

Kathy Kerridge
771 West I Street
Benicia, CA 94510

July 11, 2013



Dear Planning Commissioners:

I would like to add additional comments and questions to my last comment.

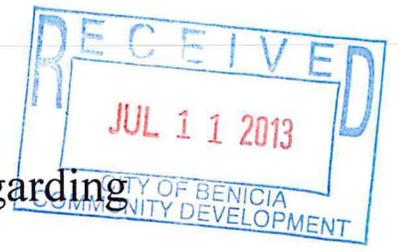
1. In light of the recent train disaster in Canada I want much more information about how these trains will be staffed, what kind of rail cars are they, are they the safest possible? What kind of failsafe plans will be in effect to prevent a runaway train? What are the safety plans in effect now, not ones to be developed in the future? What would happen if there was a derailment in the industrial park near an oil tank?
2. 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. Are we slitting our own throats if these are brought in? Can a mitigation of this project be no diluted bitumen, no tar sands allowed?
3. The general plan takes a long term economic view. If Valero refines tar sands oil with its higher pollution, its stronger odors, its greater risk of accident, with the increased production of coke and its increased and dangerous particulate matter will other businesses want to locate in our industrial park? I know that if I was a business I would not want to be near a refinery that smells and pollutes the air. The current refinery operations are pretty good about smells. I seldom am aware of smells from the refinery, but one of the consequences of tar sands refining is increased odor. Will we lose businesses in the industrial park if this happens? What will be the consequences over the next 10 years, 30 years, and 50 years?
4. 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? Will these meet the AB 32 standards that need to be met in 2020? We are an impacted community and how will be able to meet our greenhouse gas reduction standards if the refinery doesn't? What mitigation measures could help Benicia with meeting the standards?
5. Once tar sands oil is being refined will it be too late to worry about the increased air pollution and the release of toxic substances?
6. If tar sands are imported how will we know? What will happen when the VIP is fully implemented? Will the crude mix change? 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?

7. 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?

These questions all need to be addressed. The appropriate place is in an EIR. An EIR needs to be done on this project.

Sincerely,

Kathy Kerridge



Questions Posed at the Community Forum Regarding Valero Crude By Rail Project

Community Forum was sponsored by the Good Neighbor Steering Committee (GNSC)

Forum was attended by more than 70 community members. Forum was held at the Community Center on July 9, 2013. When people registered they were given an index card to write down their question(s) and then their questions were read to the assembled group and answered by Marilyn Bardet from the GNSC, Brant Olson and Diane Bailey from the National Resource Defense Council (NRDC) and Mary Frances Kelly-Poh from the GNSC. The questions were transcribed by Mary Frances Kelly-Poh.

1. How does dilbit compare to Kern and Monterey Shale crudes? North Slope Crude?
2. How much hydro-treating will be added to Valero current capabilities to a fleet HDS/HDN/HDM of dilbit?
3. What is the source of gas liquid diluents? Will these be recycled to tar-sands (*words illegible*) source necessitating return shipping to fields?
4. How does this project fit with proposed Monterey Shale hydro-fracking? How much additional capacity will CA have to build?
5. How much capacity does Valero expect to have to add to be able to do this and EIRs for this project include impacts expected by expansion?
6. How are risks to the Suisun Marsh (one of the country's largest estuaries) being addressed and what organization will be the lead in this concern?
7. Will not the Bay Area Air Resources Control Board hold Valero's emissions to at least no increase regardless of what type of crude they refine?
8. What security measures may be in place against vandals and terrorists all the rail lines?
9. How was Exxon-Mobil able to do a "No Fly Zone" in Arkansas after the oil spill? How is this possible?
10. Does this rail have anything to do with the Pacific Trade Pact with East Asia?
11. Does the port reconstruction occurring in Vallejo have any connection to Valero brining crude by rail to Benicia?
12. Can you please give us an idea of what influence the Benicia Commission will have? Can they completely reject this plan?
13. Is this just a softball solution? In other words are we really in danger of this plan going thru? Are we going to accept Valero at their word that all safety questions will be answered?
14. RE: ESA Are they an independent and reliable CEQA reporting group or are they a gas and oil mouthpiece?
15. UP says they have spent billions to improve tracks, etc. How much in California and West Coast?
16. If and when fracking happens in a significant way in the Monterey Shale, will this crude oil be refined at Valero and Chevron?

17. A story in Sunday's Wall Street Journal indicated crude by rail is more dangerous than marine or pipelines. Why would the planning staff recommend a Neg Dec?
18. What will happen to neighboring cities like Martinez and will these effects be addressed prior to decision making?
19. If there is a spill, what would happen to our property values?
20. Can you say more about the projected jobs created by this project, including temporary/permanent and types of occupations?
21. What about Murphy's Law—if it can happen, it will? IE Fire 15 dead Bracken spill in Quebec-now ETC?
22. What is the status of the GNSC Air Monitoring Station?
23. Where are the coke storage piles?
24. What is hazardous about petroleum coke?
25. Will the total allowable emissions of the refinery be increased in local or state or fed law because of this project?
26. Is the \$40 discount on WCS crude before or after dilution?
27. What is the environmental risk of ship transport versus rail of crude oil?
28. What happened to property values in Mayflower Kansas after spill?
29. "Higher Risk of Accidents" please quantify emergency plans for dealing with spills. What are they?
30. Dust can be trapped. Can contracts enforce the use of appropriate traps?
31. Are there means to trap the lighter-lightest fraction that can be written into the permit contracts for Valero?.....speaking of limits here, of course.
32. I know that there are some very corrosion- resistant alloys developed for the more difficult crudes, can the use and maintenance of these alloys in equipment for heavy crudes (high S, etc) in all portions of and mixes of T.S. crudes processed?
33. Some of the population has a Ni specific allergy, just as 1 in 50 has a Be specific allergy and the reactions are serious.
34. It is unclear to me how far this has progressed? Wherever they are with- I am hearing you want to provoke and EIR-to what end? To slow it down? Prevent it? Force mitigations?
35. Have the citizens of Benicia considered reaching out to other similar communities and building a network of mutual aid and solidarity to address potential threats like this one? It seems that there is strength in numbers?
36. How does the NRDC become involved in particular environmental issues (in particular Benicia)?

Amy Million - Valreo Crude by Rail Project

From: "George Oakes Sr." <george@twinoaksre.com>
To: Amy Million <Amy.Million@ci.benicia.ca.us>
Date: 7/19/2013 9:38 AM
Subject: Valreo Crude by Rail Project



Amy,

The Valero Crude By Rail Project has raised many questions and uncovered areas where it seems we have no control over the rail lines. One thing is that tank cars are not normally owned by the rail lines, but leased to them. My question is who hold responsibility for a problem with a tank car while in our (or anyone's jurisdiction), the owner, the carriers, or the property on which it rests when the problem occurs? Can we specify the type and construction of tank cars coming into and out of Valero?

I am very concerned that any approval will increase the likelihood of a problem for Benicia and its citizens. To off set that risk I would like to explore options to insulate or insure our town from costs associated with such a problem, including lost of revenue, clean up, and the development and implementation of alternatives for work/business' etc.

To that end I am contacting the State Attorney General to seek answers to how that may be accomplished. While I do not know if that is overstepping our authority, the answers received thus far at meetings and in the documentation are vague and/or do not address this issue. Would appreciate any feedback on this so I can be sure not to exceed our scope or authority.

Regards,

George Oakes Sr.
Twin Oaks Real Estate, Inc.
707-746-8700 Office
707-319-1734 mobile

From: Amy Million [Amy.Million@ci.benicia.ca.us]
Sent: Thursday, July 11, 2013 7:57 AM
To: Adam Petersen; Amy Million; Gina Eleccion; Rod Sherry; George Oakes, Sr.; Stephen

Young; Belinda Smith; Susan Cohen Grossman; Don Dean; Suzanne Sprague

Subject: Public Comment Received - Post Packet

Dear Commissioners,

Attached are the comments that have been received since the distribution of the packet (after July 5). You have received some of these already as an email forward from staff, but in an effort to make sure none are missed I am sending them to you in one package.

Copies will be made available tonight.

Amy

Amy E. Million
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MARILYN J. BARDET
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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 fenceline.

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 tars 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

Amy Million - Environmental Impact Report on Valero's Proposal to bring Crude Oil in by Rail

From: Priscilla Whitehead <priswhite@aol.com>
To: <amy.million@ci.benicia.ca.us>
Date: 7/20/2013 12:27 PM
Subject: Environmental Impact Report on Valero's Proposal to bring Crude Oil in by Rail

Dear Amy Million

I am writing in support of the NRDC's request for a full EIR on Valero's proposal to import crude oil by rail. I did not know there was a deadline for public comment so I am sending one anyway. I am a member of the NRDC and have great respect for what they do.

Having read the NRDC blog on Diane Bailey's report and her fax to you I think Valero owes the City of Benicia residents full disclosure. I could not attend the last meeting but will be there August 8. I know you are very responsible and care about Benicia.

With due respect for the people who work for Valero and their claims that safety comes first, I am reminded of the BP offshore rig explosion and the Chevron refinery fire. I am sure the people who were killed or injured also were sure their oil companies put safety first.

Thank you for reading my letter

Sincerely, Priscilla Whitehead
288 W J St
748-0877



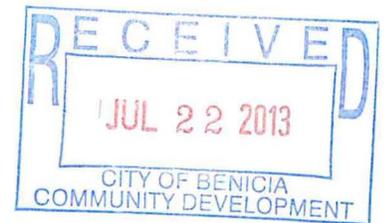
Amy Million - Valero Project and CEQA law

From: "Steve & Marty Young" <escazuyoungs@gmail.com>
To: <katwellman@gmail.com>, Amy Million <Amy.Million@ci.benicia.ca.us>
Date: 7/22/2013 11:18 AM
Subject: Valero Project and CEQA law

I have been reviewing lots of information on this project including CEQA law and guidelines and have a question

I assume it is OK to transmit this email to the rest of the commission?

and that you would be responding to all of us as well?



Among the critical points the Commission must determine in this project is :

- 1) whether or not the project will have a significant effect on the environment;
- 2) whether the EIS/Mitigated Negative Declaration adequately analyzed the environmental impacts of the project; and
- 3) whether proposed mitigating factors are sufficient to reduce potentially significant impacts to less than significant impacts.

My question below is based on my review of the CEQA guidelines issued by the State of California and copied below, but I am not a lawyer and would appreciate your response

[http://ceres.ca.gov/ceqa/docs/Adopted and Transmitted Text of SB97 CEQA Guidelines Amendments.pdf](http://ceres.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97_CEQA_Guidelines_Amendments.pdf)

The relevant section is:

"section 15064(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (Friends of B Street v. City of Hayward (1980) 106 Cal. App. 3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68).

(2) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.

(3) If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration (Friends of B Street v. City of Hayward (1980) 106 Cal. App. 3d 988).

(4) The existence of public controversy over the environment effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.

(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

(6) Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

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(7) The provisions of sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, or further approval for, a project for which an EIR or negative declaration was previously certified or adopted (e.g. a tentative subdivision, conditional use permit). Under case law, the fair argument standard does not apply to determinations of significance pursuant to sections 15162, 15163, and 15164."

According to CEQA law (S.21068.2 (a)) that determination (of potential significant impact) must be based on "substantial evidence in light of the whole record." Subsection c of the same chapter defines substantial evidence as "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts."

SubSection D of that section says that "if there is substantial evidence, in light of the whole record before the lead agency, that a project may have a significant effect on the environment, an environmental impact report shall be prepared."

Appendix G to the CEQA guidelines (Environmental Checklist Form) http://ceres.ca.gov/ceqa/guidelines/pdf/appendix_g-3.pdf outlines the conditions under which the Agency must review projects

There are two sections of the guidelines under "Evaluation of Environmental Impacts" that may be instructive.

"2) 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.

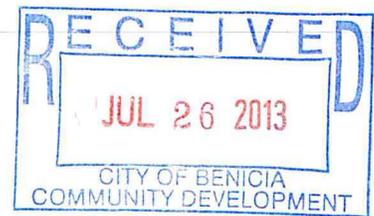
3). Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant . Potentially significant impact is appropriate if there is substantial evidence an effect may be significant. If there is one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required."

Question

if the Commission finds that the mitigation measures proposed for any potentially significant impact (e.g. transportation and traffic, air quality) are not adequate, based on substantial evidence, must we find that an EIR is required?

Roger D. Straw

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



July 26, 2013

Planning Commissioners Sherry, Dean, Sprague, Oakes, Smith, Cohen Grossman, and Young
c/o City of Benicia
250 East L Street
Benicia, CA 94510

ADDITIONAL COMMENTS: Valero Crude-By-Rail Project

Planning Commissioners:

Thank you for hearing (and offering) so many good questions and concerns at the July 11, 2013 Planning Commission meeting regarding Valero's proposed crude-by-rail project. Your dedication and efforts in studying the huge volume of materials was evident, and I know there is more to come. I want to raise a few more points, so I will do my best to be brief, as follows:

1. I was very much impressed at the comments made in the public hearing on July 11 by Benicia resident Bob Berman. Bob knows CEQA very well, and made the point that **under the law, there is a very low bar for requiring a full EIR**. Please be sure to explore this point in your questioning on August 8. I understood Bob to suggest that if any *expert* disagrees that a mitigated negative declaration is sufficient, then the City is *compelled* to require the project to undergo a full EIR. I have asked around as to the **definition of an "expert,"** and again the bar is set extremely low. For instance, Mary Frances Kelly Poh entered information into the record regarding a native plant, Bird's Beak, extant in marshland adjacent to Valero. As a member of the California Native Plant Society, she would qualify as an "expert," (even though she very clearly spoke as a resident rather than in any official capacity). Benicia resident Marilyn Bardet has in the past qualified under CEQA as a "local expert" as a founding member of the Good Neighbor Steering Committee and her history of participation in several EIR reviews. The NRDC and experts Fox and Goodman (obviously), but also common residents living within "smelling distance" of the refinery qualify as experts on air quality; Industrial Park owners and workers qualify as expert on traffic. I understand that the courts have been extremely generous in qualifying experts under CEQA. **Commissioners might want to ask our City Attorney something like the following: "Under CEQA, what does the 'Fair Argument Standard' say regarding the determination of whether a Negative Declaration is appropriate or an EIR is required?"** Please review Bob Berman's July 11 comments, attached, and explore this further on August 8.

ADDITIONAL COMMENTS – FOR BENICIA PLANNING COMMISSION CONSIDERATION AUGUST 8, 2013

Valero Proposed Crude-By-Rail Project

Roger D. Straw, 766 West J, Benicia

July 23, 2013, p. 2

2. I was astounded when the author of Valero's Initial Study (ESA) could not or would not answer Commissioner Smith's request for examples of **indirect impacts** that may be considered under CEQA. Commissioner Smith's question arose in the context of the need to review "the whole of the project" and "cumulative impacts." [*Initial Study, Ch. II, Environmental Checklist, p. 1, item 2. "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."*] I note here that in the Initial Study, some indirect impacts beyond the very narrowly defined footprint of the refinery are already discussed with suggested mitigations: traffic congestion, nearby air quality, and potential spills on the railroad tracks that would require cooperative agency efforts if/when an emergency cleanup is needed. Commissioners might join me in wanting to know more:
 - a. **Does "the whole of the project" and "cumulative impacts" extend out along the tracks here within Solano County**, through the protected Suisun Marshlands, Suisun City, Fairfield, Travis Air Force Base, Vacaville and Dixon? If so, was Solano County and other local and State agencies with jurisdiction notified and given opportunity to comment? Should they be?
 - b. **Does "the whole of the project" and "cumulative impacts" extend to other communities farther up the tracks, i.e., beyond Solano County?** Surely all those communities will see a significant increase in shipping by rail, including incredibly heavy and dangerous crude oil tankers. Will those tankers pass close by schools, residential complexes or busy commercial centers? Will Davis or Roseville (for instance) also be required to accommodate crude oil tankers at rest on side rails for periods of time? If our "little" decision here in Benicia affects communities and open spaces from here to North Dakota, why shouldn't those communities and agencies with jurisdiction in those places be noticed and given opportunity to comment?
 - c. **Does "the whole of the project" extend to communities who breathe air downwind of Valero, i.e., Concord, Antioch, Pittsburg, etc.?** Shouldn't the BAAQMD have been noticed? I believe residents and City electeds and staff in those cities should also have been given notice. Commissioners might want to explore this on August 8.

3. I was very interested in Kathy Kerridge's point about the overarching goal of sustainability in Benicia's General Plan. If I understood her question, it could be that the Initial Study and any subsequent EIR should not only address whether the project satisfies a land use checklist in the General Plan or some other point or two in the Plan,

ADDITIONAL COMMENTS – FOR BENICIA PLANNING COMMISSION CONSIDERATION AUGUST 8, 2013

Valero Proposed Crude-By-Rail Project

Roger D. Straw, 766 West J, Benicia

July 23, 2013, p. 3

but rather, the overall goal of making Benicia a more sustainable City. If so, it might cause Benicia to look unfavorably on a project that makes use of Canadian tar-sands crude, which experts agree is the least environmentally sensitive and most highly carbon-intensive process for mining and refining. The same, to a lesser degree perhaps, could be said of Bakken shale formation crude extracted by fracking. **Does a General Plan “sustainable city” have a responsibility to encourage usage that promotes an alternative, more sustainable future – or at least one that doesn’t go further down the path to environmental ruin for short-term economic gain?**

Again, thanks for all your work. Your conscientious efforts are an immense gift to our City, present and future.

Roger Straw

766 West J Street, Benicia

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rogrmail@gmail.com

Cc: Mayor Patterson, Vice Mayor Campbell, and Councilmembers Hughes, Schwartzman, Strawbridge, City Manager Brad Kilger, City Attorney Heather McLaughlin

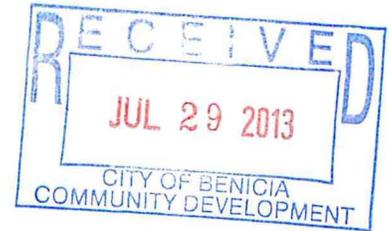
TRANSCRIPT - BOB BERMAN SPOKEN COMMENT

Benicia Planning Commission, July 11, 2013

Valero Use Permit – Crude by Rail Project

Good evening. I'm Bob Berman. I live on West K Street. In response to the Initial Study that's been presented by the City, you've received now a wealth of both written, and now oral, testimony in terms of the quality of that environmental impact report. And, of course, the first decision you all have to make is whether or not to proceed with the adoption of a Mitigated Negative Declaration or require the preparation of an EIR, an Environmental Impact Report. The City's consultant briefly mentioned at the beginning of his presentation tonight, that once the Initial Study is made, there's kind of a standard, a standard that's set out in the California Environmental Quality Act, is what's referred to as **the "fair argument" standard**. The guidelines state clearly that an Environmental Impact Report must be prepared when the lead agency, in this case the City of Benicia, determines that it can be fairly argued, based on substantial evidence, that a project may have a significant environmental effect. What this means, simply, is that if project proponents have substantial evidence that a project may have a significant environmental effect, an EIR *must be prepared*, even if the lead agency, in this case the City of Benicia's evidence indicates lack of significant environmental effect. In other words, there's a very low threshold that exists for the requirement of an Environmental Impact Report. And I would maintain, based on what I've read and what I've heard tonight, both from NRDC, and now just recently from CBE and the other testimony, that there clearly is evidence on the record that an argument can be made that the project *may* result in a significant environmental impact, and therefore, **the City is compelled to prepare an Environmental Impact Report**. Thank you.

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



July 29, 2013

City Manager Brad Kilger, and Amy Million,
Planning Commissioners: Dean, Oakes, Smith, Grossman, Spraque, 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



BENICIA CHAMBER OF COMMERCE & VISITORS CENTER

"Promoting Business For A Better Benicia"

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July 29, 2013

Planning Commission
CITY OF BENICIA
250 East L Street
Benicia, California 94510



Dear City of Benicia Planning Commissioners:

Following our attendance at your last Planning Commission meeting, listening to both the advantages and concerns from both sides of the issue, and participating in ongoing discussions, we ask that you accept this letter on behalf of the Benicia Chamber of Commerce requesting your approval of the Use Permit for the Valero Crude By Rail Project.

As you are aware, Valero Benicia Refinery currently brings product in and out of its facility by marine vessel and rail. Together with Union Pacific, Valero is working to ensure they stay competitive in this commodity market while at the same time creating as little impact to Benicia residents and businesses as possible. Valero's Benicia Refinery is constantly monitored by multiple government agencies including Bay Area Air Quality Management and are required to meet or exceed criteria set forth by these numerous agencies. With the Valero Benicia Refinery being one of the newest and most advanced refineries in the nation, and having a commendable safety record, they ask to continue doing what the refinery was designed to do, refine crude oil.

In keeping with the City's ongoing support of Economic Development, the refinery's significant contributions to Benicia's economic viability for more than 45 years, and the Benicia Chamber of Commerce Mission Statement "Promoting Business For A Better Benicia", we respectfully request your approval of the Use Permit as submitted for the Valero Crude By Rail Project at your August 8, 2013 meeting.

Please accept our appreciation for your efforts and the important role you have as a Planning Commissioner for the City of Benicia.

Sincerely,

A blue ink signature of Eric Hoglund, written in a cursive style.

Eric Hoglund
Chairman of the Board
Benicia Chamber of Commerce

c: Brad Kilger, City Manager
Amy Million, Community Development Department