There is considerable concern across the region and nation for the ultimate impact of increasing GHG emissions from the processing of more varieties of dirty crudes for which the Valero Crude-By-Rail project is designed to enable. Although the Initial Study is 190 pages, and contains statistics and charts about GHG emissions *during construction phases*, there are very important concerns and questions regarding the long-term consequences for global warming and climate change if we as a nation continue to support the kind of environmentally destructive mining processes which could allow "business as usual" to be pursued for years to come, for the economic benefit in the short-run, since ultimately – in not

so many years ahead – fifty? – we can mine ourselves out of crude oil, wherever reserves are located in North America that are technically made “easy to get at” now.

But what about the ethics, considering the future of our children and their children? Extracting, refining and indefinitely burning Alberta’s tar sands “dilute bitumen” is not sustainable, if we want to maintain civilization and the semblance of a temperate climate for humans and other living members of our “more-than-human-world.” This is the conclusion reached by the preeminent earth scientist and former director of NASA’s Goddard Institute, Dr. James Hansen.

There is no reference anywhere in the Initial Study to *any* literature on the subject of global warming and the impacts of continuing extraction and burning of fossil fuels. This is a significant omission. I hereby reference Dr. Hansen’s trenchant book “Storms of My Grandchildren,” and Canadian author, Andrew Mikiforuk’s widely acclaimed and quoted “Tar Sands: Dirty Oil and the Future of a Continent.”

The dangers represented by the total, extreme environmental costs of importing diluted bitumen from Alberta tar sands should be factored into evaluation of Valero’s proposed Project with respect for state and national goals for reducing GHG: the destruction and disappearance of thousands of square miles of pristine northern boreal forest, which serves as a carbon sink for the world; the excessive daily demand for fresh water and energy (natural gas) to extract bitumen from the sand; the miles of toxic lakes formed from the waste water after extraction; the degradation of regional and local air quality at the locations of the vast network of tar sands open pit mines (and hydraulic fracturing mining operations) and in communities with refineries processing the heavy crudes in their midst; degradation of rivers’ sensitive ecologies where spills and accidents leave their permanent imprint; the accelerating rate of the melt of permafrost, ice sheets and glaciers around the globe; the continuing, dangerously accelerating rise, in a short time of recent decades, of CO₂ in the atmosphere to 400 ppm, which is beyond what atmospheric scientists consider the “safe” threshold, at 350 ppm for human civilization. We thus continue to contribute to climate change in the quest to burn more and more fossil fuels, and THIS should be raised as a moral imperative, an ethical, environmental issue of the Valero Crude-by-Rail venture, since the Project would materially support “business as usual”, (as evidently railroaded by the MND). This is a cruel fact that looms over the “whole of the Project” under review. Gross environmental costs are still considered “externalities” when evaluating projects, so they are not accounted for in the review of Valero’s proposed rail project. The brief discussion in the Initial Study regarding reductions of GHG during construction phases minimizes the whole larger question.

So, where does the “chain of custody” stop? From oil fields, tar sand mines, and fracking sites in shale oil country, to refinery to consumers – we’re all in this, allegedly trying to see our way to a sustainable economy and way of life that would depend for basic energy and transport on alternatives to fossil fuels. Pipe dream? We the people, burning fossil fuels, are part of the “chain of responsibility.” We can no longer say that what any one person does, or any one company or industry does, doesn’t matter. To protect communities at risk, we who have an industrial giant in our midst, need to raise our questions and be reasonably considered sane and responsible for doing so.

The long-range, dangerous environmental effects of encouraging further mining operations in Alberta’s tar sands, or at fracking sites in shale formations around the country; the encouragement for continuing “business as usual” by use of rail transport that makes “North American-sourced crudes” readily accessible and available to refiners, thus, bringing these sour crudes for processing here in the Bay Area: for all of these reasons and more, the Initial Study and MND for the Valero Crude-by-Rail Project represents a failure of responsibility to address the extent and reasonable concern of the public, for protection of the environment generally, and the health and safety of our community and the planet our children will inherit.

In my view, for all of my questions and reasons stated, the MND that would permit the proposed Valero Crude-by-Rail Project must be rejected by the Planning Commission, and a full Environmental Impact Report be required.

* * *

APPENDIX:

CEQA GUIDELINES §15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions.

(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or

(2) Rely on a qualitative analysis or performance based standards.

(b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:

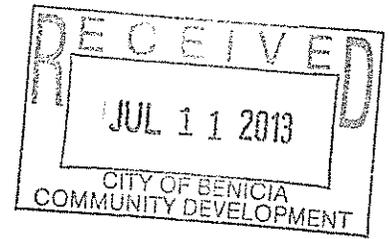
(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Sections 21001, 21002, 21003, 21065, 21068, 21080, 21082, 21082.1, 21082.2, 21083.05, 21100, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344; and *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868.

MARILYN J. BARDET
333 East K Street, Benicia CA 94510
707-745-9094 mjbardet@comcast.net



July 11th, 2013

City Manager Brad Kilger, and staff, Amy Million,
Planning Commissioners: Chair Sherry, Oakes, Smith, Grossman, Sprague, Dean and Young
Mayor Patterson, Vice Mayor Campbell & Councilmembers Hughs, Schwartzman & Strawbridge
City of Benicia, 250 East L Street, Benicia CA 94510

SUBJECT: Additional comments: Valero Crude-By-Rail Project Initial Study/Mitigated Negative Declaration [IS/MND]

Dear Mr. Kilger, Planning Commission Chairman Sherry, Planning Commissioners, and Mayor Patterson, Councilmembers and Amy Million and staff of the Community Development Department.

Please add the following comments to those I officially submitted on July 1, to be included as part of the public record on the review of the IS/MND for the Valero Crude-by-Rail Project ["Project"].

The massive numbers of comments, reports, questions and documents that have been submitted on the Project to date express the level of concern of our citizenry that the City would consider adopting the Valero rail project with an incomplete Project Description, false and unsubstantiated claims, obfuscations, and therefore *fatally flawed and failed* Initial Study and Environmental Check List, and with the incredibly deficient account of potentially significant impacts with only a few mitigation measures called for. What has been presented to you to review would constitute a virtual "scoping session's worth" of comments for preparation of an EIR.

First, I want to incorporate by reference all comments provided by the Natural Resources Defense Council, both oral testimony given at the planning commission hearing tonight and the written reports submitted July 1st, including the expert reports by Phyllis Fox and The Goodman Group.

I also want it to be understood that 70 people attended the open public community meeting, held on July 9th at the Benicia Community Center, hosted by the Good Neighbor Steering Committee. Valero was personally invited by the GNSC to attend and answer questions, but they cordially declined. The community meeting offered Benicia residents a chance to hear from NRDC's Brant Olson and Diane Bailey, one of NRDC's staff scientists assigned to review the Project. NRDC is a highly respected national environmental organization with 1.4 million members. Their team of researchers learned of Valero's initial application and recognized it as a the first crude-by-rail project proposed for a Bay Area refinery.

NRDC's comments, and those of Phyllis Fox and the Goodman Group regard the Initial Study and findings of the MND to be wholly flawed and inadequate, and that therefore, the Initial Study should be immediately withdrawn and a full EIR be drafted.

Some of the most important reasons cited by NRDC for rejecting the Initial Study and MND:

- there are no specifics given about the intended crudes to be imported and where they would come from. The importance of this information goes to the heart of the fatal flaw of the Initial Study and Environmental Checklist;

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-

- the complex specifics about the chemical constituents of the types of crudes that will be imported are not revealed or discussed with regard their characteristics during processing, thus emissions cannot be evaluated – generalities and assumptions substitute for evidence;
- There is no *current* emissions baseline to make comparisons with projected emissions increases from the Project plus refinery operational emissions;
- In the Initial Study, baseline emissions stats borrowed from VIP FEIR are considered by NRDC to be obsolete since they are up to 10 years old and were produced before new regulations were promulgated by BAAQMD, such as for PM 2.5 emissions;
- there is no discussion of increased cumulative emissions for entire refinery operations plus Project emissions, including also analysis of other contributors to those cumulative impacts from other industrial large-scale projects current or planned in the area, including the still-to-be-constructed new hydrogen unit which is intrinsic to processing dirty sour crudes;
- The Goodman Group reviewed the market trends in the industry and specifically what Valero Corp reports to its investors regarding the economic advantages of importing heavily discounted tar sands crude types that are diluted bitumen blends, or “dilbits” and light sweet crude from North Dakota’s Bakkan shale formation, neither of which would be accessible to Valero Benicia refinery without rail transport;
- Phyllis Fox’s report points out tar sands crude dilbits are the most dangerous to process from a public health and safety perspective, because of the constituents of bitumen including highly corrosive sulfur, lead, cadmium, nickel and other metals, as well as VOC’s from the lighter diluents that are mixed with the bitumen to make it flow, thus causing highly volatile gases to potentially leak more frequently from valves, compressors, stacks, and piping;
- potential for increasing numbers of accidental releases, fires and explosions from processing highly acidic dilbits, as described above, owing to more tendency to metal corrosion in pipes and pipe failure, such as the resulting huge catastrophic fire at the Chevron refinery fire in Richmond, August 2012;
- there is currently no BAAQMD regulatory framework or enforcement to ensure maintenance and strict performance testing for corrosion of piping, nor standards for upgrading piping, considering the age of metals, metal types used for pipes;
- potential increases in corrosion problems is especially troubling given that refineries are modifying their units to allow for greater processing of sour crude types, and without special consideration that Valero Corp has stated to its investors that it intends to import heaviest dirtiest crude, the tar sands dilbits;
- there will be a higher rate of petroleum coke production, thus more particulate matter (petcoke PM2.5 enters lung tissue, carrying VOC’s and other toxic emissions that attach to the particulate coke dust – more coke ships and coke trains are planned for under VIP.
- Health risks for cancer and non-cancer risks are inaccurately portrayed and underestimated, considering the highly possible crude slate that is likely to be processed on any given day, if up to 42% of crude imported by rail are “dilbits” would be coming from Alberta tar sands with the consequences of increased toxic emissions overall.

ADDITIONAL COMMENTS:

Concerning Project Operations: regarding rail car safety, accidents, schedules and Project Operations:

- 1) Estimates are that Valero purchased 5,000+ tank cars. What is the DOT class to be used? What types of rail cars has Valero purchased? Please compare to the typical DOT-111A – the standard, cylindrical tank car that currently makes up 69% of the US tank car fleet and 80% of Canada’s fleet? (according to Transport Canada).

- 2) Will the tank cars recently purchased by Valero for importing crude oil be modified and enhanced for security and safety? If so, how? Would thick (how thick?) doubled walls provide maximum strength in the case of collision or derailment?
- 3) Please cite any and all federal requirements regulating tank car construction for transporting crudes. If there are none that are specific to transporting crude, what kind of modification to the tank cars can be made that would especially address the problem of possible puncture that would cause dilbits to leak out (and catch fire) to prevent the kind of disaster that occurred in Lac-Megantic, Quebec?
- 4) Please describe the failure rate of DOT-111A tank cars from punctures to tank car walls during accidents (derailments, collisions, etc), according to *current and historic* Department of Transportation or other agency statistics, and factoring the increase daily train trips, accounting cumulative potential impacts, considering all clients' hazmat and other trains traveling on Union Pacific tracks that will also be carrying Valero crude trains.
- 5) Please describe Valero's, Union Pacific's and the City of Benicia's clean up strategy for removing bitumen in the case of a train accident with leaking tank cars enroute through wetlands, flood plains and marshes. Please consider the fact that EPA to date has not found any ecologically safe method to restore 35 miles of the Kalamazoo River, its riverbed and shoreline, following the Embridge Energy crude pipeline spill in 2010 that put 877,000 gallons of a tar sands dilbit into the river-- the largest on land oil spill in US history? Please address the indirect economic impact of the Kalamazoo disaster spill, considering that by 2012 more than \$765 million dollars had been spent trying to clean the river *without destructive dredging*, and the spill hasn't been resolved after 3 years?
- 6) Does the Federal Department of Transportation or other agency overseeing hazmat freight transport by rail have any special enforceable requirements or regulatory framework for RR operations involving shipments of crude oil in large "single unit" trains? Is there any federal limit on the number of railroad tank cars that can be part of one single train carrying crude oil?
- 7) On a daily schedule, how many *total number of trains*, managed and run by Union Pacific for Valero will be "on the tracks," and how far do Union Pacific's rail routes run that would be carrying crude in Valero's trains? Does Union Pacific have to switch operators for trains at any point enroute, that is, use another RR company and its tracks to reach Alberta and North Dakota?
- 8) How many trains of all sorts run daily by Union Pacific pass through Benicia? How many hazmat-loaded freight trains?
- 8) Who is financially responsible for spill cleanups "off-site" of the Project? On site? Who manages the coke trains now and who would manage crude trains if the Project is permitted?
- 9) How would the City of Benicia, Union Pacific and Cal Trans be involved if a train were backed up at Park Road and vehicles exiting I-680 were backed up trying to get into Benicia via Industrial Way and/or other access roads? Please consider this scenario in the case of a train derailment or collision, whether large or small accident?
- 10) How would Union Pacific handle a delay or change in crude train schedule on any particular day or night? Will crude trains take priority over passenger (AMTRAK) or other freight trains, including Valero coke trains?
- 11) Would there always be an engineer "on board" the crude trains? How will the trains be managed on site if "side-lined"?

- 12) What improvements and physical, mechanical upgrades have been made to date on Union Pacific tracks in Benicia and Solano County? Is Union Pacific prepared for the addition of two 50 car crude-loaded trains per day? What still needs to be done to ensure the safety of the rail bed and tracks themselves for handling crude-by-rail safely?
- 13) Please describe the hoses and valve connectors on the tank cars that would allow the off-loading of crude oil into the pipes leading to the #1776 Storage Tank. How long would it take to fix the hoses onto the connectors on a 50 car train? How many workers would be involved in this operation? What types of fugitive emissions from this operation are anticipated and what is the emission threshold for fugitive emissions during this operation? How would the emissions be measured in real time? Would vapors escape at the top of the crude tank cars? Will any valve or "top" be open to the atmosphere? Would the tank cars be pressurized? What reduces the volatile gases under pressure?
- 14) From a reliable source of information, it has been emphatically stated that it can be expected routinely that there would be a "liquid mess" underneath the rail cars, especially given the length of time of off-loading operation, the two 50 car trains off-loading daily, etc. How will the emissions from spilt crude be measured and mitigated?

Concerning AB32, the Benicia General Plan and Climate Action Plan:

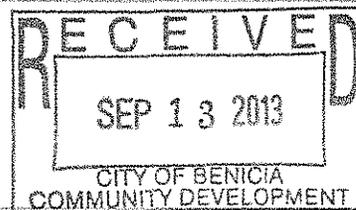
- 1) Please describe Valero's plan to meet AB32 requirements for GHG reductions by 2020, considering that Valero is the largest industrial producer of GHG emissions in the city. The Initial Study addresses GHG emissions during construction phases, but does not reference AB32 as a regulatory framework for the Project and refinery operations nor AB32's targets for GHG reductions by 2020.
- 2) Please reference and supply hot links to all regulatory statutes, frameworks and guidelines that would govern the Project and refinery as related to potential and cumulative negative impacts on site and "off site," for all areas of concern: Air Quality; Public Health; Biologic REsources; Transportation; Hazards; Odors; Seismic; Soils; Noise; etc, thus all CEQA areas of concern and public concern of the local community.
- 3) In the absence of enforceable regulations, (state or federal) please list issues of concern that depend on the refinery's "voluntary compliance" to mitigate such concerns and impacts, such as potential, foreseeable problems with corrosion in pipes, valves, etc. wherein replacement of damaged parts could be warranted and whereas structural integrity can no longer be guaranteed.
- 4) Please specifically describe conditions and criteria for the City of Benicia to judge the sustainability of a project, as it contributes to the city's well-being and economic health as a whole. "Sustainable development" is the integrating, overarching goal of Benicia's 1999 General Plan. [General Plan, page 22]. The goal outlines the rippling effect of what we do here in our city. Please provide specific criteria and performance measures that would ensure that industrial polluters and newly planned developments, such as Valero's Crude-by-Rail Project, would be obliged to adhere to and be evaluated by to meet the General Plan's essential goal, which would be consistent also with AB32 and Benicia's Climate Action Plan.
- 5) Please reference Benicia's Climate Action Plan and the efforts that have been made by the Benicia Community Sustainability Commission to address the strategies pertinent to energy and water conservation and how the Crude-by-Rail project fits into the model for conserving energy and resources generally. Please do not use obsolete emission baseline stats for data comparisons. [See Phyllis Fox Report]

Thank you for your attention to my comments.

Marilyn Bardet, member of the Good Neighbor Steering Committee

Amy Million - Scoping Comment on Valero CBR Project

From: Donald Dean <donaaldjdean@sbcglobal.net>
To: Amy Million <Amy.Million@ci.benicia.ca.us>
Date: 9/13/2013 1:22 PM
Subject: Scoping Comment on Valero CBR Project



Amy,

Additional scoping question on Valero CBR Project-

It's clear that air quality and possible new or increased emissions are an issue with the CBR project. My understanding is that the BAAQMD will be addressing air quality issues as part of a revised permit for the project. The DEIR should explain the BAAQMD process and how it interrelates to the City's permit process. What issues is the BAAQMD addressing as a function of its permit? What is the timing of the BAAQMD permit? Any information or determinations generated by the BAAQMD for the Valero project should be included in the DEIR.

Thanks,

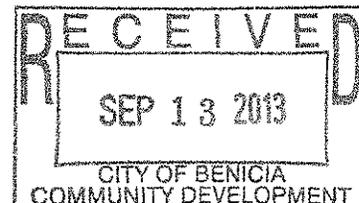
Donald Dean
257 West I Street
Benicia

Amy Million - Benicia Valero Crude-by-Rail Project

From: Charles Davidson <charlesdavidson@me.com>
To: "Amy.Million@ci.benicia.ca.us" <Amy.Million@ci.benicia.ca.us>
Date: 9/13/2013 4:22 PM
Subject: Benicia Valero Crude-by-Rail Project
CC: Charles Davidson <charlesdavidson@me.com>

To: Amy.Million@ci.benicia.ca.us

From: Charles Davidson
2108 Drake Lane. Hercules CA. 94547
(510) 837-8441 <charlesdavidson@me.com>



Re: Benicia Valero Crude-by-Rail Project

Dear Benicia Planning Dept.

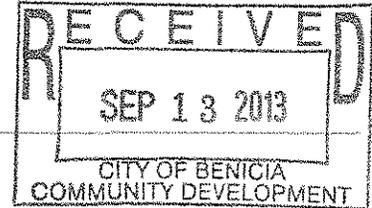
The proposed Benicia Valero Crude-by-Rail Project was presupposed by the now completed Valero Improvement Project (VIP) that allowed for the increased volume of refining of low-quality high-sulfur heavy crude oil as refinery feedstock. No mention was made in the VIP EIR of a now VIP-necessitated massive increase in rail traffic to the refinery that will impinge upon the quality of life and safety of Valero refinery neighbors and UP railroad neighbors. The necessity of massive rail traffic to Benicia Valero for Canadian Tar Sands and domestic shale oil was known at that time, but not disclosed in the VIP EIR. For the reason of previous non-disclosure in the VIP EIR of neighbor, safety and environmental impacts of a massive increase in projected rail traffic of canadian and domestic high sulfur heavy crudes, permission for the Valero Crude-by-Rail project should be denied.

Regards,

Charles Davidson

Amy Million - Comments for the Scoping of Valero's EIR

From: Lynne Nittler <lnittler@sbcglobal.net>
To: "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>
Date: 9/13/2013 4:30 PM
Subject: Comments for the Scoping of Valero's EIR



September 12, 2013

Amy Million, Principal Planner

amillion@ci.benicia.ca.us

Benicia Community Development Department

Comments for the Scoping of Valero's EIR

Dear Amy Million,

I have just begun to educate myself on the increased rail transportation of crude oil to various refineries in the Bay Area, most recently the application of Valero Benicia for an increase of two trains of 100-tanker car loads per day! Not many articles appear in the local papers, so I have to hunt for them. Having followed the dramatic increase in rail accident oil spills as more Tar Sands oil is moved by rail, and having noted also that such heavy crude cannot be adequately cleaned up, I am not at all pleased to have more trains rumbling through my home town of Davis, California.

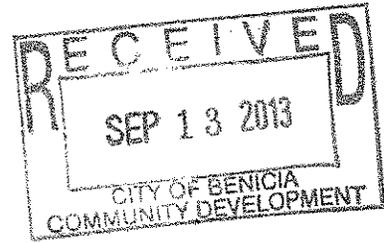
It appears that the underlying intent is most likely to bring Albert Tar Sands crude to Benicia for processing, dirty oil that is best left in the ground. It destroys forest lands that help mitigate the effects of global warming we are already experiencing. Instead, we strip the land, apply toxics to force the bitumen from the ground and discard the waste water in toxic ponds that pollute water downstream. Then we take on the risks of shipping that dirty bitumen across Canada and the US through my home town to the bay area where the refining of the high sulfur content pollutes the air there! All this to create fuels that once burned contribute still more greenhouse gases to add to our global warming overload. Not one segment of this story meets the test of helping create a healthy and habitable planet where our children can thrive.

I strongly urge you to notify all communities that may possibly be affected by the rail transport with its potential for oil spill accidents, sulfur dioxide air pollution and the increased greenhouse gas emissions of bringing more tar sand crude to Benicia.

I have alerted the Davis City Council and the Yolo County Supervisors to this critical issue and will continue to send them articles as I find them, as this is clearly a matter that should concern us.

Thank you for taking my comments into consideration.
Lynne Nittler and Richard McAdam
2441 Bucklebury Road
Davis, CA 95616
530-756-8110

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



From
Ed Ruszel
2980 Bayshore Rd.

September 13, 2013

Subject: Notice of Preparation of an EIR for the Valero Crude by Rail Project

I respectfully submit comments to be considered and included in the preparation of the EIR for the above-mentioned project.

Alternatives to the Project;

A thorough discussion of the "No Project" option must be included. Valero's facility is designed around Ship transport for the bulk of their crude deliveries. The Rail facilities existing in the Industrial park were designed for the US Armies needs in the '40s and are inadequate and conflict with modern auto and truck traffic. There are other Crude by rail facilities existing and being planned on the west coast that could serve transfer crude to ships to be delivered to the refinery.

The rail unloading facility could be located on the lower waterfront, connect to existing piping to Valero's Crude Tank Farm. This would avoid the substantial traffic impacts to Bayshore Rd and Park Rd.

Subjects to be included in an EIR

Air Quality:

A description of Emissions from rail activities outside of Valero's property needs to be included. This needs to include specific information on the types, number and operations of locomotives thought the industrial park.

Hazards and Hazardous Materials:

The shipping industry has in place a dedicated emergency response contractor, Marine Spill Response Corporation, MSRC. The EIR should evaluate the capacity of UPRR in the event of a spill and compare it to Ship transport safety.

Transportation and Traffic:

The EIR must include an extensive discussion of the rail facilities outside Valero's property.

Current rail movement to and through Valero's property needs to be included.

Rail traffic for Amports car movement needs to be included as a spokesperson from UPRR stated that automobile car shipments are up "30%".

Extensive work by UPRR is currently being performed to separate rail traffic between the Amports rail yard and the Bayshore Rd tracks.

Additional rail infrastructure improvements, currently being performed by UPRR, need to be discussed. See Attachment A.

Improvements to UPRR's facilities, outside Valero's property, that needs to be made to support the CBR Project, need to be identified.

Updated site plans for the project need to be included. Will the "Wye Connector" be included as originally proposed? See attachment B.

A complete review of Federal, State and local authority governing Rail Roads need to be included.

Possible Mitigation to be considered:

Provide a grade level separation of the railroad tracks and Park Rd.

Construct alternative rail connection from the Industrial Way RR siding area to the UPRR East bound main line. (UP has tracks to within .20 miles of the main line near Teal Ct and Industrial way.)

Include the "Wye Connector" on Valero property that is configured to allow train movement to the Industrial Way RR sidings without having to shunt train across Park Rd.

Widen the eastbound 680 off ramp at Bayshore Rd. to two lanes with a right turn lane.

Warning signs should be erected on e bound 680 to alert traffic to delays at Park and Bayshore Rd.

The gate on the northwest side RR tracks leading to the Industrial Way siding should be changed to a remote operated gate similar to the gate near Park Rd.

The 3 private RR crossings on Bayshore Rd need to be specifically addressed in the Emergency Response plan and an alternative means of egress should be provided.

The crude rail traffic should be limited to 50 cards per day, which is the maximum capacity of Valero's on site rail facilities.

Union Pacific Railroad Track Upgrade & Maintenance Project in Benicia Port Area: June to October 2013

Beginning June 8 and working through the summer, Union Pacific Railroad will perform maintenance work to enhance existing rail infrastructure in Benicia. The project requires temporary closure of public and private crossings, as well as public roadways in the port area specifically.

Project Area:

Union Pacific's maintenance project will occur within the City of Benicia near the port. Public roadways and crossings impacted include Industrial Way, Park Road, Oregon Street, East Channel Road and Bayshore Road. Roadway and crossing closures are being planned to minimize impacts to businesses and the public, but motorists and area residents should be aware that temporary closures will occur.

Project Benefits:

The maintenance project consists of replacing five miles of old rails and railroad ties, removing rail embedded in the intersection at Park Road and Industrial Way, replacement of existing crossing surfaces and repaving. When complete, the project will result in:

- Improved railroad crossings including concrete pads and new asphalt.
- An enhanced Park Road/Industrial Way intersection to improve traffic flow.
- Improved freight train fluidity.



A 2/2

Roadway Traffic Plans:

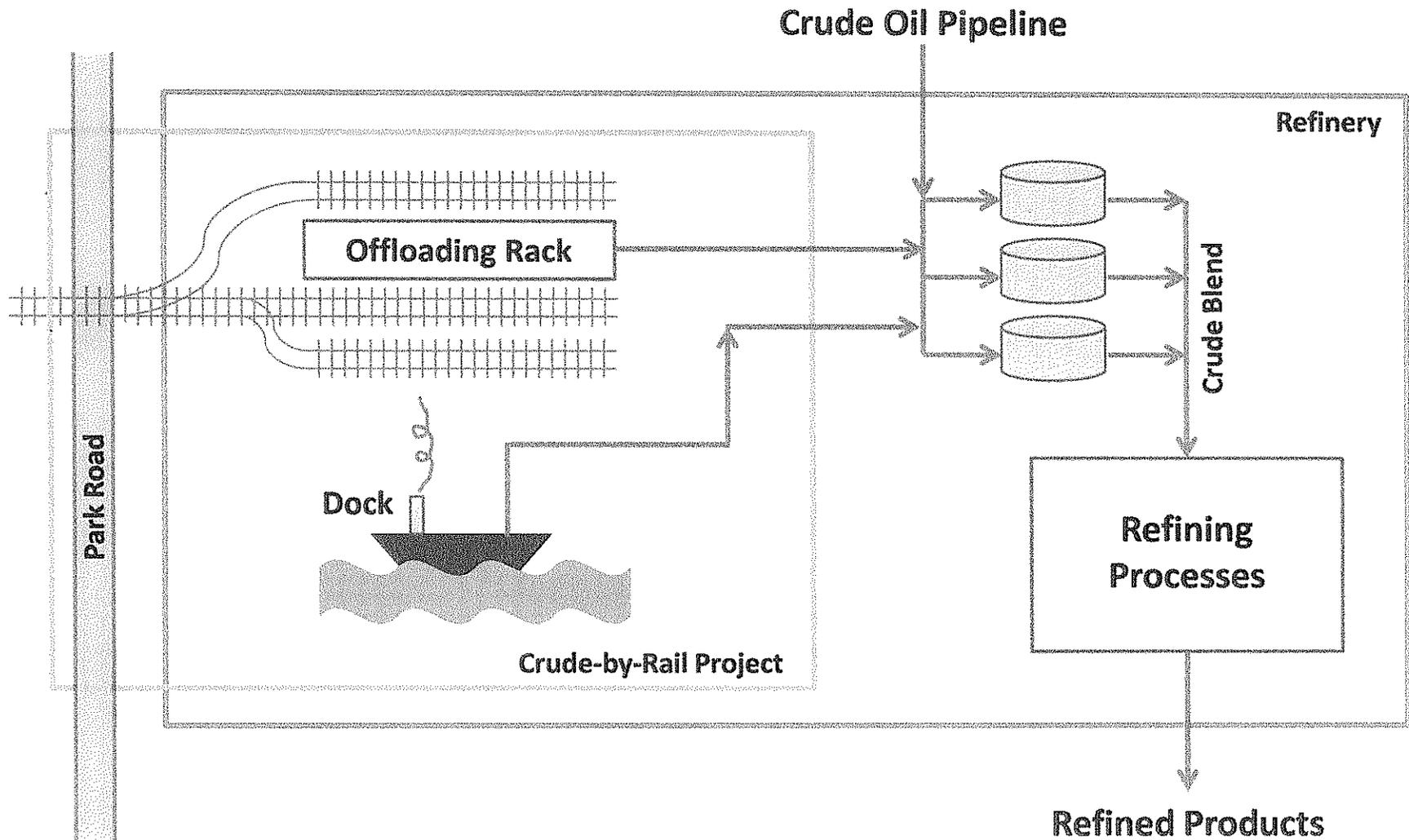
Before any roadway crossings or roadways are temporarily closed, Union Pacific coordinates with the local roadway authority in order to prepare comprehensive traffic reroute plans that will minimize vehicle delays. In advance of the project, signs will be placed throughout the project area so the traveling public is aware of the pending crossing and road closures. Detour signs will also be staged in order to easily identify alternate routes.

Union Pacific Railroad Project Contacts:

Erik Kreutzberg, Project Manager 916-789-6155, eakreutz@up.com

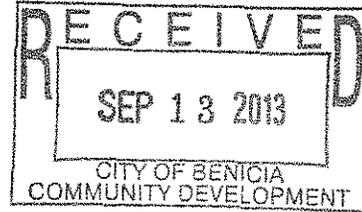
Liisa Stark, Public Affairs 916-792-9160, lstark@up.com





**Valero Benicia Refinery
Crude-by-Rail Project Description**

Sept. 13, 2013



Dear Amy Million,

As a concerned citizen of Benicia, I am writing to you and the Benicia Planning Commission in regard to the "Crude by Rail Project" submitted by The Valero Refinery. The last two BPC meetings about this proposal have provided quite an education about this complex subject, leading me to further explore the issues involved.

I am grateful that the Planning Commission chose to order an independent EIR to consider the ramifications, both direct and indirect, this project poses. Based on what has been shared, through the extensive research presented, I have come to the conclusion that significant health and safety issues need to be addressed to protect our environment, our citizens, and our neighboring communities. At this point, I am not in favor of allowing the refinery to carry out this project of transporting crude via the railroad. I do not view this as a "green alternative," and also do not see it as a benefit to the city. The supposed new jobs that Valero has said would come from this change would not necessarily be given to Benicia residents, and I feel even if they were, it would be a poor substitute for what it might cost the city down the road due to potential health, safety and traffic problems. Since the details of health and safety were well substantiated at the meeting, I won't repeat them here.

Air space is shared, and the accumulative effect of several refineries seeking crude could have potentially damaging effects, even if no unexpected accident occurs. The latter is an obvious concern but much has already been said about those possibilities. We have been forewarned by the tragic results from recent crude oil disasters elsewhere in the US.

The major traffic increase along the corridors Union Pacific trains run also feels problematic, since only UP has control over the timing of when those trains come through. Since they will cross several states, our end location isn't the only one to consider. Many towns will experience the same kind of traffic flow disruptions we will experience if the plan goes through, yet they won't have the opportunity to address the project in the way that we can, since we live at the tail end of the line, where the refinery is located. Whatever decision we make, they will have to live with it, without their needs being considered ahead of time.

Based on last night's revelations that new track is being laid, followed by a personal conversation with Valero Representative, Chris Howe, in which he would not confirm what kind of construction was going on at the Valero site, I decided to take a little field trip to the refinery today. I was accompanied by Benicia resident, Karen Schlumpp. We were held up for several minutes while we waited for a long tank train to pass through at Park Street around 12:20 p.m., during what I assume was the traditional lunch break time for those who work in the Industrial Park.

Although Chris Howe denied any unusual construction going on at the Valero site that would relate to the proposed project, I saw lots of fresh, new railroad track had been laid on their land with large piles of supplies stacked up for more tracks to be laid within their property lines. I was able to speak with a UP train workman who told us that new track lines were going in as well as major repairs on older lines that had been vacant for many years, (since the 1960's, he said). This sounds like a major change for UP to be making in preparation for the Valero project being passed. It's costing UP several million dollars to do this upgrade and they stand to receive handsomely from their efforts. This indicates that more is being done than the two lines that were shown during last night's simplistic presentation. There appeared to other tracks being updated perhaps for holding areas for tanks?

I also found out that the heavier track being laid is considered to be necessary for the heavier loads that are being anticipated to be coming through. It will take three locomotives for each train to carry the large tanks of crude per train run, (two in front and one in back), which is two more locomotives than was specified in the report we received at the July BPC meeting from which the original air quality report was estimated.

It appears that construction is currently being implemented by UP, yet I sense it is being triggered by a contract between UP and Valero in preparation for this influx of anticipated heavy deliveries the tracks will have to support. From what I understand, the UP doesn't need the city's approval to make railroad track changes, yet I can't help but feel these changes are contractual between Valero and the railroad even before the project has been approved by our city. The new lines I saw, (there may be others being reconstructed in the park, as well), were on various portions of Valero's land. I feel it would be worth the BPC's time to go to the site and check it out. Having this done ahead of time before the city approves the project, feels presumptuous. I also felt Chris Howe was not being honest about the construction being done when questioned directly about it.

The profit/gain is obvious for both UP and Valero. But would we actually see a substantial drop in costs at the pump? I doubt that. For business reasons, oil companies are naturally drawn to the least expensive options for themselves, which is understandable. UP stands to gain an estimated \$400,000 per day to run these shipments on their tracks. This adds up to even more than Valero will receive by purchasing the cheap grade, toxic crude, (estimated to be about \$7 to \$10 a barrel).

Although I haven't been told anything of this nature, I would imagine Valero has or will offer the Good Neighbor Steering Committee a goodly sum to see this project through. Valero has been a generous supporter to our town. In addition to their gifts, they provide a significant tax revenue to the city. To some extent, I understand and certainly appreciate what they have offered to the community during my 33 years of residency here. Yet even in acknowledgement and gratitude for the gifts received, I ask you to weigh these against the potential effects this requested change would have on our town and the outlying areas, some of which would be more affected than we are due to wind currents. Please pay careful attention to ALL aspects of this proposal, including setting reliable stipulations for independent monitoring requirements to assure safe air quality on a regular basis. Also, if this passes, please make sure Valero has the ability, financially and physically, to quickly and safely respond to any unexpected disasters that may occur from the highly toxic quality of this new form of dirty oil. When I heard last night that there have been 20 derailments since 2002 in the Industrial Park, I was alarmed. These loads Valero will be bringing in, two trains arriving daily, with each train car carrying 70,000 gallons of crude, if the figures are remembered correctly, would be a lot heavier and more dangerously toxic than what has formerly been carried on the railroad line. Some of the projected holding areas are in very sensitive locations for the environment and the town. I also noticed some of these areas are getting fresh track as well. I hope each of you will investigate this further and not just rely on the information provided by Valero.

I was stunned and disappointed that Chris Howe, the Valero Representative, did not respond to any of our questions from the July meeting. Valero had stated they needed more time to go over the comments to prepare a statement, yet did not follow through on addressing any of our concerns. I don't know if this bothered any of you, but I felt discounted by them not choosing to reply. When asked about that, Chris replied, "that's what the EIR is for." It seemed to me that the only creative problem solving suggestions for the issues we're grappling with came from the audience.

Thank you for your attention to these matters. We are counting on you and the other 18 environmental agencies you've contacted to make sure that a thorough EIR is done to protect our city and the environs that surround us.

Sincerely,

Judith S. Sullivan