

Amy Million - Tesoro

From: Amy Million
To: Amy Million
Date: 7/8/2013 7:43 AM
Subject: Tesoro



From: "Dnsjrs <dnsjrs@gmail.com>" <dnsjrs@gmail.com>
To: Brad Kilger <Brad.Kilger@ci.benicia.ca.us>
Sent: Sat, Jul 6, 2013 12:07:37 PDT
Subject: Tesoro

Brad,

I live in Vallejo, over the hill from Tesoro, but own several properties in Benicia. Since I am not sure I would have standing to talk at the planning meeting, I will express my concerns here.

Based on the comments in the Vallejo paper today, Your environmental review is flawed, there is no way to process heavy crude without more impact. Here are a few points.

- A. Crude by rail is common, but not without risk. The accident in Quebec, evacuating a thousand people after a crude derailment and fire is a grim reminder that you will be approving an XL Pipeline on wheels. Note, once rail is allowed, a far more likely scenario is Central Valley high sulphur crudes being imported as they are for Shell in Martinez
- B. Ask Tesoro for crude assays for their current crude slate, the Canadian crude and any other crude they might bring in by rail. The heavy metals and sulphur have to be disposed of, stored on site or released as pollutants
- C. Without a system wide upgrade of pollution equipment, air quality has to be impacted. The crude is not just processed in a new cracker / hydrotreater.
- D. With a system wide upgrade, you should expect no less than a sulphur smell encompassing Benicia and Vallejo housing developments along Rose drive and Somerset. A drive by the Martinez Shell refinery will prove the point to anyone willing to make the drive.

This is the reality of a larger refinery footprint on our neighborhoods. It is naive to the point of questioning inappropriate collusion to have issued an environmental report not detailing the impacts known by anyone in the industry. There are days when I smell the refinery now and I do not want to see that get worse. Changing from light, sweet crude to heavy crude will affect my air quality and property value. I will be reviewing options for environmental monitoring prior to the upgrade to establish baseline and air quality changes for any future litigation.

Please do an environmental review that will at least free the city from sharing liability as what is being reported would appear to fail that test.

Thanks,
Dave Shipley

Amy Million - Fw: Refinery

From: Brad Kilger <bkilger@ci.benicia.ca.us>
To: Amy.Million@ci.benicia.ca.us
Date: 7/5/2013 3:10 PM
Subject: Fw: Refinery



Brad

Sent from my phone please excuse any typos

-----Original message-----

From: "sandra kozak <sandra_kozak@yahoo.com>" <sandra_kozak@yahoo.com>
To: Brad Kilger <Brad.Kilger@ci.benicia.ca.us>, sandra kozak <sandra_kozak@yahoo.com>
Sent: Fri, Jul 5, 2013 09:27:22 PDT
Subject: Refinery

Please do not allow the refinery to add more noise and pollution to our neighborhoods. We already put up with too much noise from the jet engine and too much pollution.

Please vote NO on any Valero expansion of any kind.

A group of concerned citizens.

Sandra Summerfield Kozak, M.S., ERYT-500
International Yoga Studies, Founding Director
Light Transitions Educational Materials, President

"May the best life has to offer be yours within this day"

www.internationalyogastudies.com
www.sandrakozak.com

IRON WORKERS LOCAL 378

UNION OFFICE OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING

3120 Bayshore Road, Benicia CA 94510 | www.ironworkers378.org

P. (707) 746-6100 | F. (707) 746-0979



July 3, 2013

City of Benicia Community Development Department
Attn: Charlie Knox
250 East L Street
Benicia, CA 94510



Robert J. Lux
*President
Business Agent*

Jeff McEuen
*Business Manager
Financial Secretary-
Treasurer*

Jason Gallia
Business Agent

Re: Valero Crude by Rail

Dear Mr. Knox:

I am writing on behalf of the Iron Workers Union Local No. 378 located at 3120 Bayshore Road in Benicia. Our Iron Workers Local 378 dispatches skilled craftworkers to projects throughout the Bay Area. Some of the area's most high-profile buildings, bridges, monuments, stadiums and sports arenas were built by Local 378 members of the International Association of Structural, Ornamental and Reinforcing Iron Workers.

As a Benicia Industrial Park business and one that may be directly impacted by Valero's proposed Crude by Rail project, we reviewed the Initial Study/Mitigated Negative Declaration Section 16, Transportation and Traffic with interest. We operate our 10,000 square foot Bayshore Road facility weekdays during daytime business hours. Apprentices attending their four year training program and most all Local 378 staff arrive between 6:00 a.m. and 8:00 a.m.

To date, we have had no concerns with railcar movements in front of our business. Since the Valero railcar movements will be outside commute hours, and initially only at night, the incremental impact on the Iron Workers Local 378 is expected to be insignificant. We recommend the City of Benicia Planning Commission approve the Use Permit for the Valero project.

Further, as an active member of the Napa-Solano Building and Construction Trades Council, we understand the benefits of projects like this to our working brothers and sisters and their families. Valero's commitment to resource their project with union craftworkers is commendable. These local construction jobs benefit us all.

Respectfully,

Jeff McEuen
Business Manager
Financial Secretary/Treasurer

JM:ym
Opeiu-29/afl-cio

July 9, 2013

Via Fax to
City of Benicia Community Development Department
Attn: Amy Million
250 East L Street
Benicia, CA 94510
Fax: (707) 747-1637



Re: Notice of Intent to Adopt a Mitigated Negative Declaration for the Valero Crude by Rail Project

Dear Ms. Million:

Please find the attached supplement to NRDC's comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Valero Crude by Rail Project. On July 7, 2013, a rail car carrying oil derailed and exploded in Quebec, Canada, killing at least thirteen people. This tragic event underscores the need for an evaluation of rail car accidents and spills in conjunction with the City of Benicia's approval of this project. At present, the Initial Study/Mitigated Negative Declaration completely fails to consider or mitigate the potential for these types of accidents. The potential for rail accidents and spills must be evaluated and mitigated before this project may lawfully proceed.

Sincerely,

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

Elizabeth Forsyth, Attorney
eforsyth@nrdc.org
415-875-6162

July 8, 2013

Dangerous Conditions Impede Inquiry Into Quebec Crash

By IAN AUSTEN

OTTAWA — The Quebec town where runaway railroad tank cars filled with oil derailed and exploded over the weekend still did not know the full extent of the devastation on Monday as dangerous conditions limited the movements of investigators.

The provincial police said they had found eight more bodies in the town, Lac-Mégantic, on Monday, raising the death toll to 13 from the “ghost train” accident, as it has become known, which occurred early Saturday morning. The police also increased the estimate of the missing people, who are presumed to be dead, to 50.

While fires that raged for much of the weekend were largely under control by Monday, Sgt. Benoît Richard of the provincial police, known as Sûreté du Québec, said much of the site remained so dangerous that officers were able to enter only when accompanied by firefighters.

The accident’s destructiveness also impeded efforts to recover bodies and investigate the cause of the crash. Aerial photos of the popular vacation town showed that much of its downtown had been reduced to little more than ash. Le Musi-Café, a bar near the rail line that was filled with patrons at the time of the derailment, had vanished under a pile of burned and crushed tank cars.

Forensic anthropologists were traveling to the town to assist with the recovery of remains, and the police were asking relatives for razors, hairbrushes and other items belonging to the missing that might provide DNA for identification.

Further delaying the recovery was a declaration of the accident site as a crime scene. Sergeant Richard said that factor had delayed the removal of the remains of the train as the police must document them and gather evidence.

News reports in Quebec indicated that the missing included parents who had been listening to a concert at Musi-Café but never returned to their young children. At least one musician who had been performing at the time of the wreck also was among those missing.

About 1,500 of the town's 6,000 residents were still unable to return to their homes on Monday, although officials said some might be allowed to return on Tuesday. At least 30 buildings were destroyed.

Police officers and politicians in Lac-Mégantic declined to answer questions about the cause of the derailment. The information void has been filled with sometimes-contradictory accounts.

Denis Lebel, the federal transport minister, said on Monday that the train's locomotive had passed a safety inspection in the Montreal area early on Friday, but he offered no further details.

The Montreal, Maine & Atlantic Railway, which owns the train line, said its engineer had parked the 72-car train late Friday near Nantes, a village about 7.5 miles from Lac-Mégantic, and had left it unattended. About 11:30 p.m., the volunteer Fire Department in Nantes put out a fire in the locomotive.

Patrick Lambert, the chief of the Nantes Fire Department, told reporters that his crew had shut down the locomotive after fighting the fire and had informed the railway about its action.

"The people from M.M.A. told us: 'That's great — the train is secure, there's no more fire, there's nothing anymore, there's no more danger,' " Mr. Lambert said. "We were given our leave, and we left."

But in interviews on Monday with the Canadian Broadcasting Corporation and Reuters, Edward Burkhardt, the chairman and chief executive of the railway's parent company, Rail World, appeared to blame the firefighters for causing the accident by shutting down the train.

Mr. Burkhardt said their action had meant that the train's brake system gradually lost air pressure, "and an hour or so after the locomotive was shut down, the train rolled away." He also faulted the Fire Department for not waking up the engineer, who was staying overnight at a hotel in Lac-Mégantic, and taking him to the scene.

Earlier, Mr. Burkhardt, who did not respond to several requests for comment, said the train had been properly secured. Further confusing his account is the fact that since the 19th century, railways in North America have used an air-braking system that applies, rather than releases, freight car brakes as a safety measure when it loses pressure.

July 7, 2013

Deadly Derailment in Quebec Underlines Oil Debate

By IAN AUSTEN

OTTAWA — The police said on Sunday that at least five people had died and 40 were missing after runaway railroad tank cars filled with oil derailed and exploded in a small Quebec town.

“We know there will be more deaths,” Lt. Michel Brunet of Quebec’s provincial police told reporters in Lac-Mégantic, where the fires continued to burn on Sunday.

The derailment and explosions, which took place around 1:15 a.m. on Saturday, underscored a debate in the effort to transport North America’s oil across long distances: is it safer and less environmentally destructive to move huge quantities of crude oil by train or by pipeline?

Visiting the town on Sunday, Prime Minister Stephen Harper compared it to a “war zone.”

The fires, which incinerated at least 30 buildings in the core of Lac-Mégantic, a tourist town of 6,000 people about 150 miles east of Montreal, limited the work of accident investigators, as well as attempts to search for survivors and the remains of victims.

In a statement, the Montreal, Maine and Atlantic Railway said the train had been parked outside Lac-Mégantic for the night with no crew members on board. Its locomotive had been shut down, “which may have resulted in the release of air brakes on the locomotive that was holding the train in place,” the statement said.

The railway did not respond to further questions, but Reuters, quoting officials from the company, said the oil aboard the train had come from the Bakken oil fields of the Western United States.

The Bakken oil deposits, which are often drilled through hydrofracking, have become a major source of oil for the railroads to move because the deposits lack direct pipeline links. Canada's oil sands producers, frustrated by a lack of pipeline capacity, are also turning to trains to ship their products.

Their move to rail comes as the Obama administration continues to weigh an application for the Keystone XL pipeline, which would deliver synthetic crude oil and bitumen, an oil-containing substance, from Alberta to refineries on the Gulf Coast. An analysis of the pipeline plan for the State Department concluded that if the pipeline was rejected, oil sands producers would instead turn to railways for shipments to the United States.

Both the Canadian National Railway and the Canadian Pacific Railway have extensive rail networks into the United States and have been promoting what the industry often calls a "pipeline on rails" to serve the oil sands. Mark Hallman, a spokesman for Canadian National, said the railway moved 5,000 carloads of crude oil to the United States from Canada in 2011, increased that amount to 30,000 carloads in 2012 and "believes it has the scope to double this business in 2013."

Unlike pipeline proposals, however, the escalation of rail movements of oil, including light oil shipments from the Bakken fields as well as from similar unconventional, or tight, oil deposits in Canada, is not covered by any regular government or regulatory review.

"We have an explosion of tight oil production in Canada and the United States, and most of it is moving by train," said Anthony Swift, a lawyer with the Natural Resources Defense Council in Washington. "But this process has happened without due diligence."

Keith Stewart, a climate and energy campaigner with Greenpeace Canada who has examined the increased use of oil trains, criticized railways in Canada and the United States for continuing to use older oil tank cars that he said were found to be unsafe more than 20 years ago.

A 2009 report by the National Transportation Safety Board about a Canadian National derailment in Illinois called the design of those tank cars "inadequate" and found that it "made the cars subject to damage and catastrophic loss of hazardous materials." Television images suggested that the surviving tank cars on the Lac-Mégantic train were of the older design.

Mr. Hallman, the spokesman for Canadian National, did not respond to questions about the safety of tank cars or the consequences of the Lac-Mégantic derailment for rail oil shipments in general. However, he said, "this tragedy notwithstanding, movement of hazardous material by rail not only can be, but is being, handled safely in the vast majority of instances." Ed Greenberg, a spokesman for Canadian Pacific, declined to comment.

The comparative safety of railways over pipelines has been the subject of much debate. Speaking in New York in May, Mr. Harper emphasized that the rejection of the Keystone XL pipeline would lead to an increase in oil sands shipments by rail, which he called "more environmentally challenging" than pipelines.

"We have seen some major safety risks associated with the crude-by-rail regime," Mr. Swift, the lawyer, said.

But Edward Whittingham, the executive director of the Pembina Institute, an environmental group based in Calgary, Alberta, said there was not conclusive research weighing the safety of the two shipment methods.

"The best data I've seen indicates," he said, "depending on your perspective, both are pretty much as safe as each other, or both are equally unsafe. There's safety and environmental risks inherent in either approach."

Accidents involving pipelines, Mr. Whittingham said, can be more difficult to detect and can release greater amounts of oil. Rail accidents are more frequent but generally release less oil. The intensity of the explosions and fires at Lac-Mégantic, he said, came as a "big surprise" to him and other researchers, given that the tank cars had been carrying crude oil, rather than a more volatile form like gasoline.

While Mr. Whittingham hopes that it will not be the case, he anticipates that proponents of the Keystone XL pipeline will use the rail accident to push their case with the Obama administration.

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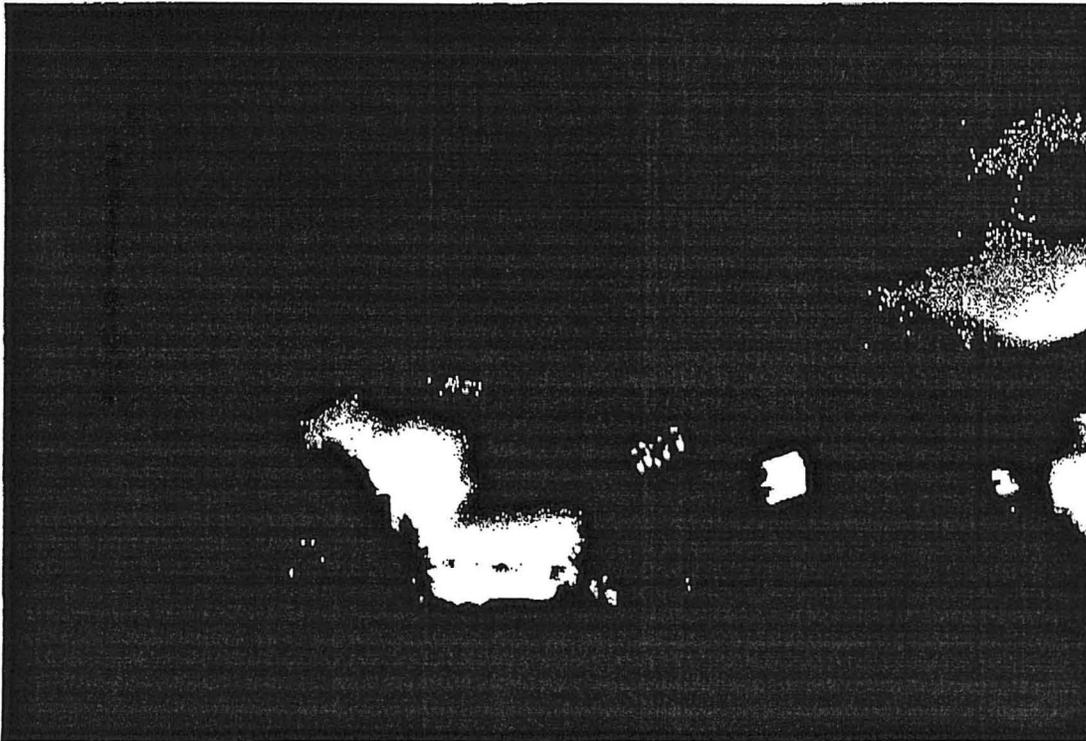
WSJ.com

CANADA NEWS | Updated July 7, 2013, 9:18 p.m. ET

Deadly Train Derailment Fuels Crude-by-Rail Concerns

Explosion of Runaway Train in Quebec Threatens to Ratchet Up Scrutiny of Shipments Amid Increased Oil Production

By CHESTER DAWSON and TOM FOWLER



Canada/Reuters

Fire rages shortly after a runaway train carrying crude exploded this weekend in Lac Megantic, Quebec, in this photo snapped Saturday by a resident. The accident follows a sharp jump in crude shipments by rail.

The deadly weekend explosion of a runaway crude-carrying train in Quebec threatens to ratchet up scrutiny of rising crude-by-rail shipments on both sides of the U.S.-Canada border, amid a boom in North American oil production.

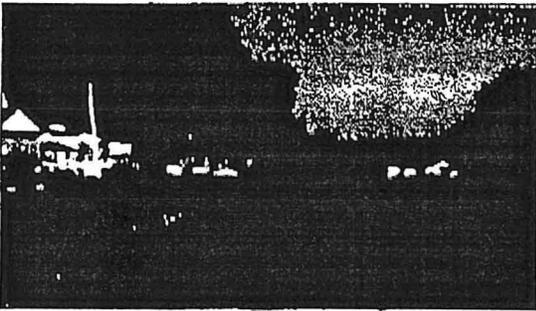
Fire, Destruction in Derailment

In both countries, shipments of crude by rail have shot up sharply, as producers race to get all their new oil to market and as pipeline companies scramble to build new lines or



Christinne Muschi/Reuters

A firefighter worked Sunday where a train derailed and exploded a day earlier in Lac Megantic, Quebec, killing at least five people. Dozens are still missing.



WSJ's Carolyn King reports from the scene of the train derailment that caused a massive explosion in Lac Megantic, Quebec. Video: David George-Cosh via #WorldStream.

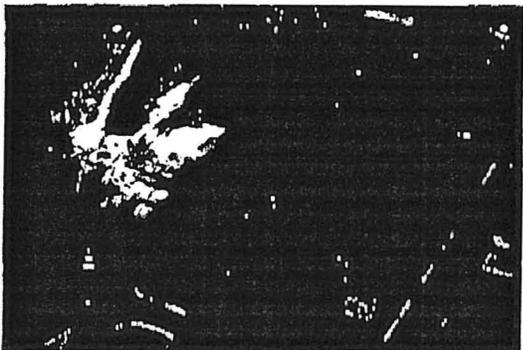
reconfigure old ones to handle the growing volumes. Meanwhile, uncertainty over several big pipeline projects—including approval delays for TransCanada Corp.'s Keystone XL, which would connect Western Canada's booming oil sands development to the Gulf Coast—have sent some oil companies looking to rail as a longer-term solution.

Canadian authorities have confirmed five deaths and estimate some 40 people are still missing after a runaway train carrying crude derailed early Saturday and exploded, demolishing a large swath of Lac Megantic, Quebec, including as many as 30 incinerated buildings. Investigators, citing the high death toll, have opened a criminal investigation. Canadian regulators have said they are concentrating their probe initially on the train, its braking system and the track.

In the U.S., shipments of crude by rail have gone from 9,500 carloads in 2008, the year widely seen as the beginning of the current oil boom, to 233,811 carloads in 2012, according to the Association of American

Railroads. A carload is typically about 740 barrels.

About 16.6 million barrels of Canadian crude were shipped by rail to the U.S. in 2012, accounting for about 2% of Canadian crude exports, according to data from Canada's National Energy Board. But industry estimates say that could grow to as much as 73 million barrels in 2013 and nearly 110 million barrels by 2014.



Associated Press

Along with five deaths and an estimated 40 missing, authorities say this weekend's Quebec rail explosion incinerated as many as 30 buildings.

Canada, in particular, has been hit by a recent spate of high-profile accidents involving trains—several, but not all, of which have been carrying petroleum. Last month, a Canadian Pacific Railway Ltd. freight train carrying petroleum diluent derailed on a failing rail bridge amid record flooding in Calgary, Alberta.

That accident was the fifth derailment of a CP train in three months. The city's mayor publicly questioned whether the company, which is responsible for its own track and

bridge inspections, put profits ahead of safety. CP officials denied cutting corners on inspections and said the derailments aren't connected to any underlying trend.

But the accident early Saturday is on a whole different scale. The train's operator, Montreal Maine & Atlantic Railway Inc., a unit of privately held U.S. railroad operator Rail World Inc., said the runaway train was loaded with 72 carloads of crude bound from North Dakota to a refinery in New Brunswick.

Related Articles

40 Still Missing at Blast Site
Investigators Probe Quebec Rail Disaster
In Quebec, a Night Out Turns Into Nightmare
Authorities Can't Rule Out Foul Play in
Quebec Town Train Blast 7/6/2013

It had been stopped during a crew rest outside town. The company said it inexplicably started to roll, unmanned, about 7 miles until derailing in Lac Megantic. The town has a population of about 6,000 and is some 22 miles from the U.S. border with Maine.

In a statement late Sunday, MM&A said an engineer inspected the train and ensured one of its locomotives was running and that its air brake was engaged. It said subsequent to that inspection, the locomotive was shut down, which may have released the brake. It didn't provide details but said it was cooperating with investigators.

Rail accidents, particular large derailments involving fatalities and spills, are relatively rare. The North American rail industry's safety record has improved in recent decades.

But the number of incidents involving crude shipments has surged along with growth in North American oil production. Industry executives say the number of spills is still tiny compared with the amount of crude shipped.

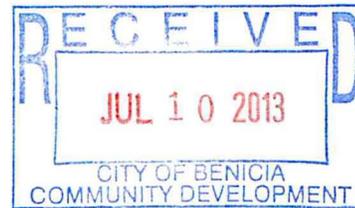
"In the past decade, 95% of rail incidents involving crude oil were...nonaccident releases, and 70% of those incidents involved spills of less than 5 gallons," said Holly Arthur, a spokeswoman for the Association of American Railroads. The Railway Association of Canada said 99.9977% of all products shipped on the country's railroads arrive safely.

Most recent rail accidents involving crude have been small—such as the three gallons of oil that spilled from three derailed tanker cars in central Maine on their way to the same refinery in New Brunswick in March. But others, like the latest accident and a 357-barrel spill in Minnesota involving another CP train on its way to Chicago, have been more significant.

Crude shipments first started to make a noticeable difference to BNSF Railway Co., one big crude shipper, in 2008. At the time, it moved about 1.3 million barrels. In 2012 BNSF moved about 90 million barrels.

July 10 , 2013

To:



Planning Commission: George Oakes, Sr.; Belinda Smith; Susan Cohen Grossman; Rod Sherry; Suzanne Sprague; Don Dean; Steve Young

Principal Planner, City of Benicia: Amy Million

In light of recent events, the Valero project to receive crude oil by rail through Benicia deserves close attention. The Mitigated Negative Declaration being considered is not rigorous nor detailed enough to allow this project to proceed without further scrutiny.

I have read the project application and the Mitigated Negative Declaration on the city's website. Valero states that there will be no substantive change in the type of oil brought to the Benicia refinery by rail compared to what is delivered by marine tanker, and therefore no change in emissions or environmental impacts. Despite these reassurances, questions have arisen in the community and beyond about whether this is actually the case.

Valero's Project Description states (section 1.3, Objectives and Benefits, and repeated in the city's Valero Crude by Rail Project Initial Study Project Description Overview): "The primary purpose of the Project is to allow Valero access to more North American sourced crudes that have recently become available." (emphasis mine)

There is no information given about exactly what kind of crude or specifically where it will come from, but this statement implies that it must refer to tar sands or shale crude. This brings a host of questions about increased emissions and dangers connected with this type of crude oil, the solvents used with it, and the way it is transported. Recent disasters have shown that these concerns are not at all far-fetched.

Please require a full Environmental Impact Review so that these potential effects can be addressed and mitigated if possible. The current Mitigated Negative Declaration is not sufficient.

Nancy Steele

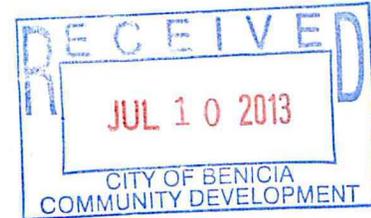
41 Buena Vista

Benicia

Amy Million - FW: no on oil sands crude

From: Brad Kilger <bkilger@ci.benicia.ca.us>
To: Amy.Million@ci.benicia.ca.us
Date: 7/10/2013 3:34 PM
Subject: FW: no on oil sands crude

Brad
 Sent from my phone please excuse any typos



-----Original message-----

From: Bea Reynolds <breycas@comcast.net>
To: Brad Kilger <Brad.Kilger@ci.benicia.ca.us>
Cc: "E-Alert: Patterson" <elopato@comcast.net>, RJPR@pge.com
Sent: Wed, Jul 10, 2013 15:31:37 PDT
Subject: FW: no on oil sands crude

Mr. Kilger;

This communiqué is to call your attention to a grievous error on my part....email thread is herewith attached for your information...and the dread full mistake is highlighted in yellow....the implication of Pacific Gas & Electric Corporation participation in my personal views and beliefs in what is for best the Benicia community was never intended.

The highlighted yellow entry makes reference to my previous safety engineer's contract with the corporation. Which reference, I thought had been deleted from the buffer in the electronic mail when the contract ended the earlier part of this year

I have extended my deepest apologies for this oversight to PG&E spokesperson copied here; and trust this email will clarify this mistake for what it is – an oversight.

Do call if you've questions and/or comments...thanks!
 Bea Reynolds

From: Bea Reynolds [breycas@comcast.net]
Sent: Monday, July 01, 2013 7:01 AM
To: 'bkilger@ci.benicia.ca.us'
Cc: 'E-Alert: Patterson'
Subject: no on oil sands crude
Importance: High

PLEASE! The proposal for Valero shipping crude into Benicia by rail would set up the probability of a disaster by immense proportions.

Benicia Suisun Marsh has all ready been highly impacted by the oil leaks from the various pipelines – (Kinder Morgan being one)...and it has just barely begun to heal.

By building this rail spur...opening our beautiful and sensitive environment to the (potential) damage an oil spill is not good sense...and has no redeeming factors to Benicia and its residents.

Please! Stop the madness of big oil and corporations' proposal that will undoubtedly endanger our community; we don't need the liability. Valero has other refineries elsewhere...not here, please!

Sincerely,
Bea Reynolds
Safety Engineer/Consultant

Amy Million - FW: no on oil sands crude

From: "Puts, Robert J" <RJPr@pge.com>
To: "swilliams@ci.Benicia.ca.us" <swilliams@ci.Benicia.ca.us>
Date: 7/10/2013 3:40 PM
Subject: FW: no on oil sands crude
CC: "Lacson, Allan N" <ANL1@pge.com>, "Griswold, Kevin W (Corp Security)" <K...>

Ms Williams,

As you can see from the below e-mail. Ms Reynolds has admitted her error, and stated that it is her opinion only, and not representing PG&E. As far as the Corporate Security Department, we acknowledge Ms Reynolds error and are closing this case. If I can be of further assistance, please do not hesitate to call .

Bob Puts
 PG&E Corporate Security Manager
 Risk and Audit
 (415) 973 5533
 Cell: (415) 265 8026

Lock it or lose it. Secure all laptops, and just leaving them in a locked vehicle is not sufficiently secured.

From: Bea Reynolds [breycas@comcast.net]
Sent: Wednesday, July 10, 2013 3:31 PM
To: bkilger@ci.benicia.ca.us
Cc: Puts, Robert J; 'E-Alert: Patterson'
Subject: FW: no on oil sands crude

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Sent: Monday, July 01, 2013 7:01 AM

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Please! Stop the madness of big oil and corporations' proposal that will undoubtedly endanger our community; we don't need the liability. Valero has other refineries elsewhere...not here, please!

Sincerely,
Bea Reynolds
Safety Engineer/Consultant
PG&E Contractor Safety Management
707-372-3591 cell
breycas@comcast.net

PG&E is committed to protecting our customers' privacy.
To learn more, please visit <http://www.pge.com/about/company/privacy/customer/>

PUBLIC COMMENT, FOR THE RECORD



Date:

City Manager Brad Kilger
Planning Commissioners Sherry, Oakes, Smith, Grossman, Sprague, Dean and Young
Mayor Patterson, Vice Mayor Campbell, Councilmembers Hughes, Schwartzman, Strawbridge
c/o City of Benicia
250 East L Street
Benicia, CA 94510

RE: Valero Crude-By-Rail, Benicia's Notice of Intent to Adopt a Mitigated Negative Declaration

Dear Commissioners, Council Members and Staff:

There is little if any room for consideration of the moral component(s) of this issue.

Is Valero (or any refiner) to be trusted to place on equal par, the health and safety of Benicia residents? or does Valero's right to ~~profit~~ profit trump everything?

My Name: *Richard Freeman*

My Address:

Phone: *925-323-6857*

Email: *rffree@sonic.net*

From: Plewis <pilewis363@gmail.com>
Date: July 10, 2013, 7:54:22 PM PDT
To: "bkilger@ci.benicia.ca.us" <bkilger@ci.benicia.ca.us>
Subject: Opposition to Valero Crude by Rail Project



Dear Mr. Kilger

Having read the IS/MND and a number of the comments regarding the Valero Crude by Rail project, I write to you again to request you not approve the project. Dr. Phyllis Fox's analysis identified the major flaw in the IS/MND, specifically its failure to address in detail the chemical composition of the crude oil that will be imported by rail as compared to what is currently being brought in by ship. Without knowing both the specific source of the crude oil and its composition, it is impossible to properly assess the health and environmental risks to the community.

Disclosure of this information by Valero would allow the following issues to be thoroughly considered:

Would the community be at risk for increased rates of cancer?

Would the risk of respiratory ailments such as asthma increase?

Would an oil spill be harder (or impossible) to clean up?

Would there be a heightened risk of a refinery fire?

Would there be a risk of a disastrous fire similar to what recently occurred in Quebec?

Would the refinery emit more noxious fumes?

What GHG emissions will result when considering the full implications of the project?

What mitigation measures might be possible to address these issues?

The current IS/MND is a masterpiece of ambiguity and misdirection in avoiding identifying what type of crude will be processed by the refinery if rail shipments are allowed.

Please disapprove the IS/MND and require a full EIR. The health and safety of the community demand it.

Rick Slizeski

Sent from my iPad

Gina Eleccion - Dirty Crude by Train to Solano County



From: Kim White <kelpietriton@gmail.com>
To: <bkilger@ci.benicia.ca.us>, <comdev@ci.benicia.ca.us>
Date: 7/11/2013 9:46 AM
Subject: Dirty Crude by Train to Solano County
Attachments: images.jpeg; Quebec-Canada-Oil-Train-Derailment.jpg

Dear Mr. Kilger, et al.,

Thousands of Vallejoans protected the region by fighting against the threat of a Liquefied Natural Gas Plant some years ago. We request that you do the same against this threat of tars sands heavy crude being brought into Benicia by rail. We do not want the increased danger or pollution so a few people at the top of the pyramid can make huge amounts of money.

We either get off fossil fuels or face mass extinction. Our task is to transform the carbon economy into something livable.

Attached are pictures of the recent crude oil train derailment in Canada.

Thank you for your assistance in this matter.

Kim White
57 Ventura St.
Vallejo, CA

JUL 11 2013
CITY OF BENICIA
COMMUNITY DEVELOPMENT



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JUL 11 2013
CITY OF BENICIA
COMMUNITY DEVELOPMENT



Amy Million - Fw: Crude Oil Rail Terminal to Valero in Benicia

From: Brad Kilger <bkilger@ci.benicia.ca.us>
To: Amy.Million@ci.benicia.ca.us
Date: 7/11/2013 1:05 PM
Subject: Fw: Crude Oil Rail Terminal to Valero in Benicia



Brad
Sent from my phone please excuse any typos

-----Original message-----

From: Sabina Yates <redfoxred@earthlink.net>
To: Brad Kilger <Brad.Kilger@ci.benicia.ca.us>
Cc: Rod Sherry <rsherry@csa-engineers.com>, Belinda Smith <bsmitgo@hotmail.com>, Susan Cohen Grossman <susancg@pacbell.net>, Don Dean <donaaldjjean@sbcglobal.net>
Sent: Thu, Jul 11, 2013 12:57:12 MST
Subject: Re: Crude Oil Rail Terminal to Valero in Benicia

Dear Mr. Kilger and Members of the Planning Commission:

I am very concerned about the neglect of many factors which are not addressed in the current "Initial Study" and "Mitigated Negative Declaration" which will affect and impact the citizens of Benicia.

Will the tanker cars carrying the heavy sour crude be regulated to prevent release of highly volatile and corrosive DilBits? According to recent news reports, the Canadian public has long been bothered about the older rail tank cars carrying the Canadian tar sands – which might have been a factor in the Lac-Megantic disaster.

Will Valero be required to monitor the affects of corrosion as they switch to refining more sour crude? Chevron in Richmond was negligent in their diligence of pipeline oversight (as was PG&E in San Bruno) for cost-cutting.

I would urge the Planning Commission to deny the Use Permit and to reject the Mitigated Negative Declaration. Benicia deserves a full CEQA/IRA study.

Sincerely,

Sabina Yates
302 Bridgeview Ct.
Benicia, CA 94510-2683
(707) 746-6428
redfoxred@earthlink.net



Dear Brad Kilger and Members of the Planning Commission:

I'm writing to ask for a full Environmental Impact Report on Valero's proposed Crude by Rail Project. The California Environmental Quality Act requires that "An EIR shall be prepared if there is substantial evidence that the project may have a significant effect on the environment." I'm convinced by my talk with an Industrial Park business owner, and the evidence being presented the Natural Resources Defense Council, the Sierra Club and others, that this is clearly the case.

As a resident, homeowner and husband, I think the stakes are too high to gamble that there will be no significant impacts on property values, and more importantly, the health of our community.

Let's get all the facts before the public before any decision is made on this project.

Thanks for your work on this.

Sincerely,

Larnie Fox



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 - Fwd: Re: Vallero's plans to transport crude oil by train

From: Brad Kilger
To: Amy Million
Date: 7/11/2013 4:50 PM
Subject: Fwd: Re: Vallero's plans to transport crude oil by train



>>> nikki davis <nikkibdavis@sbcglobal.net> 7/11/2013 4:50 PM >>>
Hello,

My concern regarding this project is that the current review process is inadequate, and that the Planning Commission should require a full Environmental Impact Report (EIR).

If Valero goes ahead with it's plans, there might be a good chance you and I will experience greater health hazards, increased pollution of air, land and water, and potentially catastrophic emergencies.

Thank you for your consideration

Nikki Basch-Davis

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 GNCS 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 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