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PLANNING COMMISSION MEETING
FOR THE CITY OF BENICIA
HELD ON 9-11-14

AUDIO TRANSCRIPTION OF DVD

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BY: Valerie E. Rasmussen, CSR 8900
Registered Professional Reporter
Nevada CCR 756
CCRR

1 Planning Commission Meeting for the City of Benicia

2 September 11, 2014

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4

5 COMMISSIONER DEAN: Okay. So the next item is our
6 regular agenda item, we only have one tonight, and that is
7 to receive public comment on the Draft EIR for the Valero
8 Crude-By-Rail Project. This is actually our third
9 meeting, continuation of two previous meetings on this
10 item.

11 Some of your faces, I recognize from those
12 meetings. We've had a lot of public comment in the past,
13 and I'm going to suggest a slight change of format. In
14 the past, we've allowed the public to speak first and then
15 the Commission has been waiting patiently to provide their
16 comments, and each time as it got later and later, I think
17 members of the Commission were wishing that they had an
18 opportunity to speak before they still -- before it got
19 too late in the evening and people started to get hazy.

20 So I'm going to suggest that we change the format
21 a little bit tonight and allow the Commission to speak
22 first, and then when the Commission has had a chance to
23 make its comments, then we will allow the -- ask the
24 public to come up and continue with those speakers who
25 have put in speaking cards at previous meetings.

1 We had 44 cards from our previous meeting, people
2 who indicated they wanted to speak but didn't get a chance
3 because of the lateness of the hour. So we would hear
4 those people first in the order in which their cards came
5 in, and then I think it's up to the Commission on how they
6 wish to proceed from there whether there's a -- according
7 to -- I discussed this with the City Attorney, we've heard
8 plenty of public comments, not necessarily -- we're not
9 legally obligated to take new comments at this time, but
10 it would be up to us if we wanted to or not, and that's a
11 decision we can make -- see how many of those 44 speakers
12 are here who want to speak tonight, and see how many new
13 speakers we have after that.

14 And if you have any questions about that for the
15 City Attorney, now would be a good time to ask that.

16 COMMISSIONER COHEN-GROSSMAN: I have a question. The
17 people who didn't speak last time who filled out cards,
18 were pretty much given the clear sense that they would be
19 able to speak tonight. What Chair Dean just said seems to
20 contradict that. Can you clarify?

21 MS. WELLMAN: Yes. It's my understanding that the
22 goal tonight -- why am I getting an echo? Too close?

23 The goal tonight is to complete the public
24 hearing, prior to the end of public comment, which is at
25 5:00 o'clock on Monday, and so the hearing does have to be

1 completed. So we're looking at ways on how to streamline
2 that. And there is a desire for the Planning Commission
3 to get through everyone who has previously submitted a
4 speaker card and wants to speak.

5 The issue that is -- one of the options that the
6 Commission has, is you may have people who are attending
7 for the first time tonight, who actually submit speaker
8 cards to talk for the first time, and you do not have an
9 obligation to hear those if the hour is so late that you
10 do not wish to stay and address those comments.

11 People who come to tonight's hearing for the
12 first time and submit speaker cards for the first time,
13 had two opportunities to attend and submit cards, and they
14 have every opportunity to submit their comments in writing
15 before Monday, but that is up to you.

16 And I would, however, suggest that you do not
17 make that determination now, that you warn people who are
18 here for the first time who have submitted cards for the
19 first time tonight, that they may not get an opportunity
20 to speak, but you wait until a certain time like 11:00
21 o'clock, because what you don't want to do is make a
22 decision now and then find that everything proceeds very
23 quickly, and at 10:00 o'clock you actually have time; or
24 by 11:00 o'clock, you still have 30 more people who
25 already submitted cards who have not had an opportunity.

1 So I suggest you, at 11:00 o'clock, or somewhere around
2 there, kind of see where you are with the process and make
3 that determination then.

4 I did want to explain why it's not necessary to
5 hear any new speakers, and that is because this is not a
6 typical public hearing. The public hearings that you
7 normally hold end or result in a decision by the
8 Commission. So obviously you want to hear all speakers
9 before you make your final decision.

10 Tonight's hearing is solely for the benefit of
11 the citizens that is over and above the CEQA requirements.
12 We want to give -- the CEQA requirements give the public
13 an opportunity to make their comments on the Draft EIR
14 verbally, rather than in writing, or in addition to
15 writing. And the Planning Commission's role here is
16 simply to allow for that forum to happen.

17 So, therefore, anybody who still wants to make a
18 comment can do so in writing, and they have until Monday
19 night. But you're not going to be making a decision on
20 this. So there is no due-process violations by not
21 allowing anybody who, for the first time, is showing up
22 tonight, not to speak. They still have an opportunity to
23 put their comments in writing.

24 COMMISSIONER DEAN: Okay. Any other?

25 Okay. Go ahead. Commissioner Smith.

1 COMMISSIONER SMITH: I just have a process question --
2 these are really loud today.

3 The Commission can ask questions tonight and will
4 we be given responses to our questions tonight?

5 MS. MILLION: No. Responses to questions will be
6 provided in the response to comments, which will be part
7 of the Final EIR.

8 COMMISSIONER SMITH: This is why I'm confused. I know
9 that you've said that we can turn in our questions, but
10 I've actually never seen Commissioners submit for an EIR,
11 and then have their responses in there. Is this -- it's
12 just an unfamiliar process to me, because I would expect
13 that as a Planning Commissioner I would be able to ask
14 questions of the Applicant, one, and of the staff, two,
15 and get some kind of response tonight. And then if I had
16 additional questions that maybe required a longer
17 answer -- but I've never seen them put in an EIR in
18 response to comments, because you could have, what -- all
19 of us could do that, and write you pages and pages of
20 questions.

21 So can somebody clarify that for me, please.

22 MS. WELLMAN: I'll try. There's -- I'm not quite sure
23 what the questions would be, but if you have any concerns
24 about the substance of the Draft EIR, you need to have
25 those questions addressed by the time it comes back to you

1 in the Final EIR. And so if you -- you need to -- you
2 know, you need staff to be able to -- it's actually not
3 going to be staff, it's going to be the consultants that
4 take your questions, and look to see what the answers
5 would be, and to make sure that when you get the Final
6 back, you have -- it has addressed all the concerns and
7 the issues you have.

8 It is separate, however, from the project. And
9 when the project comes before you, you absolutely need to
10 have all your questions answered right there before you
11 make any decisions.

12 I don't know whether that helps or not, but
13 hopefully.

14 COMMISSIONER DEAN: Yeah, Commissioner Cohen-Grossman.

15 COMMISSIONER COHEN-GROSSMAN: So I think I have a
16 follow-up question.

17 The public hearing is the Planning Commission and
18 the City's, and everyone else, to hear from the public.
19 What you said is -- makes sense, is that there's not an
20 infinite amount of time, and we will be fatigued at some
21 point tonight. However, what seems to be missing, it
22 would seem to me at some point, and maybe that will be
23 just a thought at 11:00 o'clock tonight, we close the
24 public hearing. We close the public hearing, just in case
25 you didn't hear what I said. That's a thought.

1 But then, I think -- and I don't know if that
2 would really be something I would be comfortable doing at
3 11:00 o'clock, it would seem to me that the Planning
4 Commissioners may have questions for some of the people
5 who have spoken, or who haven't spoken but who have
6 committed to being here tonight.

7 There was, for instance, one person who was in
8 front of us, I think at 12:30, who said she would come
9 back.

10 And, personally, as a Planning Commissioner, I'd
11 like to engage in a little dialogue. I don't know how to
12 do that when we're in the hearing mode.

13 MS. WELLMAN: Okay. This is not a process to engage
14 in dialogue. If you hear something tonight and you have
15 questions about how it applies to the Draft EIR, you
16 can -- you can raise those issues and you can raise those
17 questions, and you can expect them to be answered by the
18 time it comes back to you for an actual decision.

19 If you get -- when you get the Final EIR back for
20 review, you can ask any questions you want that you feel
21 have not been addressed or answered. But you can -- you
22 can -- if anything is raised tonight that raises questions
23 for you, you can indicate that you have additional
24 questions based on the information that you hear.

25 But tonight is not a night where there is going

1 to be dialogue. Tonight is actually a recording of the
2 comments so that responses to the comments can be made in
3 the Final Environmental Document.

4 And it's different than the normal process,
5 because the normal process doesn't have a public hearing
6 to do this. The normal process in most cities is that you
7 have to put it in writing and then you get the responses
8 to the comments, and then the Final Environmental Document
9 comes back before the Planning Commission, where you get a
10 chance to ask all those questions, and you can expect to
11 have answers, and you can expect to have the issues
12 explained.

13 COMMISSIONER DEAN: Commissioner Smith?

14 COMMISSIONER SMITH: So I guess -- generally, in a
15 normal process, we would have also gotten applications
16 with site plans and everything else, which we also don't
17 have. And a lot of my questions have to do with -- I
18 just -- I'm having a hard time interpreting what's said,
19 because I'm not -- I'm missing that other half.

20 So -- I mean, I had some very specific questions
21 about the actual site and the project location site, but I
22 don't have site plans that I could have interpreted the
23 questions I have.

24 So -- so we're not following a normal process
25 first, I guess, and is that why we didn't get that packet

1 in site plans with this?

2 MS. MILLION: Yeah, those kind of -- the traditional
3 packet you normally see, the staff report and all of the
4 attachments, that's going -- that -- it's coming during
5 the Use Permit process.

6 If you have -- now, there are application
7 materials that were submitted by the Applicant that are on
8 file. They're also on the website.

9 So if there's something specific in that
10 application packet that would help you understand the
11 review of the Draft EIR better, definitely provide that to
12 you.

13 But the nice, neat packet, with the staff report
14 and the site plans, and everything like that, will not
15 happen until the Planning Commission takes action on the
16 Use Permit.

17 COMMISSIONER DEAN: I just want to second what the
18 City Attorney said here and just elaborate a little bit.

19 I've been involved in a lot of CEQA work, and
20 this is, to me, the normal process where the Draft EIR
21 comes out to the public, people comment on it, people
22 supply their comments, either in writing or verbally, or
23 at a public meeting like this. The consultants go back.
24 They respond to all those comments, come out with a Final
25 EIR. That comes back to us and then we determine the

1 adequacy of that document. And, at the same time --
2 either as a combined process, or shortly after, then you
3 also weigh-in on the actual project itself.

4 So maybe what you're looking for is in the
5 project description. And if it's not there, then maybe
6 you're saying it's an inadequacy in the Draft EIR.

7 So I just want to remind folks that this is a
8 long process, and we're only part of the way through it;
9 that there's a lot of work that still needs to be done on
10 the part of the consultants, to come back with the answers
11 to all these questions, and the additional questions that
12 will be asked tonight, and then you'll get your chance to
13 have dialogue with the Applicants and their specialists
14 and everybody else involved in the project.

15 Okay? All right.

16 So on to the format for tonight. Does the
17 Commission agree to go first, and then -- make your
18 comments now and then come back with the public speakers
19 after that? To -- how about just -- I don't want to call
20 for a formal vote, but just a raise of hands.

21 Those in favor?

22 I count four.

23 Those opposed?

24 Okay.

25 COMMISSIONER SMITH: Fours have it.

1 COMMISSIONER DEAN: I've got it. All right.

2 Then the next item, as part of that, how long do
3 we want to go? We'll start the process of hearing those
4 44 speakers. It's been suggested we go until at least
5 11:00, and then see where we are at that point. We might
6 finish early or might not.

7 So is that acceptable to the Commission?

8 COMMISSIONER YOUNG: Yeah, I think we certainly have
9 to hear from the 44 who are on the list.

10 COMMISSIONER DEAN: Yeah.

11 COMMISSIONER YOUNG: And then see where we are at that
12 point, and then if there's still time and people still
13 want to talk, then we should accommodate them.

14 COMMISSIONER DEAN: Okay. So we'll go to 11:00, and
15 then revisit it at that point, and then make a decision
16 about new speakers.

17 So as the City Attorney mentioned, anybody who
18 handed in a card tonight, there's no guarantee you're
19 going to speak tonight. If we go through the 44 speakers
20 who've handed in cards at earlier meetings, we'll then
21 take a -- we'll reprise, take a -- see where we are, and
22 then make a decision about going forward with those --
23 with the new speakers tonight.

24 So just to let you know, there's no guarantee
25 you'll get a chance. Hopefully, we'll be very efficient

1 and get through the previous speakers and then on to you.

2 So any further comments from the Commission
3 before we get started?

4 Commissioner Cohen-Grossman?

5 COMMISSIONER COHEN-GROSSMAN: Yeah. Thank you. I
6 just have a question for staff. Approximately -- there's
7 a lot of public input here, this is the third public
8 hearing -- approximately when do you think the revised
9 Draft EIR will come back?

10 MS. MILLION: At this point, I think it's too early to
11 provide you with any type of time frame. We should
12 definitely wait until after the end of the comment period,
13 give staff and the consultants some time to review those
14 comments.

15 Our plan is to reconvene one to two weeks after
16 the 15th; figure out where we are, figure out a time
17 frame. But right now I can't give you one.

18 COMMISSIONER DEAN: Okay. Any other comments from the
19 Commission?

20 Okay. So with that, we'll go with this format.

21 Amy, did you have a presentation you wanted to
22 make before we get started on the Commission comments?

23 MS. MILLION: Yeah, just a few -- just a few
24 reminders. I can actually probably wait until we have the
25 speakers, but I really just wanted to start off by

1 thanking everybody for coming, welcoming you, and remind
2 people that the purpose of tonight's meeting is to take
3 comments on the Draft EIR. As we've said, this is the
4 third meeting that we've had, and we've heard a lot of the
5 same comments, fairly repetitive comments. And so we
6 encourage you, if a comment has already been stated, feel
7 free to say that you just simply agree with the previous
8 comments. It doesn't need to be restated. All of these
9 comments will be transcribed, so one transcription is
10 plenty, and they will be responded to.

11 That was pretty much it.

12 Oh, and I just -- and it's already been said, but
13 I did want to remind everybody, so it is 5:00 p.m. next
14 Monday, the 15th, for the deadline for sending the written
15 comments.

16 Thank you, Chair.

17 COMMISSIONER DEAN: Okay. So with that, is Planning
18 Commission ready to make comments?

19 Who wants to go first? Commissioner Young?

20 COMMISSIONER YOUNG: Well, I have some extensive
21 comments. I have prepared them in writing, about 20
22 pages' worth of comments and questions. I will certainly
23 spare the audience and the rest of the Commission from
24 reading all 20 pages, and I'm happy to defer to somebody
25 else on the Commission if theirs is undoubtedly shorter

1 than mine. But, if not, then I'll charge ahead.

2 COMMISSIONER DEAN: I say charge ahead.

3 COMMISSIONER YOUNG: Okay.

4 I believe there are several substantive issues in
5 the Draft EIR that don't appear to be addressed or that
6 are addressed with insufficient documentation to support
7 the conclusions.

8 First of all, has the Draft EIR properly
9 considered the environmental impacts of unit trains
10 consisting of 50 cars with Bakken shale or tar sands oil,
11 given the extensive public information available about its
12 use by Valero across the country and other refineries?

13 I'd like to see the EIR provide analysis of these
14 two types of crude oil in regards to emissions and
15 environmental impact of a possible spill, and emergency
16 preparedness.

17 Valero and the Draft EIR describe a project as
18 simply a logistics project. I believe this description is
19 too narrow. The approval of the project and the
20 construction of the offloading facility, will allow for
21 the importation of a hundred train cars per day of crude
22 oil, and have impact on cities uprailand. I believe it's the
23 Commission's responsibility to look at a broader
24 definition than the one offered in the Draft EIR.

25 Now, to the specifics. On page 3.2 of the DEIR,

1 it states that the refinery is limited to processing an
2 annual average of 165,000 barrels per day. However,
3 elsewhere in the Draft EIR, the Applicant says it is
4 currently refining 75,000 barrels a day.

5 My question is: Would the approval of this
6 project potentially lead to the refining of more oil than
7 is currently being refined; and if so, does it calculate
8 the quantities of additional emissions that would be
9 produced from the additional refining activity?

10 The next issue has to do with the documentation
11 for the greenhouse gas calculations. Now, the document
12 states, and the Applicant states, that the shipping of oil
13 by train will be less polluting and therefore more
14 environmentally superior to shipping oil by tanker. And
15 that argument rests on the analysis of the GHG emissions
16 from both types of transport. However, the documentation
17 to support that argument is missing or inconclusive.

18 CEQA defines the baseline period as one ending
19 with the publication of the notice of preparation by the
20 City. In this case, that was issued in August 2013.

21 However, the consultant has used a period ending
22 in November 2012 as the baseline for the purposes of
23 calculating greenhouse gas emissions.

24 My question: Why was the period ending in
25 November 2012 used, rather than the one called for in the

1 CEQA guidelines of August 2013? And I would like to see
2 the consultant recalculate the emissions for that
3 three-year period ending in August 2013.

4 A bigger question is: What is the distance used
5 to calculate the greenhouse gas emissions for ships? On
6 page 4-121, report says that Valero currently imports
7 crude oil on ships from Alaska, which is 2,000 miles away,
8 South America, 4,000 miles, and the Middle East, 8500
9 miles.

10 And quoting from the document, it says, "Using a
11 weighted-average composite distance for crude oil
12 delivered to the Refinery from its source countries of
13 origin during the baseline period, Valero has estimated
14 the average maritime distance traveled from the source to
15 the Refinery as 7,305 miles."

16 To arrive at that exact number, it's necessary to
17 know precisely how much oil was purchased from what
18 portions of the world over that three-year period. So in
19 Appendix E.2, which is on the CD -- and it's titled,
20 "Marine Vessel Criteria Pollutant and Greenhouse Gas
21 Baseline Emissions" -- there are 25 tables with the data
22 totally or partially redacted. This is what it looks like
23 (indicating).

24 Since the information on where the crude oil was
25 purchased in that period of 2010 to 2013 was not listed as

1 a confidential business information in section 1.7 of the
2 Draft EIR -- which we talked about earlier in regards to
3 the sources of the crude oil -- that information of where
4 they bought the oil should be released so that the
5 calculation of that composite average can be validated.
6 Without that data showing how that number was arrived at,
7 the Planning Commission can't rely on that estimate of
8 greenhouse gases emitted by ships, and the argument that
9 ships are more polluting than trains has to be re-examined
10 with this required documentation.

11 There's also the question of greenhouse gas
12 emissions in the Bay Area versus greenhouse gas emissions
13 in Benicia. Table 4.1-5 of the Draft EIR, is titled, "Net
14 Operational Exhaust Emissions Within the Bay Area Air
15 Basin," and it talks about the emissions from ships
16 calculated from a buoy west of the Golden Gate Bridge to
17 Benicia, and then deducts the emissions, those emissions,
18 from the use of the diesel locomotives, delivered here in
19 Benicia -- delivering the oil here in Benicia, and makes
20 the finding that since the reduction in the larger Bay
21 Area is greater than the increase in greenhouse gas
22 emissions in Benicia, it constitutes a
23 less-than-significant impact.

24 My question is: Is it appropriate to compare
25 those displaced emissions from a larger area to the new

1 emissions from the project area, and then make the
2 conclusion that it's less than a significant impact, if
3 you reduce emissions in a much larger area? I'd like to
4 see those comparisons in emissions in the same geographic
5 area, rather than comparing the increased emissions in
6 Benicia to the decreased emissions in the larger Bay Area.

7 As far as greenhouse gas emissions for trains,
8 Table 4.1-7 compares the emissions for trains and ships
9 measured in tons per thousands of miles hauled. The table
10 is six types of emissions and says that ships are less
11 polluting than trains for five of them. Even with these
12 emissions' factors, there is no way to estimate with any
13 certainty the net effect -- this is from the draft
14 document -- there's no way to estimate the net effect of
15 the project on areas outside the Bay Area, because there's
16 no way to predict the length of locomotive trips that
17 could occur if the project were approved.

18 Now, the Energy Commission, the State Energy
19 Commission, says that 85 percent of the oil being brought
20 by train into California is Bakken shale from North
21 Dakota. Assuming that's true, it's reasonable that
22 calculations for those greenhouse gas emissions for
23 locomotives be made from North Dakota. And since there
24 are only three main rail routes from the borders of
25 California to Roseville -- and that's the Feather River

1 Canyon, Dunsmuir, and Donner Summit (sic) -- it's not too
2 difficult to produce the greenhouse gas emission figures
3 for those particular routes as well.

4 And so I would like to see the consultants
5 perform that analysis.

6 On Air Quality, Section 4.1.4, Discussion of No
7 Air Quality Impacts, states that the project would not
8 conflict or obstruct the applicable air quality plan which
9 is the Bay Area 2010 Clean Air plane -- Plan. To make
10 that determination, the Commission must consider three
11 questions, the second of which is: Would the project
12 reduce population exposure and protect public health? The
13 result of the project would be to shift transport of oil
14 from ships to trains. Now, ships don't put populations at
15 risk from an air-quality aspect since they come from out
16 to sea, through the Bay, and never get really close to
17 population centers until they dock here in Benicia and
18 offload.

19 Trains, by contrast, pass through population
20 centers in Roseville, Sacramento, Citrus Heights, Davis,
21 West Sacramento, Vacaville, Fairfield and Suisun City.

22 It seems that the project would increase and not
23 decrease population exposure to emissions, and in fact,
24 the Draft EIR says there would be significant emissions
25 for nitrogen oxide in those cities, which cannot be

1 mitigated.

2 Nevertheless, the Draft EIR makes the finding
3 that there's no air quality impact in regards to this
4 question because there are no 2010 Clean Air Plan or
5 measures applicable to the project.

6 My question is: Is the fact that there may not
7 be any Clean Air Plan measures applicable to the project
8 sufficient to make a finding that there's no air quality
9 impacts?

10 My next question has to do with cumulative
11 impacts. If the limit for each toxic emissions is 10,000
12 tons, and the project emits 9,500 tons for each emission,
13 is that considered less than significant; or is there a
14 cumulative impact that should be acknowledged and reported
15 within the Draft EIR?

16 The Draft EIR says that the project will emit a
17 net increase of 6,726 metric tons of carbon dioxide per
18 year, but since that is below the City's significance
19 threshold of 10,000 metric tons, it's not considered
20 significant. I did not know that the City had a
21 significant threshold, so I guess I'm asking for
22 information on what that significant threshold is and
23 where is it published.

24 On cumulative impacts in Suisun Marsh, it says,
25 on page 5-15, "The cumulative increase in railcar usage

1 would occur on the existing mainline track where baseline
2 usage is already the routine. Thus, addition of
3 project-related railcars would not involve a cumulatively
4 considerable contribution to an impact on biological
5 resources."

6 My question is: What is the baseline used for
7 this purpose? How is it determined? And how is an
8 increase in railcar usage considered to be the same as the
9 baseline usage?

10 It also says, on the next page, 5-16, that
11 changing the transport of oil from ship to rail actually
12 lessens the chance of an oil spill, and states that
13 cleanup of an oil spill in marshland would be easier than
14 a spill in the Bay because it would be easier to contain.
15 However, there is no information that I could find to
16 support that conclusion.

17 On the issue of traffic: It's been said
18 repeatedly that railroads, as federally regulated
19 entities, cannot be regulated in any way by the City. And
20 as a result, one of the alternatives presented in the
21 Draft EIR, to reduce deliveries to one train a day or to
22 only have deliveries at night, was not permissible because
23 UP would not allow any regulation or restriction on their
24 operations. If that is the case -- and I'm trusting it is
25 the case -- how can the Applicant assure with any level of

1 certainty that these train deliveries will happen only in
2 the described offpeak traffic hours? Given that the train
3 is going to share the track with Amtrak and other freight
4 trains, it's reasonable to assume that occasionally that
5 deliveries will be delayed and could then reasonably be
6 anticipated to occur during peak traffic times.

7 I'd like to see the consultant redo their traffic
8 analysis to reflect the impacts of traffic delays in the
9 event trains enter Benicia at peak hours.

10 The traffic study, which is also at the Appendix,
11 says that -- has a lot of discussion about level of
12 services; I won't get into that. But it says that using
13 level of service, which is a way of calculating how long
14 people have to wait at intersections and how bad traffic
15 is, may not be appropriate to use in the Industrial Park
16 because people driving there have a high tolerance of
17 delay with intermittent at-grade rail activities.

18 My question there was: Is that assumption for
19 people's tolerance for delays in the Industrial Park
20 supported by any evidence? And if so, then that evidence
21 should be provided.

22 The study -- the traffic study used video cameras
23 to track and record the length and number of trains
24 crossing the Park and Bayshore intersection, and that was
25 over a week's period. One of the -- the table 2.6, says

1 that traffic backups during train crossings would be 975
2 feet on the offramp from 680 North, which is about seven
3 times longer than without a train crossing; but since the
4 ramp is 1300 feet long, that won't be a hazard.

5 My question is: How was it determined that a
6 traffic backup would only reach 975 feet and not 1300 feet
7 or more, and go onto the main line of 680?

8 So when they did these studies -- this is
9 according to the traffic study -- when they did this
10 video, it showed that the average train crossing took
11 three minutes. 86 percent of the train crossings happened
12 in less than five minutes. Yet, the traffic study itself
13 assumes a baseline of nearly 12 minutes. And this is
14 despite the fact only two of 58 trains took that long to
15 cross in that week.

16 My question: Why use a train crossing of 12
17 minutes as a baseline if it only happens twice a week, and
18 the average crossing was closer to three minutes?

19 The longest reported train observed in the study
20 was 35 cars long and it took 16 minutes to cross the Park
21 and Bayshore intersection.

22 The 50-car trains are projected to take only
23 eight and a half minutes to cross.

24 So my question is: If it takes 16 minutes for a
25 35-car train to cross, how is it that a 50-car train is

1 going to cross in eight and a half minutes?

2 It also says that the crossing of eight and a
3 half minutes four times a day, won't worsen traffic delays
4 at Park and Bayshore. I'm not sure how they come to that
5 conclusion if, as I said earlier, the study showed that
6 that -- the average train crossing took less than three
7 minutes, and 86 percent of all the crossings took less
8 than five minutes.

9 Using that exception of one time a day when it
10 takes more than eight and a half minutes for a train to
11 cross, they conclude that these delays are not
12 significant. And it seems to fly in the face of their own
13 documented evidence of how long trains take to cross.

14 This is an important point because, to make a
15 finding of a significant impact, as opposed to a
16 not-significant impact, if it's a significant impact, you
17 have to come up with a mitigation measure or explain why
18 you can't mitigate it, and the only real way to mitigate
19 something like this is to either not have the trains
20 cross, or to have something like an overpass or an
21 underpass to allow traffic to pass unimpeded.

22 The next section has to do with FAST Transit.
23 And the traffic study says that the train crossings will
24 happen between 3:30 and 4:00 and 6:00 and 8:00 p.m.

25 Back to the earlier question: How can they make

1 that assumption if they cannot control when these trains
2 in fact will be arriving?

3 It also says the likelihood of a bus wanting to
4 cross at the time of a train crossing is small. My
5 question is what constitutes a "small likelihood" and how
6 was it calculated?

7 It also says that the FAST Transit already
8 travels on clog segments of I-80 and I-680, and since
9 delays are variable, delays from the oil train crossings
10 shouldn't be a factor.

11 My question is: Does the fact that there's
12 traffic on I-80 that might delay a FAST Transit bus at
13 various times of the day, lessen the impacts of a delay in
14 the Industrial Park? And was FAST consulted on its
15 traffic study, and do they agree with the conclusions?

16 On the question of emergency preparedness. If a
17 train crossing were happening at the time of an emergency
18 call to the fire department from within the Industrial
19 Park, and the train takes eight and a half minutes to
20 clear the intersection, how could the fire department
21 respond in a timely manner? How much time would be needed
22 to access a call via 2nd Street if the call were to a site
23 just north of the Park/Bayshore intersection, and what if
24 cars were clogging the street in each direction waiting
25 for the train to clear?

1 The study says probability of a simultaneous
2 train crossing and emergency service call is low, but
3 doesn't say how that was determined.

4 Mitigation measure one says the Applicant will
5 work with the fire department to prepare an action plan in
6 the event an emergency occurs. According to the CEQA
7 training that the Commission got from our attorney, we are
8 not allowed to adopt a mitigation measure based on the
9 promise of some future action.

10 There's also the question of who responds to the
11 fires. It's clear that Valero is the first responder
12 within their property, and the fire department itself is
13 the first responder outside the refinery, but within the
14 City limits.

15 One question I had for the fire department is:
16 Have their personnel been trained to fight crude oil
17 fires, and have they had the advanced training offered by
18 the National Fire Protection Association for hazardous
19 material responders section specifically devoted to
20 tank-car incidents?

21 It also says that UP is the first responder
22 outside Benicia. My question there is: Where are the
23 first responders for UP located? And since Bakken fires
24 can only be fought with foam, not water, how much foam
25 does UP have on hand to fight those fires, and where is

1 the foam located?

2 Does UP have an emergency response plan that
3 anticipates responding to a discharge or fire of a 50-car
4 trainload of Bakken oil? And has that plan been shared
5 with the Benicia Fire Department, California Office of
6 Emergency Services, and uprail emergency responders?

7 There's also a document at the back called --
8 from UP -- called The Hazardous Materials Emergency
9 Response Plan. That plan is dated 2009, and makes no
10 mention of oil fires or the special equipment and training
11 needed to fight oil fires.

12 My question: Are there other documents or plans
13 that UP can provide that deal specifically with how
14 possible fires, leaks and explosions involving Bakken
15 shale or tar sands oil will be addressed?

16 On the issue of the financial responsibilities
17 for cleanup. We're all aware of the tragedy that happened
18 in Quebec. There's a cost estimate of about \$2 billion
19 for that fire. There was a tar sands leak into the
20 Kalamazoo River in Michigan. The cleanup cost on that is
21 over \$1 billion.

22 My question is, frankly, who would be responsible
23 for the cost of a cleanup in the event of a derailment or
24 leak or a fire outside the Valero property in a sensitive
25 environmental area like the Suisun Marsh or in a populated

1 community uprail? Are there limitations on the liability
2 of Union Pacific in the event of a leak, fire or
3 explosion? And does Valero have any liability for damages
4 or cleanup cost of an accident of a train full of oil they
5 own? Likewise, in the event of a tar sands spill in the
6 Suisun Marsh or the Feather River Canyon, or the
7 derailment of a Bakken crude unit train in Downtown
8 Sacramento, who is ultimately responsible for paying for
9 the cleanup of those spills and associated property
10 damages?

11 There's a question about the degasification of
12 Bakken oil. There have been several reports that talk
13 about how volatile this oil is and it needs to be
14 degasified before it's transported.

15 So my question is: Will this oil in fact be
16 degasified by Valero or by Union Pacific to make it safe
17 to ship?

18 Finally, on the tracks themselves, the National
19 Transportation Safety Board says that one of the problems
20 with the transportation of crude oil is the ability of
21 older and deteriorating rail lines and bridges to handle
22 the exceptional weight of oil trains.

23 My question is: What is the weight of a 50-car
24 train carrying crude oil, and what are the weight limits
25 on the bridges on the rail line between Sacramento and

1 Benicia and in the Suisun Marsh?

2 I think that's enough for now.

3 COMMISSIONER DEAN: No. No clapping, please.

4 Okay. Which of the other Commissioners would
5 like to make comments?

6 Commissioner Smith, are you ready?

7 COMMISSIONER SMITH: Sure, I can do mine.

8 Well, I really expected to be able to ask some
9 questions that would help me to interpret what's in the
10 Environmental Impact Report, and so I'm not quite sure how
11 I'm going to do this because -- I guess I'm going to have
12 to write out my questions, somehow.

13 But just some of the things that I was concerned
14 about that didn't let me fully interpret what was in the
15 EIR, I can go over some of those.

16 The first one was actually the site description.
17 I had to go back and forth through each component just to
18 kind of put together a picture of what the actual -- where
19 the site-specific area was in the refinery. I did take a
20 site tour. I understand it's a tank farm. But I didn't
21 understand -- I still don't understand what other uses
22 went on around there. I know there's Rose, A, D, and 14th
23 Street and some other street. But I don't know how -- if
24 they're used very often. If they're -- if there's a lot
25 of traffic on those.

1 And this is important to me because it's a way to
2 interpret the noise study that was done. I don't know
3 where the noise study -- if it was over the whole refinery
4 or if it was just from that site. So I can't interpret
5 the noise portion of this accurately, because I don't know
6 what went on there.

7 So, you know, is the site fully paved? I don't
8 know that, because that would affect runoff, and it would
9 affect the hydrology aspect of it.

10 There was questions about -- or there were
11 groundwater monitors, and it addresses that some of those
12 are going to be moved or abandoned, and because I
13 don't -- can't really picture how much distance is between
14 the departing railcar and the fence to the creek, it was a
15 question for me: Should there be groundwater monitors
16 along the edge of the creek? So those are some of the
17 kind of questions I had.

18 I had questions about -- in section -- I didn't
19 write the section number -- but there was a paragraph
20 about how many trains currently run during the day and how
21 many run at night. And so I have a question about does
22 that include the passenger trains or is that all freight
23 traffic? It wasn't described there.

24 And then another question was: What is the
25 capacity of the current rail line? How many trains can it

1 accommodate? And this addresses cumulative impacts.
2 Because if only -- I don't know how long the trains are, I
3 don't know how long it takes a 50-car train to travel
4 through, and maybe can only accommodate seven 50-car
5 trains a night. I can't figure that out.

6 But if we look at cumulative impacts in some of
7 the other projects that could run that same rail, it gives
8 us a clue about maybe they couldn't all run at night, and
9 then would they shift to the daytime? Let's say the Santa
10 Maria project, well, it doesn't specifically say it would
11 be coming through our area, it does say that it's going to
12 be using UP rail from trains coming south, so it possibly
13 could use our rail lines. And that's not addressed.

14 I had a question about what happens during
15 turn-around, and what happens to that oil? Do they stop
16 or can they continue to take oil during that period?
17 Because what their project description says is it will be
18 365 days a year that oil is going to be coming through.
19 And so the question -- and UP says: "You can't tell us
20 that we can't do this." So where does that oil go and
21 where does it stay, if in fact that doesn't happen?

22 There was also -- in the project description it
23 says Valero already receives chemicals for refinery and
24 ships out refined product. And even though it gives us
25 the amount of trains coming through, it doesn't tell us

1 what percentage may carry other hazardous materials, so
2 that we can get an idea of, you know, if there's an
3 accident -- and this is all hazardous materials -- what
4 are we looking at and how do we prepare for this amount
5 (indicating) or this amount (indicating).

6 I had the same question about the no project --
7 the project alternatives, and I didn't quite understand
8 why the preemption clause came into play because, in my
9 opinion, Valero is the customer. If they want to say, "We
10 want to run one train," why can't they do that? You know,
11 because if they can do with two trains, why can't they do
12 it with one train? So I wanted some clarification on
13 that.

14 There -- let me see. I had some questions
15 about -- it had to do with the tank cars. And I know
16 Valero said that they would purchase or lease the improved
17 tank cars, but I had a question about what tank cars would
18 be used from wherever the source of the oil is to
19 Roseville. And UP says they don't transfer oil, so it was
20 kind of confusing to me again, if all of them are going to
21 be the 1232s, or if the dot 111s are going to be used to
22 Roseville and then somehow switched. I didn't understand
23 about that.

24 I had some -- I had some questions about noise.
25 And, again, because I don't know what happens on the

1 property specifically, I couldn't interpret -- this had to
2 do with the biological resources and birds -- but it also
3 concerned me that there was no discussion or no mention of
4 the other industrial uses on -- across the creek. They're
5 never mentioned. We talk about how far the residential
6 units are but we don't talk about how far the other
7 businesses are, and whether vibration would be a factor
8 for those other businesses or the noise.

9 I have to tell you, it really bothered me -- and
10 I'm not really a bird-watcher -- but it said that -- and
11 they did this, the same thing as with some of the biotics
12 on the plant life that -- during construction, that if
13 there are nesting birds, they would be protected and
14 everything. And then the rest of it says, that, "Well, if
15 the birds come back, then it's okay."

16 And so my question was: Was there -- was there a
17 count? Was there an assessment or will there be an
18 assessment during construction of how many nests there
19 are? And then will there be subsequently a review to see
20 if birds came back? And if birds came back, then, yes,
21 maybe they've adapted; but it doesn't say if they don't
22 come back, and there's no mitigation for that. If they
23 didn't come back, then maybe there needs to be a
24 mitigation to -- because we've just basically destroyed a
25 nesting area due to noise. And there's no follow-through

1 on how that happens.

2 There was -- and I'm sorry, because this wasn't
3 what I was expecting to do, so my notes aren't that
4 put-together -- but there was a description of -- oh -- it
5 was about indirect emissions, but it talked -- I couldn't
6 figure out -- it said "immediate vicinity" -- "vicinity,"
7 "immediate vicinity" and "other vicinities," and I didn't
8 know how those were defined. Because in some ways
9 "vicinity" was just Valero itself. And other "immediate
10 vicinity" was the city of Benicia. And so I didn't know
11 where those stopped and started. So it was hard to tell
12 who was being impacted by what.

13 And so, just another one. I wanted some
14 descriptor of the different vicinities and what that
15 meant, and did the "vicinity" stop at -- "immediate
16 vicinity" stop at the Benicia city limits? Did it stop,
17 you know, at the end of the Suisun Marsh? Did it stop at
18 the County line? Because we're talking -- and so I didn't
19 quite understand that, and so those are some other
20 clarifiers I wanted.

21 I had a question about how rain water -- well, it
22 had to do with runoff. Again, because I didn't know if
23 the area is fully paved, I didn't understand whether or
24 not runoff would all be contained. There was no
25 information about runoff from train tracks. We've had

1 some testimony that there's a lot of soot or some other
2 material on the tracks; I didn't know if that was going to
3 be contained and sent to sewage -- to treatment, if it was
4 just going to run off into the creek. I didn't understand
5 what was going to happen when the offloading -- I don't
6 know what to call it -- but where they're doing the
7 offloading, in a heavy rainstorm, how that rain water
8 would be treated. Is it sufficient to pump it out? Would
9 they be pumping during heavy rain events? Would it
10 overflow? What would happen to that? Is that contained?
11 Would that have oil in it? So, again, just a number of
12 questions like that that I was hoping to get some
13 clarification so I could make -- ask some intelligent
14 questions.

15 I had a similar question to Mr. Young's about the
16 Benicia Fire Department as a first responder. And I know
17 that they do training with Valero, but it also says that
18 they do training with Union Pacific, and I wanted to know
19 when the last time they did get trained with Union
20 Pacific, and if in fact there are any trainings planned
21 with Union Pacific for this specific type of fire.

22 I think I already mentioned the rail capacity
23 one.

24 The cumulative impact section I guess was the
25 most troubling to me, in the fact that it listed pages and

1 pages of other projects but drew no conclusions from it.
2 It didn't go into any detail about how they could affect
3 air quality, traffic, rail capacity. And so it seemed
4 like they listed -- lots of things were listed, but
5 without any conclusion or any basis for the -- the lack of
6 conclusion. And if they'd drawn conclusions, what would
7 it be based on? And that's only because -- I guess one of
8 my concerns is that there are a lot of other projects out
9 there, and certainly they have some impact to what we're
10 doing here, whether or not they're going to use the track
11 line that we use between Roseville and Solano, and I would
12 have liked to have seen something that said why it
13 wasn't -- wasn't a substantial impact or that there was no
14 mitigation necessary.

15 And so I will, I guess, be writing something up
16 that asks the questions I'd like, but that's about it.

17 COMMISSIONER DEAN: Okay. Thank you.

18 Which Commissioner would like to go next?

19 You, Commissioner Oakes?

20 Okay.

21 Commissioner Sprague?

22 COMMISSIONER SPRAGUE: So I think that most of the
23 questions that I had reviewing this have been addressed by
24 the public and Commissioners Young and -- Smith, thank
25 you. Sorry. "Belinda."

1 But I do have one -- two questions, actually.

2 The first one is, I'm a lawyer, but I'm certainly
3 not a CEQA expert, but I know that there's a case
4 regarding the need to, you know, take into account the
5 outlying areas and communities. And I would like to know
6 what the legal standard is regarding that. You know, what
7 the law is. I'm not sure. And I don't think that it was
8 analyzed in the report, and I would like to see that done.

9 You know, is there initial -- an additional
10 analysis that needs to be done in that regard? I'd
11 certainly like to see it, because that is one of my
12 biggest concerns, that we haven't adequately addressed
13 that, and especially in light of the preemption issues.

14 And that's all.

15 COMMISSIONER DEAN: Okay. Thank you.

16 Commissioner Cohen-Grossman.

17 COMMISSIONER COHEN-GROSSMAN: My comments will be
18 brief, they weren't prepared in advance of tonight, but
19 they will be submitted in writing to the City by 5:00
20 o'clock on the 15th.

21 The three things I'd like to mention tonight --
22 or maybe four -- regarding the new bus hub in Industrial
23 Park, the relationship of this project and the new bus hub
24 wasn't -- I didn't feel it was adequately discussed in the
25 DEIR.

1 Secondly, and it's been talked about a lot, I
2 found -- this is hard for me to articulate politely -- I
3 found the Draft EIR to be frustrating -- I'm not an
4 experienced CEQA person -- but to be frustrating when it
5 would mention something that could be an impact, and then
6 say, "Oh, but we're not going to talk about that because
7 this is preemptive." A lot of people have talked about
8 that, Commissioner Sprague just mentioned it. It's been
9 mentioned many times. So as a not-CEQA expert, I would
10 say, well, either talk about it, or don't talk about it.
11 And by mentioning it and saying, "Oh, we're not going to
12 go there," it makes for some crazy points in the report.

13 For example, the Alternatives Analysis, I think
14 there's some very strong viability for the half amount --
15 the halving and doing-the-trains-at-night alternative, but
16 it's not discussed. It's kind of: "Chh-chh, nope, it's
17 not our jurisdiction."

18 Regarding -- moving on. Regarding the traffic,
19 the general plan talks about Level of Service D, the Draft
20 EIR talks about how this project will not exceed that. It
21 doesn't hold water. I'm not -- I read the Fehr & Peers
22 Report, and the Final Transportation Impact Analysis
23 Report, and I think when you take an outlier and make that
24 part of your average, you're not really analyzing the
25 impacts of the LOS D versus LOS D(E). In other words, I

1 think there are serious traffic impacts of this project in
2 that area.

3 And lastly, regarding hazardous materials and the
4 outlying jurisdictions, we've all read -- those of us who
5 have read every word that's come in -- the information
6 from the cities uprail, and there is a public meeting --
7 that maybe staff can talk more about; I don't know -- on
8 September 29th at Solano County, regarding rail transport.
9 And I think that the dynamic of this profession of the
10 huge volume increases of this transport -- forgetting our
11 town, but just in general -- the fact that the volume has
12 increased thousands or hundreds of percentages in the last
13 five years, I think that that's something that the Final
14 EIR or revised draft is going to have to address.

15 Thank you.

16 COMMISSIONER DEAN: Thank you.

17 Commissioner Oakes, are you ready?

18 COMMISSIONER OAKES: Yes, sir. Thank you.

19 My issues center around the financial
20 responsibility. And one of the basic questions I have is:
21 Who owns this crude oil, from the source until it's a
22 finished product? I'd just like to know who owns it.

23 And then: How are those along the rail lines
24 indemnified in case of an accident? How are the citizens
25 of Benicia and the employees and employers along -- in the

1 same area, also indemnified in case of an accident?

2 I'd like to know whoever handles it, touches it,
3 stores it, whatever it was, (inaudible), how much
4 insurance do they have? I'd like to see those -- that
5 amount of money. And the reason I bring this up is, the
6 rail line that hauled the rail (sic) that had the accident
7 in Quebec had \$25 million insurance. That lasted about a
8 half a day. The citizens are picking this up now. And
9 it's not the intent, I'm sure, of Valero for that to
10 happen, but at the same time we have to make sure it
11 doesn't happen. So I'd like to see answers to that kind
12 of stuff.

13 And I agree with the rest of the issues in regard
14 from the Commissioners on the other line items, and I will
15 bring forth written questions for the -- for the deadline
16 as well.

17 Thank you.

18 COMMISSIONER DEAN: Okay. Thank you.

19 I had comments. It's been touched on by some of
20 the other Commissioners, but specifically hazardous
21 materials and the cumulative effect of hazardous
22 materials. I'm looking at page 5-17, "Hazards and
23 Hazardous Materials," "For the Project" -- and I'm just
24 going to quote here -- "For the Project to make a
25 cumulatively considerable contribution to the impacts of

1 hazards, two or more events (from the Project and another
2 cumulative project) would have to occur at the same time
3 and affect the same places. The likelihood of such a
4 cumulative accident event would be even smaller than the
5 estimated low probability of a Project-related accident
6 and spill." And that just doesn't make any sense to me.

7 A cumulative impact is additive, not -- in other
8 words, when you add the number -- you add additional
9 trains and train miles to any length of train track, that,
10 and there's an accident, it doesn't necessarily have to be
11 in the same place at the same time. So when you do your
12 calculation, you're actually multiplying, say, for
13 instance, one -- if you have a risk of 1 percent, and then
14 you multiply that by 1 percent to come out with an even
15 smaller percentage of what the cumulative impact would be,
16 I don't think that's correct. It should be additive.

17 So, in other words, if your risk is 1 percent,
18 for every additional train you add -- everything being the
19 same -- you've now added another 1 percent. And if you
20 add another train, that's an additional 1 percent. So
21 you're adding those percentages, not multiplying to get a
22 smaller risk factor. So I'd really like to see that
23 redone.

24 And, in fact, the cumulative impacts related to
25 hazards, how can you determine both what the impact is and

1 what the cumulative impact is, without the background
2 information? I know some of the other Commissioners have
3 touched on this, and this preemptive right that that
4 information is not -- has been withheld from this EIR.
5 But I think it comes down to the Applicants, and to a
6 certain degree, the Railroad, who is an unnamed
7 co-applicant, you might say, that they might have the
8 legal right to withhold that information, but the
9 Commission also has a right, at some point, to say, "You
10 know, we don't think that the information in the document
11 is sufficient, and we find" -- we can find it inadequate
12 for some reason along those lines.

13 So there might be a strategic decision that needs
14 to be made. Maybe that information could be provided.
15 I'd certainly would like to see that. I have to think, as
16 the other Commissioners have said, we keep coming back to:
17 What's the hazard of transporting this material on the
18 rail lines through Benicia and through the upstream
19 cities? From my perspective, that hasn't been adequately
20 analyzed.

21 In fact, if you're looking under "Hazards and
22 Hazardous Materials," I just basically quoted most of the
23 paragraph that relates to that on cumulative impacts. But
24 if you go back to biological resources, they review Table
25 5.1 -- or 5-1, that suggested other crude-by-rail projects

1 in the state -- and it names some: WesPac Pittsburg
2 Energy Infrastructure Project; Phillips 66 Company Rail
3 Spur Extension Project; Alon Bakersfield Refinery Crude
4 Flexibility Project -- would increase railcar traffic
5 along transportation systems serving those project areas,
6 which may or may not overlap with the project. I mean,
7 there's more information in that one paragraph in biology
8 than there is in the section under "Hazards and Hazardous
9 Materials." So I'd like to see a lot more information
10 there.

11 And I probably have some additional comments, but
12 I'll provide those in writing before Monday.

13 Any other last-minute comments before I turn this
14 back to the public?

15 COMMISSIONER YOUNG: Yeah, I apologize. There's one
16 thing I wanted to get to, but I forgot. It has to do with
17 the study on the likelihood of a spill, and it's done by a
18 Dr. Barkan, in the Appendix, and it said there's a one
19 chance in 111 years that there would be an accident, but
20 the calculations he used to come to that conclusion, you'd
21 have to be a graduate in Advanced Mathematics to
22 understand what they are. And it would be helpful to me
23 if that -- those calculations could be simplified into
24 something that the average, educated person could
25 understand.

1 The study said that the accident rate had
2 declined for railroads, had declined in the years since
3 2009, but that seems to be in conflict with the U.S.
4 Pipeline and Hazardous Materials Safety Administration,
5 which said there was more crude oil spilled from trains in
6 2013 than in the previous 37 years combined; that more
7 than a million gallons of oil spilled in 2013 alone.

8 His study looked at the years 2005 to 2009, for
9 hazardous materials releases, but that preceded the dates
10 for moving crude oil by train. So I don't think it's
11 necessarily relevant to talk about what happened on
12 railroads before crude oil started to be shipped, and I
13 would ask the consultant to look at the period from 2009
14 forward, as a more relevant period of time to use for that
15 calculation.

16 Thank you.

17 COMMISSIONER DEAN: Okay. So I'm going to get ready
18 to turn it over to the -- return it to the public here.
19 Before I do that, I'm going to read some of our
20 guidelines. I should have probably done this earlier, but
21 I just want to remind everybody we have Rules of Conduct.

22 Each speaker has a maximum -- at least for these
23 next 44 speakers we're talking about -- five minutes.

24 If others have already expressed your opinion,
25 you may simply indicate that you agree with the previous

1 speaker.

2 Speakers are requested not to make personal
3 attacks on Commission members, staff members, or members
4 of the public, and to make comments which are slanderous
5 or which may invade a person's individual, personal
6 privacy.

7 Also, in order to facilitate the process and
8 ensure fairness, we would request that there be no
9 clapping, cheering or booing. Instead, if you agree with
10 a speaker, we would ask that you simply raise your hand so
11 the Commission knows you're in agreement with the
12 statements that are being made.

13 I know I've done that the last couple meetings.
14 That really seemed to work well. We appreciate
15 everybody's cooperation in keeping the meeting civil and
16 efficient.

17 So that said, I'm going to start calling
18 speakers. These are people who turned in cards at
19 previous meetings. And I understand that if there's
20 people outside of the room, we'll give you a few minutes
21 to get here. We're going to ask people to line up in the
22 back, to not stand in the aisle, but to line up in the
23 back. And we'll call five or six people at a time. If
24 you could line up back there, and then when the previous
25 speaker is done, you can come forward to the podium and

1 the microphone.

2 Okay. So Adela Hernandez. Adrienne Sterrano.

3 Aline Nunes. Bob Livsay. Cara Bateman.

4 First speaker can just come down and we can get
5 started right away. Yeah, come on up.

6 (Inaudible.)

7 UNIDENTIFIED SPEAKER: Microphone, please.

8 COMMISSIONER DEAN: Yeah, name, please.

9 MR. LIVSAY: Bob Livsay. I live here in Benicia, and
10 I am a property owner, and I was raised around refineries
11 my entire life. So I'm well aware of refineries, and I
12 moved here knowing all about it.

13 My main concern is that I believe there's been a
14 lot of public comment, and there have been a lot of
15 written comments, and it was to be about this thing right
16 here (indicating), and that's rather large. And I believe
17 that's what we were supposed to be doing, and I would like
18 to try to follow that rule, also. So I'm really not going
19 to say too much.

20 But the one thing I think that the reason we're
21 here, for one reason and one reason only, it's about this
22 right here (indicating). It's the United States
23 Constitution. United States Constitution allows you to be
24 able to come to this point. And I do appreciate the fact
25 that all the people are writing comments, they've been

1 sent in to the -- and I read them all the time because I
2 get the update -- and there were some very lengthy
3 comments made here, which are going to be, I'm assuming,
4 turned in by the 15th. And I have all the confidence in
5 the world that this Draft EIR will turn into a very, very
6 good EIR, we will be able to move forward and then go to
7 the project itself.

8 And I think that's what it's really about, is the
9 project. It's not about a bunch of what-ifs and things
10 like that; it is about the project.

11 And I don't think it matters whether I am for it
12 or against it, but I will tell you that I am for it. But
13 I hope -- it was a year ago -- I think it was in
14 September, and they were worried at that time that they
15 wanted to extend -- I think by 15 days or 25 days --
16 the -- because they were supposed to have the Draft EIR
17 out at that time. It went on and on and on and on, and so
18 we never got it. And they were --

19 You know, so here we are today, a year later, and
20 we're still not even through this. We're still finishing
21 up -- hopefully tonight. And I look up, here's the clock,
22 I'm not sure if we're going to make it before midnight. I
23 hope you do, because it appears there's going to be less
24 people talking tonight.

25 But I think in the long run, it's really going to

1 get down to the project. And all the comments that were
2 made by the Commissioners, you were presented by yourself,
3 you volunteered, you were then nominated, and you were
4 approved by the Council, and I think you're trying very
5 hard to do the work that you are there to do, and I do
6 certainly appreciate that, and I do hope that all those
7 comments that were made will be written, they will go in,
8 and they'll be part of a Final Draft EIR, and I think we
9 will all have an opportunity to come back -- because this
10 is not over. We're only partially into it, as I think
11 that the Chair said. And I think that was understandable.

12 And I do appreciate what -- Do you mind if I call
13 you Kat -- what Kat said, that -- to write down these
14 comments by the Commissioners and make sure that they do
15 get in and get to the EIR. Because that's what it's all
16 about. It's not about whether you're for or against
17 fossil fuel. It's not about big business. It's not
18 about, you know, profits. It's not about any of those
19 things. And it's not about emotion. It's about this
20 Draft EIR, and it's about that project. And I think that
21 as long as we stick to that and move forward on that, I
22 think you'll find that you'll come up with a very good
23 Final EIR (sic), and then I think you'll also move forward
24 on the project, and then you'll come to a conclusion. How
25 long that's gonna be, I could predict, but I don't think I

1 will.

2 But I do believe that this little thing right
3 here (indicating), that's all it is. That's the
4 Constitution right there. Look at this (indicating).
5 That's rather large. Does that make sense?

6 And we're gonna have -- you guys are going to
7 have to go through that, and it's all the written
8 comments, and you're now going to come back with a
9 brand-new EIR, and who knows how long that's going to be.
10 All kinds of comments are going to come up, and they're
11 going to be worrying about the guy up the hill, the guy
12 down the hill, and this, that and the other.

13 And all I can tell you is I lived -- born and
14 raised in Martinez, and my family worked at the refineries
15 for many, many years, and they were healthy and they were
16 clean. And if I don't mind saying so for myself, it's a
17 little egotistical, but I'm 81 years old. You know
18 something? There's nothing wrong with living in a
19 refinery town. If you want to be young and stay healthy,
20 my advice is to live in a refinery town, because you're
21 going to look like me, and I don't look bad.

22 So I do hope you appreciate that, and I do
23 appreciate the fact of your hard work. And I do believe
24 that we will come to a conclusion to this. And I want to
25 thank you for the time. Thank you very much.

1 COMMISSIONER DEAN: All right. Thank you for your
2 comments.

3 Next speaker, please.

4 MS. HERNANDEZ: Hi. My name is Adela Hernandez. I
5 already spoke before in the first meeting. And I read,
6 you know, a little bit about the situation, and I still am
7 opposing to the project.

8 COMMISSIONER DEAN: Did you say you spoke at the
9 previous meeting?

10 MS. HERNANDEZ: Yes, at the first meeting.

11 COMMISSIONER DEAN: Okay.

12 MS. HERNANDEZ: But you called my name, so I just
13 wanted to let you know.

14 COMMISSIONER DEAN: Thank you.

15 All right.

16 Hi, good evening.

17 MS. BATEMAN: I'd like to cue up a PowerPoint.

18 COMMISSIONER DEAN: I'm sorry?

19 MS. BATEMAN: I need to cue up a PowerPoint and a
20 couple slides.

21 COMMISSIONER DEAN: Oh, okay.

22 MS. BATEMAN: My name is Cara Bateman.

23 So, I've been to a couple of meetings. I might
24 be one of those familiar faces you mentioned earlier.

25 We've all heard a lot of comments from the public

1 about the DEIR; and, in particular, about dangers on the
2 rail. So I set out to do my own data evaluation. I went
3 to the Federal Railroad Administration website, their
4 Office of Safety Analysis databases, and I put together a
5 couple of charts to kind of give a visual for what we're
6 looking at.

7 Commissioner Young just made a comment about the
8 release rate analysis report maybe not being quite right
9 because it looks at data that's pre the crude-by-rail
10 boom. So I actually have some data that might answer your
11 question.

12 Just to establish a baseline, these are total
13 train miles. This is all the available data, but from the
14 FRA from 1975 through end of May of 2014. You'll see it
15 comes up, it comes down, but we are by no means at a peak
16 right now. We've had previous years where there's been a
17 whole lot more train activity. Highest being 813 million.
18 Lowest being 558. Average throughout the year 685
19 million.

20 Number of train accidents per 1 million train
21 miles. Our highest rate was back in 1978: 14.62. Our
22 lowest, 2.4 in 2012, in 2013. Years that, I believe, this
23 whole room would consider are part of the crude-by-rail
24 boom; right? Which 2007 seems to be about the date for
25 that.

1 I might actually also add here that the best
2 rates were in 2012 and 2013. The next best was actually
3 2010, at 2.7. The next best after that was actually in
4 2011, at 2.82. Next 2009; next was 2008; next was 2007.
5 Pretty interesting stuff, considering the data that has
6 been used has been considered fatally flawed by a lot of
7 people. I think this speaks volumes that it's actually
8 not, and it's actually spot on.

9 Just a few more representations of the data that
10 the FRA has, that you guys might find useful. Same: 1978
11 appears to have been a really bad year.

12 Lowest rate, here we go, 2012. Again, please
13 note that that is considered to be part of the
14 crude-by-rail boom.

15 I might also add that our second lowest rate was
16 in 2013 at 1800.

17 Please also note that the range of data has an
18 average of almost 3,000 terrible accidents. The range for
19 what most of us consider to be the crude-by-rail boom:
20 1800.

21 So here's the derailments, which were referenced
22 specifically in the release rate analysis, which is an
23 Appendix to the EIR -- Draft EIR, plus it's referenced a
24 zillion times in it; right? Same things, Folks: Our
25 highest again, 1978; lowest, 2013.

1 You can look at the averages: Same. They've
2 only gotten better. I also have to add here, that we had
3 our best rate in 2013, and we had a similar trend where
4 our next best rate was in 2012, at 1290; 2010 was the
5 third best; 2009 was the fourth best; and 2011 was the
6 fifth best. This is data since 1975, and our best numbers
7 in safety have been in the last decade or less.

8 (Inaudible comment.)

9 So here we have our collisions. Similar data
10 trends, hazardous materials. Averages for the last seven
11 years. Still better than the full range.

12 COMMISSIONER DEAN: I'm going to have to ask you to
13 wrap it up. You've run out of time.

14 MS. BATEMAN: Of course. I have e-mailed this to Amy
15 and Brad for you guys to review.

16 COMMISSIONER DEAN: Okay.

17 MS. BATEMAN: Because I'm sure you'll probably want.
18 I do have one copy, if anybody's interested in it right
19 now.

20 COMMISSIONER DEAN: You can give it to staff and they
21 can bring it up here.

22 MS. BATEMAN: Thank you for your time.

23 COMMISSIONER DEAN: Thank you.

24 Okay. Next speaker. Okay. So -- hi. Was your
25 name called?

1 MS. CLYATT: I think so.

2 COMMISSIONER DEAN: What's your name?

3 MS. CLYATT: Sheila Clyatt. I thought I heard it
4 last

5 COMMISSIONER OAKES: What's your name?

6 MS. CLYATT: Sheila Clyatt.

7 COMMISSIONER DEAN: Sorry, not yet.

8 MS. CLYATT: No, not yet? Thank you.

9 COMMISSIONER DEAN: We'll get there.

10 There's a few people ahead there. We're looking
11 for Adrienne Sterrano. Aline Nunes.

12 Then the next group would be Charles Davidson.
13 Cheryl Zook. Chris Howe. Dale Hellquist. And Damien
14 Luzzo.

15 So if you want to come forward, whoever is ready
16 to go.

17 MR. HOWE: Thank you, Mr. Chairman, members of the
18 Commission. My name is Chris Howe. I'm the Health Safety
19 Environment & Government Affairs director for Valero here
20 in Benicia.

21 On behalf of Valero, I'd like to acknowledge all
22 your efforts to hear public comment on this Draft EIR and
23 Crude-By-Rail Project. While this is the City's third
24 public meeting on the topic, we too have sought to reach
25 out and explain the project to those, and answer questions

1 that we have heard about the project.

2 Valero's held two widely publicized public
3 meetings, along with several other meetings, with
4 emergency response personnel as far away from here as
5 Auburn. Those meetings, with both state and local
6 officials are continuing.

7 We've received acknowledgment of support and
8 endorsement of the Draft EIR from hundreds of members of
9 the community. I encourage you to look at the more than
10 100 cards of support that have been submitted on the
11 project, including over 500 from the residents of Benicia,
12 275 of which I'd like to include in the record tonight.

13 We're looking forward to a conclusion of this
14 phase of the process tonight. In support of that, I want
15 you to know that we've reached out to the many supporters
16 in the audience tonight and have requested that they limit
17 their remarks on the Draft EIR to less than one minute,
18 and submit their written remarks to you instead. Those
19 that choose to do so, we'll let you know as their name is
20 called and they come to the podium.

21 COMMISSIONER DEAN: Thank you. We appreciate that.
22 Thank you.

23 Do you have another speaker ready to go? Sir,
24 are you waiting to speak? No?

25 Okay. So looking for Charles Davidson.

1 MR. DAVIDSON: Right here.

2 COMMISSIONER DEAN: Oh, is that you? Okay.

3 MR. DAVIDSON: Yeah. How long did you say I should be
4 able to speak?

5 COMMISSIONER DEAN: Five.

6 MR. DAVIDSON: Oh, okay. I should be able to do it
7 more quickly. Thank you.

8 Good evening. Thank you for letting me speak.
9 My name is Charles Davidson. I live in Hercules, near
10 Phillips 66 Refinery, and like Benicians, also live by
11 Union Pacific's Railroad tracks.

12 I am a member of the Sunflower Alliance. That is
13 a group of citizens concerned with our area's residents'
14 health and safety in the vicinity of refineries and
15 railroads. We are concerned with the health of the planet
16 in the context of a productive, forward-looking energy
17 economy.

18 I will explain why I do not support Valero's
19 Crude-By-Rail Project as written, and specifically call to
20 question the project's cumulative impacts.

21 Legal staff representing the Sacramento Area
22 Council of Governments, a planning agency of the region's
23 six counties and 22 cities, stated, "The Valero CB
24 Crude-By-Rail Environmental Impact Report never looks at
25 the risk of fire and explosions in one of these

1 situations."

2 They said that the City of Benicia is failing to
3 acknowledge the risk of explosions and fires that could
4 happen if the Bay Area's city approves Valero's plan to
5 run crude oil trains through Northern California to its
6 refinery. The accusation in a draft letter released last
7 Tuesday by the Sacramento Area Council of Governments
8 comes in response to a Benicia report that said the twice
9 daily rail shipments of 70,000 barrels of crude will pose
10 no significant threats to cities on the rail line such as
11 Roseville, Sacramento and Davis.

12 Benicia's analysis stops at Roseville. Several
13 local officials, including Plumas County Supervisor Kevin
14 Goss, said that they wanted to include likely routes to
15 the north and east, including the Feather River Canyon and
16 the Dunsmuir areas, both of which have been designated by
17 the state as high-hazard areas for train derailments.

18 The Sacramento group is calling that finding,
19 quote, fundamentally flawed, and points out that the
20 federal government issued an emergency order in May saying
21 new volatile crude oil shipments are an imminent hazard
22 along rail lines.

23 An oil train derailment and explosion of Bakken
24 North Dakota shale oil of the type carried by Valero,
25 instantly killed 47 individuals in Lac-Megantic, Quebec,

1 last July prompted Canadian officials to impose tougher
2 safety regulations.

3 After a train carrying Bakken crude exploded a
4 few months later in Casselton, North Dakota, shooting out
5 a 200-foot fireball, the U.S. Pipeline and Hazardous
6 Materials Safety Administration declared Bakken crude as
7 significantly more flammable than typical heavy crudes,
8 due to being extraordinarily high in propane and butane
9 content.

10 While 70 percent of U.S. crude is currently being
11 carried by the obsolete and crash-intolerant dot 111
12 railroad tanker cars, the newer CPC 1232 tanker cars being
13 planned will take years to replace the dot 111s. These
14 newer 1232 cars will be highly vulnerable to rupture upon
15 derailment and explosion, as the train's belly sinks into
16 the ground to line the tracks, it speeds up to 50 miles
17 per hour, frequently over landfill.

18 Valero's twin project to the CBR is the Valero
19 Improvement Project that desires to upgrade the refinery
20 in order to refine lower quality crude that is higher in
21 sulfur and heavier than the current feedstock.

22 Lighter Bakken crude needs to be mixed into heavy
23 insoluble tar sands bitumen as a solvent so that it will
24 flow more easily within Valero's machinery. This
25 low-quality crude project will increase greenhouse gas

1 output and increase requisite natural gas input by a state
2 of 20 percent, in order to refine such low-quality crudes.

3 Moreover, the tar sands import into Benicia,
4 Valero's fluid catalytic cracker catalyst will accumulate
5 more asphalt-like catalyst poisons in the form of
6 petroleum coke, and it will need to be continuously burned
7 off in the catalyst regenerator, emitting more particulate
8 matter pollution than currently, onto Benician residents,
9 even despite the addition of lighter Bakken crude.

10 A tar sands crude oil spill would be catastrophic
11 to California's water supply or the Delta and impossible
12 to clean up, as proven in Michigan's 2010 Kalamazoo River
13 and bridge pipeline rupture, that will never be
14 remediated, despite spending over \$1 billion to date.

15 The amount of crude-by-rail is set to increase
16 tenfold knap in California within the next five years.
17 Shipping tar sands crude and propane-laden Bakken crude
18 into Benicia is a toxic risk, given the three train
19 derailments within the last year alone, two of which
20 involved heavy-metal-laden petroleum coke.

21 Thank you.

22 COMMISSIONER DEAN: Thank you.

23 We're still looking for Cheryl Zook. And Dale
24 Hellquist. And Damien Luzzo, that's L-U-Z-Z-O.

25 Then after that, Dave Dickey. Ethan Buckner.

1 Greg Armstrong. Greg Partch. And Greg Yuhas, that's
2 Y-U-H-A-S.

3 COMMISSIONER SMITH: He already spoke.

4 COMMISSIONER DEAN: And after that, Heather Lewis.
5 James Keidler -- Kreidler. Jane Koski. Jerry Stumbo.
6 And Jerry Zimmerman.

7 Yeah, come on down. Good evening.

8 MR. KARRAS: Good evening, Mr. Chair, members of the
9 Commission. I may not look like Heather Lewis, and I'm
10 not. I'm Greg Karras. I'm subbing for Heather. We both
11 represent CBE. She signed up last time; we informed your
12 staff.

13 COMMISSIONER DEAN: What was your name, please?

14 MR. KARRAS: Greg Karras. I'm a scientist for the
15 Communities for a Better Environment. And we've been
16 involved in this project. I've been analyzing it. We
17 will be submitting comments; that's our plan.

18 I want to highlight some key points that I think
19 you need to know about before you make your decision on
20 this EIR, and get a chance to ask questions about before
21 the deadline. So this is part of our comments, some
22 things you may not have heard before, or not this way.

23 A little bit about me. I have 30 years of
24 on-the-job training experience in pollution prevention
25 engineering, industrial investigation. I've done that for

1 CBE and refineries up and down the state.

2 I'm published, peer-review published in this
3 field, and I've seen a lot of refinery EIRs. This one
4 needs to be revised and recirculated. Better to do that
5 now than later, that's the best way to get the right
6 decision sooner. I'll explain why.

7 First, it's proposed too close to on-site
8 existing refinery hazards. This is not described very
9 well in the EIR, but there's a scale now, and it looks to
10 be less than 50 feet from one large storage tank, and
11 within a hundred feet of a bunch of others, including some
12 of the facility LPG others -- other potentially volatile
13 and toxic.

14 So this is a risk of spreading hazard
15 environments, a new hazard being introduced.

16 You know, there was a refinery multiple-tank fire
17 recently. It came right after -- in the month or two
18 after the Chevron Richmond disaster two years ago. It was
19 in Venezuela, and about 70 people died. These are
20 catastrophic events, a whole tank or several tanks catch
21 fire. And it's really unusual to see a new project place
22 a multiple-ignition hazard so close to each other in
23 America today. So this is something you should take a
24 very close look at, especially since the EIR kind of
25 ignores it, in terms of on-site fire and explosion hazard.

1 Second, there's a false assumption that only the
2 crude by boat will be replaced. The fact is -- and this
3 is widely reported -- the California source, the pipeline
4 crude, must be over the life of this project, over the
5 expected life of this project. This is well-known, widely
6 recorded. It's important for many reasons. There's a
7 couple of them that you should know about.

8 You talked about the offsets, subtracting the
9 boat emissions from the train emissions. What if there's
10 zero? This is what I'm saying. There's actual,
11 substantial evidence that those offsets are not real. And
12 when you consider that, which the EIR doesn't, you will
13 see that by its own admission, there's a significant local
14 air pollution impact for knocks that's not identified and
15 addressed in the Draft. There's a significant global
16 climate impact that's -- by its own thresholds, that's not
17 identified and addressed in the Draft.

18 Like I said, revise and recirculate it now is
19 better than later. This is grounds for it, in my
20 understanding.

21 There's an even bigger part of this, though, and
22 that's, if you think about it, the California pipeline
23 crude, that's the heavier component of the current blend,
24 that's what's going to be replaced. So, yeah, there will
25 be some Bakken and some light crude, but when that's

1 replaced in the blend, in a refinery that's got a window
2 of operating blends, and can't go beyond it, you can
3 pretty much take it to the bank, it's going to be mostly
4 the heavy stuff. And when you look at where that can be
5 brought by rail, this project is a tar sands project, and
6 that has tremendous and multiple impacts on greenhouse gas
7 emissions, on safety hazards, on local pollution of the
8 air, of the Bay, safety of the refinery staff itself; all
9 of that is ignored. It certainly will fundamentally
10 change the production methods of the processes in the
11 refinery, and therefore, that has to be addressed.

12 Final point. The reason why I'm not telling you
13 what percentage or what factor -- in fact, my peer review
14 works, sometimes it's a factor of two, with the waterboard
15 and selenium; with refinery's crude changes, a factor of
16 10 -- I'm not going to tell you that, and I can't yet,
17 because they've hid the information about what the
18 baseline crude quality and (inaudible) are. This is
19 information even Chevron disclosed, after required by the
20 Court. This is information they say is trade secret. I
21 can tell you that I've published peer-review work for the
22 American Chemical Society. What I can't tell you --

23 COMMISSIONER DEAN: You've run out of time. You're
24 going to have to stop there.

25 MR. KARRAS: All right. So the American Chemical

1 Society published information -- including information for
2 this refinery --

3 COMMISSIONER DEAN: I'm sorry. I'm going to have
4 to -- I'm going to have to stop you there.

5 MR. KARRAS: Do you believe that?

6 COMMISSIONER DEAN: We still have speakers.

7 Okay. Additional speakers: Jim Ponder. Jim
8 Stevenson. John Hill. Jon Youmans. And Ken Miller.

9 MR. HOWE: Hi. I wanted you to know, Greg Partch, who
10 is a supporter of the project, has agreed to submit his
11 comments in writing. And Mr. Ponder has, as well. So
12 just wanted to make a note of that.

13 COMMISSIONER DEAN: What is the first name?

14 MR. HOWE: Greg Partch, P-A-R-T-C-H. And Jim Ponder.

15 COMMISSIONER DEAN: Thank you.

16 MR. HILL: Good evening.

17 COMMISSIONER DEAN: Good evening.

18 MR. HILL: Chairman, Commissioners. My name's John
19 Hill. I'm the Vice President, General Manager, of the
20 Valero Benicia Refinery.

21 I'm very proud of our employees, the operation,
22 and our company Valero Energy.

23 I appreciate the Commission's time in evaluating
24 the Draft EIR associated with our Crude-By-Rail Project.

25 I want to thank the Benicia City staff for

1 preparing the Draft EIR. We, Valero, believe the Draft
2 EIR is a very comprehensive document, and with your
3 questions answered, a worthy document of certification.

4 Safety is the core of our business. Every day
5 our professional staff of over 700 employees, safely
6 operates, maintains, and works to improve our ability to
7 safely, environmentally, and sufficiently manage our
8 operation.

9 Our safety commitment is recognized around the
10 state, and well-documented in the Draft EIR. We have
11 further acknowledged uprail concerns over railcar design,
12 and as such, are committed to using the newer design 1232
13 railcars for crude delivery to our refinery.

14 Valero's working with UP and the City of
15 Benicia's Fire Department, and have been involved in
16 uprail community outreach to discuss emergency
17 preparedness.

18 The Draft EIR evaluated emissions associated with
19 this project. The City's evaluation determined reductions
20 in overall emissions. These reductions are significant.
21 And with the certification of the Draft EIR, those
22 reductions are closer to being realized.

23 The Draft EIR contains references to various
24 crudes as potential feedstocks to be carried by rail.
25 Many of these crudes, including Bakken, have been safely

1 processed at our facility by our professional and
2 committed staff, many of which are on duty 24 hours a day,
3 365 days a year. As mentioned at the last meeting, Art
4 Gray -- it was late -- watching us right now on TV.

5 The Draft EIR references additional jobs. These
6 120 construction jobs for approximately six months, and 20
7 full-time jobs associated with the building and ongoing
8 operation of these new, proposed facilities. These jobs
9 are real, and will positively impact the new employees'
10 lives and our community. You might note that recently we
11 posted openings for 50 -- 15 entry-level positions, and in
12 five days had over 1100 applicants for those 15 positions.
13 This is an example of our excellent reputation as a
14 responsible employer.

15 Our employees work hard. They are generous.
16 They volunteer and give back to the community improving
17 other's lives.

18 We are a responsible operator, and value our
19 45-year relationship with the community.

20 We are looking forward to completion of the
21 public comment period on the Draft EIR and moving forward
22 with the permitting process of our Crude-By-Rail Project.

23 Thank you.

24 COMMISSIONER DEAN: Thank you.

25 COMMISSIONER YOUNG: Question. I've got a question,

1 sir. Did you say that you're currently processing Bakken
2 oil?

3 MR. HILL: I said we have -- we have processed Bakken
4 oil in the past.

5 COMMISSIONER YOUNG: And how was that delivered to the
6 refinery?

7 MR. HILL: It came in by barge.

8 COMMISSIONER YOUNG: By barge? Okay, thank you.

9 COMMISSIONER DEAN: Thank you.

10 Next speaker. Hi. Good evening.

11 DR. STEVENSON: Good evening. My name is Dr. Jim
12 Stevenson. I'm a Benicia resident. And rather than go
13 into any one of the dozens of issues that have been
14 raised, I think the overriding question really is one of
15 risk. Risk you can look at quantitatively or
16 qualitatively. And I was sitting thinking how best to
17 explain or to help everyone understand that. I mean, we
18 understand it basically, but catastrophic things are of
19 special import, obviously.

20 And I was recalling a time when I was in Los
21 Angeles and there was an accident, a vehicle accident.
22 Now, we can have vehicles, a bicycle accidents, a vehicle,
23 or motorcycle accidents, a vehicle, a car, a truck,
24 whatever, and these all have a different effect on
25 traffic, and of course that's the big issue then with

1 vehicles.

2 And what happened that day, there was one real
3 accident, and that was when a semi, loaded with a toxic
4 substance, happened to twist and turn and go over on the
5 freeway, and I happened to be behind it about 15 miles,
6 trying to find a way around that.

7 So one accident, but boy did it have an impact.

8 What we're talking about here is risks in
9 different places in this whole equation. Risks of the
10 sulfur, which is 11 times as great in the tar sands oil as
11 the regular crude that's normally done. That's not a risk
12 of spill, but that is a risk. That's something we should
13 be concerned about.

14 And so what I would point out, is that when we
15 look at this, we can look at numbers, number of accidents
16 per year, or whatever, and say, "Oh, well, that's not too
17 bad. Maybe things are even getting better." But all it
18 takes is Lac-Megantic, or Casselton or Lynchburg, and
19 these accidents seem to be greater than what they have
20 been in the past. Kind of like my experience with the
21 semi going sideways and really killing traffic for the
22 better part of that day in Los Angeles.

23 So I would invite you to look at risk, not in
24 terms of just cumulative, like you, Mr. Dean, were talking
25 about before: How do you figure cumulative risk? There

1 are many, many ways to look at this, and I think we need
2 to go beyond just what will happen if there's an accident
3 that involves a train or whatever.

4 So I think that covers it, rather than going into
5 the many, many, many things there are.

6 Thank you for your time.

7 COMMISSIONER DEAN: Thank you.

8 Okay. Kenny Griffin. Larry Oppenheimer. Liisa
9 Stark. Lori Bateman. Mark Sally.

10 Good evening.

11 MS. STARK: Hi. Good evening, Commissioners. I'm
12 Liisa Stark, Director of Public Affairs with Union Pacific
13 Railroad, and really here tonight to comment on the Draft
14 EIR as it pertains to some of the comments that you've
15 heard from the public testimony that's occurred over the
16 last several meetings.

17 As the Commission knows, Union Pacific is a
18 transportation provider in the Benicia area for goods'
19 movement by rail. We serve all types of customers, all
20 different types of products. And, in fact, if you think
21 about the significance of freight rail and what it means
22 to each and every one of us, virtually all goods and
23 products that consumers use every day have been moved by
24 rail. That includes electronics, clothing, food, the
25 automobiles you drive, building materials, and chemicals

1 that are used to ensure that we have a safe drinking water
2 supply.

3 This has been discussed a little bit, but
4 railroads are heavily regulated by the federal government.
5 Union Pacific complies with all regulations that we are
6 required to, that govern rail traffic. And in many cases,
7 we actually take additional voluntary steps to ensure that
8 every movement we make is done as safely as possible.

9 What federal regulation does is it provides a
10 clear and uniform regulatory structure to ensure that all
11 products, including crude oil, are transported as safely
12 as possible.

13 So with respect to rail transportation -- this
14 has been mentioned this evening -- federal law does
15 preempt most state and local regulation of rail
16 activities. And I would encourage you, we did submit a
17 letter that was submitted to the City, that really
18 outlines a lot of that. It was written in response to the
19 Sacramento Area Council of Governments' letter that they
20 submitted on the project, but it does a very, very good
21 job of outlining the federal requirements and the
22 preemption issues that the railroads are required to
23 operate under.

24 And then I also want to point out something that
25 I think is very important to understand, when you look at

1 the global world of goods' movement, and the fact that the
2 railroads are required to carry all types of commodities,
3 that includes hazardous materials.

4 So under federal regulation, railroads are
5 considered what is called a "common carrier." And so with
6 that obligation, that means we can't decide what type of a
7 product we will take for transportation and what kind we
8 won't. We are federally obligated to accept any type of
9 commodity for transportation, so long that it has been
10 packaged according to U.S. Department of Transportation
11 regulations, which are very extensive.

12 And obviously with that obligation, we've talked
13 a little bit -- there's been some discussion about
14 liability. We are liable for every product that we move
15 on our railroad for a customer, and we take that
16 responsibility, obviously, very, very seriously.

17 Our goal is the same for our customers and the
18 communities in which we operate, and that is to deliver
19 every railcar safely, while at the same time being
20 prepared to respond to an incident should one occur.

21 Union Pacific absolutely understands the public's
22 concern about crude-by-rail, and we take our
23 responsibility to ship that crude oil, as we do every
24 other commodity, in highest regard and utmost safety.

25 We follow the strictest safety standards -- I

1 think I already mentioned this. We do exceed federal
2 safety standards in many instances, as well. Safety:
3 It's our company's top priority. We don't waiver on that.
4 And for freight railroads, safe operations is not
5 voluntary; it's an imperative, in order for us to deliver
6 product safely.

7 We're proud to say that 99.997 percent of all
8 hazardous materials as an industry are delivered without
9 incident. That includes adding in data, if you look at
10 some of the recent incidents that have occurred over the
11 last year or plus. And you might ask how are we able to
12 have and maintain such a strong safety record? Well, it
13 really boils down to the investments that we make into our
14 company and into our infrastructure.

15 We also have robust engineering programs that
16 allow us to, you know, fully inspect our rail lines, our
17 infrastructure and our bridges. UP actually spent \$21.6
18 billion in capital investments from 2007 to 2013, just
19 updating and investing in our infrastructure. And keeping
20 in mind, that \$21.6 billion are not taxpayer investments.
21 That is all private capital from our company investing in
22 our livelihood.

23 I'm running out of time, so I just want to
24 mention that, you know, in addition to everything that we
25 do to ensure infrastructure is in top condition, Union

1 Pacific also does reach out to local emergency response
2 agencies to provide specific training in regards to rail
3 operations. A lot of that comprehensive training would
4 focus on tank-car anatomy, breeding hazardous shipment
5 documentation, and to secure locomotives. And we've
6 had -- more than 2400 first responders from throughout the
7 state have been trained in that over the last three years.

8 And with that, I just reiterate again, safety is
9 our number 1 priority, and we take it very seriously.

10 Thank you.

11 COMMISSIONER DEAN: Okay. Thank you.

12 COMMISSIONER YOUNG: Question. Ms. Stark?

13 COMMISSIONER DEAN: Question from the speaker.

14 COMMISSIONER YOUNG: Ms. Stark? Question. You said
15 that -- on the question of liability, you said that UP --
16 I believe you said, "We are liable for every product we
17 transport." Does that mean you also are -- would be
18 responsible for cleanup costs for any spills and for
19 property damage related to any fires or explosions?

20 MS. STARK: Yeah, that's correct. The railroad is
21 responsible for any type of incident that we have; we are
22 financially liable for all of that. And that applies to
23 local or state emergency response costs that are
24 associated with an incident. It is -- applies to all the
25 response that happens at the time. It also deals with all

1 cleanup, as well as all mitigation that is required as
2 part of any type of incident. That is all funded by the
3 Railroad.

4 COMMISSIONER DEAN: Thank you.

5 Now we'll have all the next speakers coming up.
6 Next, after this speaker: Matt Biers-Ariel. Nancy Rieser
7 or "Reeser." Rick Slizeski. Robert Yarbrough. And
8 Rodney Robinson.

9 Hi.

10 MS. L. BATEMAN: Hi there. Mr. Chairman and members
11 of the Commission, my name is Lori Bateman, and I'm a
12 24-year resident of Benicia. I appreciate you giving me
13 this opportunity to speak.

14 I believe the Draft EIR is comprehensive and
15 thorough as written. I'm very pleased with the positive
16 effect this project will have on the environment. I
17 support the Valero Crude-By-Rail, and I have submitted my
18 extended remarks to the record separately.

19 Thank you.

20 COMMISSIONER DEAN: Thank you. Okay. We're moving
21 through these names. Russ Rice. Sam Scrutchins. Sheila
22 Clyatt. Stan Lawson. Suzanne either "Cleeman" or
23 Kleiman.

24 Okay. Then Teresa Jensen. Tim Rose. Tom
25 Rybarczyk. And William Darnell.

1 Hi. Just come on down, yeah.

2 Good evening.

3 MS. KLEIMAN: Good evening. My name's Suzanne
4 Kleiman. I live here in Benicia.

5 First, it was my understanding that this agenda
6 called for public comment, not for Commission comment.
7 The Commission can open a forum and speak whenever they
8 want, and submit their questions to the authors of the EIR
9 and to staff at any time. We are limited.

10 I support the Valero Crude-By-Rail Project
11 because I see no substantial reasons not to. There's less
12 to fear, and more to be gained, by approving the project
13 than not by approving it. Everything I hear and read from
14 the people who oppose the project is based on fear: Fear
15 of spills; fear of greater air pollution; fear of more
16 cars; fear of change; fear of the unknown; and fear of
17 fear. Most of these fears are misplaced. You must put
18 things in perspective and weigh the benefits versus risk.
19 There are 50,000 people who die a year on our highways,
20 but yet cars are still allowed.

21 Accidents happen. That's a given. However, from
22 the Draft EIR, the probability of an oil spill on land is
23 less than the probability of an oil spill on water. Plus,
24 for the same size spill, it is much cheaper and easier to
25 mitigate an oil spill on land than on water. Think of the

1 impact to wildlife and fish if a spill occurs on water and
2 how long it lasts.

3 On the other side of the coin, a fear is
4 opportunity. The rail project will create jobs, make us
5 more independent from foreign oil, and generate increased
6 tax revenues for the City of Benicia, by allowing Valero
7 to be more profitable.

8 According to the DEIR, not only does the project
9 comply with safety noise issues, it will decrease gas
10 house emissions. It will make producing gas more
11 economically efficient, which may go toward lowering the
12 price of gas, as well. We citizens would all benefit.

13 Also consider the cost of not doing the project.
14 It will be a lost opportunity forever. Lost capital year
15 after year, into the future. Not approving the project
16 will further substantiate the claims that Benicia is in
17 effect, anti-business, anti-progress, obstructionistic,
18 and antagonistic to change. Stories about how hard and
19 expensive it is for businesses to get started and expand
20 in this town abound. Just consider the possibility of
21 Valero starting an oil refinery business here in Benicia
22 from scratch, if it weren't already here. Given the
23 City's current views, the probability, I believe, is
24 between zero and none.

25 I've heard it said that Benicia's refinery is one

1 of the least profitable for Valero, if it is profitable at
2 all. I don't know this for a fact. Don't kill the goose
3 that lays the golden egg. The oil refinery and the
4 industrial base kept the City going and thriving after the
5 '60s when the arsenal was closed.

6 Valero produces 25 percent of our City's revenue.
7 They have given over 13.7 million to local charities in
8 the past 10 years. If Valero goes -- and don't kid
9 yourself, if we make it hard enough for them, they will --
10 then we may become another Vallejo.

11 There is a saying: Capital goes where it is
12 treated well. That is why Wal-Mart went to American
13 Canyon rather than to Vallejo. Vallejo's failure to
14 encourage and support its economic base led to its
15 bankruptcy.

16 We must recognize that no legal document or DEIR
17 can cover all eventualities. At some point, you have to
18 rely on the goodwill of Valero to do what is right. But
19 Valero has a long and proven record of doing just that.
20 They have had the highest rating of refineries in the U.S.
21 for several years.

22 One more quick point. I heard some antagonists
23 to the project say that the refined oil will be exported
24 and not used for American consumption. First of all, the
25 U.S. is not oil independent. The U.S. produces only half

1 of what we consume.

2 Secondly, so what if the oil is exported? That
3 is a good thing. If we can take the pressure off of
4 Europe, and especially eastern European countries from
5 being so dependent on Russian oil, that is a huge benefit.
6 I would rather fight the bullies of the world economically
7 through exporting oil through our allies than taking up
8 arms.

9 Finally, the stronger we are economically in the
10 city, in the state, and in the country, the more options
11 are available to us. There is more capital to spend on
12 R&D for more efficient cars, for cleaner air, for cleaner
13 water, and for all kinds of projects for good.

14 It is profit and goodwill which will create a
15 brighter future for us and for future generations.

16 Thank you.

17 COMMISSIONER DEAN: Thank you for your comment.

18 Next speaker, please.

19 MR. DARNELL: My name is William Darnell. I live here
20 in Benicia. I've been in the oil business all my life. I
21 was born in the oil fields. The principles I was raised
22 under, with my family who was in the oil business, was
23 honesty and safety. And I worked for Valero -- "Refining
24 Company," now "Energy Company." They have the same
25 principles I've lived with for 78 years of my life.

1 Anything that was left unkept around the oil fields, the
2 derricks, pipelines, my dad, grand, I'd get my back-end
3 kicked for leaving it that way. You cleaned up after
4 yourself. You didn't dirty up the economy. You operated
5 honestly. And believe me, I think it's the most
6 hottest -- highest principle industry that I'm familiar
7 with.

8 Valero does a great job, and this is a good
9 project for the City of Benicia. I highly endorse it, and
10 I've submitted it to the City in writing. Thank you.

11 COMMISSIONER DEAN: Could you say your name again. I
12 didn't get it.

13 MR. DARNELL: William Darnell.

14 COMMISSIONER DEAN: William Darnell.

15 MR. DARNELL: D-A-R-N-E- double L.

16 COMMISSIONER DEAN: Thank you.

17 MR. HOWE: Mr. Chairman, I want to recognize there was
18 three folks that you had called that have indicated to me
19 that they're going to submit their comments in writing.
20 The first is Mr. Robert Yarbrough, at position, I think,
21 34.

22 COMMISSIONER DEAN: Okay.

23 MR. HOWE: Mr. Russ Rice, at position number 36.

24 COMMISSIONER DEAN: Okay.

25 MR. HOWE: And Mr. Tom Rybarczyk at position number

1 43.

2 COMMISSIONER DEAN: Okay. Thank you for that.

3 Hi. We had a speaker back there.

4 MS. CLYATT: Hello.

5 COMMISSIONER DEAN: Hi.

6 MS. CLYATT: My name is Sheila Clyatt, and I think you
7 did call me this time.

8 I am opposed to Valero for many reasons that have
9 been already said, so I won't repeat them, because I'm
10 sure you've heard enough.

11 Just a couple quick comments. The graphs that
12 were given earlier on the derailments and the crashes, I
13 think that what really has to be addressed is the impact
14 of the crashes today versus before. When 40 people died
15 in Quebec, that was catastrophic, and that's not something
16 you just have a line for one derailment. It's bigger than
17 that. There's more to that data that has to be looked at.

18 There's a couple things that are discrepancies to
19 me that I don't understand. The increase in 20 permanent
20 jobs in Valero. What about the gentleman that spoke
21 earlier who is geographically close to that site who says
22 that he will be laying off 25 people because he won't be
23 able to get in and out of his work area because of the
24 train congestion?

25 So there's just a lot of -- over and over again.

1 You know, the economic benefits. I understand that there
2 could be some economic benefits, but there's also going to
3 be a great decrease in the values of properties here.
4 Because people move to Benicia, like myself, retired,
5 because it's a safe community, because I'm looking for
6 good air quality, because I want to be around a community
7 where there are children and all different
8 multigenerational facets. But parents with young children
9 and families, they're gonna be -- they're gonna have
10 concerns about the risks that have been mentioned tonight,
11 and they're gonna look again. And I believe that's gonna
12 decrease the property values all across the board.

13 So I think that's a factor, economically, to look
14 at.

15 And then there was another discrepancy that I'm
16 not clear on, and I was wondering if someone might
17 address, which is: What's the proof that these trains are
18 environmentally better than the ships that the current way
19 the transportation that's getting the oil here? And
20 that's something that may have already been addressed, but
21 I had to work at the library tonight for a benefit for the
22 library, so excuse me if I already missed that point, if
23 it's already been addressed.

24 And I just really want to thank you for the
25 seriousness of what's being presented to you. I really

1 appreciate that you're giving your time and your full
2 attention, and taking all sides of this, and really
3 committing yourself to make a good decision for all of us,
4 your neighbors. And I appreciate that very much. Thank
5 you.

6 COMMISSIONER DEAN: Thank you.

7 Okay. So there's a number of names to be called
8 where the speakers have not come forward. I'm going to
9 run through those one more time. I didn't catch
10 everybody's name who came to the podium, so if I call your
11 name and you've already spoken tonight, you don't get a
12 second chance. It just means I didn't -- I wasn't quick
13 to note who you were.

14 So, Dave Dickey. Ethan Buckner. Greg Armstrong.
15 Heather Lewis. James Kreidler. Jane Koski. Jerry
16 Stumbo. Jerry Zimmerman. Jon Youmans. Ken Miller.
17 Kitty Griffin. Larry Oppenheimer. Mark Sally. Matt
18 Biers-Ariel. Nancy Rieser or "Reeser." Rick Slizeski.
19 Rodney Robinson. Sam Scrutchins. Stan Lawson. Teresa
20 Jensen. Tim Rose.

21 MR. HOWE: Mr. Chairman, I had missed one of the
22 previous. Mr. Jerry Stumbo will be submitting comments in
23 writing.

24 COMMISSIONER DEAN: Okay. Great. Thanks.

25 Okay, so that's it on the 44 people who submitted

1 cards at previous meetings.

2 So we have 19 additional cards of people who
3 submitted their cards tonight, and I guess it's up to the
4 Commission now what do we want to do next?

5 COMMISSIONER YOUNG: Can we get five minutes to take a
6 break?

7 COMMISSIONER DEAN: Yeah, so we'll take a -- take a
8 five-minute break and then we'll come back and discuss our
9 next move here.

10 So back at 9:15.

11 (Recess taken.)

12 COMMISSIONER DEAN: Okay. Can I ask for people to
13 quiet down in the audience.

14 So we've gone through all the 44 speaker cards
15 that we had from previous meetings, and we have an
16 additional 19 tonight of people who have filled out cards
17 to speak tonight. So I'm going to bring it back to the
18 Commission, and we have a couple of options.

19 It's 9:21. I think we could -- seems like we
20 could get through these remaining speakers. The question
21 is, what previous -- at previous meetings we allowed five
22 minutes. Do we want to allow five minutes again? Or
23 three? I know that the City Attorney has said that
24 there's -- we can reduce the five minutes to three, if we
25 feel that it's appropriate.

1 Comments from the Commission? We have 19 speaker
2 cards.

3 COMMISSIONER OAKES: So that's an hour and five
4 minutes.

5 COMMISSIONER YOUNG: Most of the people who have been
6 speaking have taken less than five minutes, so it doesn't
7 bother me to keep it at five minutes.

8 COMMISSIONER DEAN: Okay. Other comments from other
9 Commissioners? I'm seeing nods that five minutes is okay.

10 All right. Then we'll -- we'll go forward with
11 the people who have given us cards so far.

12 I want to say Gary Mess.

13 MR. MOSS: "Moss."

14 COMMISSIONER DEAN: Moss. You're number 1. Then
15 David Jenkins. Then Paul Reeve. And then Shoshana
16 Wechsler. Thank you for the phonetic spelling, I
17 appreciate that.

18 Hi, good evening.

19 MR. MOSS: Good evening, sir. My name is Greg Moss,
20 (inaudible). I worked in the shipyard business for 40
21 years. I'm telling you right to your face: You have a
22 dangerous situation on your hands. These tankers are
23 coming up here are foreign-owned. When Hazelwood crashed
24 in the reef and let the oil spill, a knee-jerk reaction
25 happened, that was simply: What do we do? Double-hull

1 tankers.

2 We didn't have technology. For 10 years we
3 waited. Shipyards were dying. So Exxon, Mobil, Texaco,
4 Chevron, Standard, sold the tankers to third-world
5 countries. They come up here right now with Filipino,
6 Indonesia, Rumanian captains, Greek captains. They don't
7 have to have any Coast Guard requirement, just American
8 pilot. They have 30- to 35-year-old hulls, which is not
9 the standard that we used to have at 25.

10 One of the City Council women was worried about
11 birds. The zebra mussel was discharged into the Bay. It
12 clogs our intanks, our power plants, our waterways.

13 Another one was introduced, which was a seagrass.
14 It's taking billions of dollars of money. Now we have the
15 mitten crab that's burrowing into the delta that came from
16 a China ship when they bounced out by coming up the
17 straits.

18 I worked on the Galveston, the Exxon Valdez. I
19 can tell you right now, we have time bombs. The time
20 bombs are simply ships that are owned by foreign country.

21 Five different owners: One, the transportation
22 company. Two, the charter company. Three, the finance
23 company. Four, is the Board of Directors. When there's
24 an accident, that goes bankrupt (indicating), that goes
25 bankrupt (indicating), money's transferred to the fourth

1 one; they pay off the stockholders and the CEO and the
2 president. You have no money.

3 Under this engagement, you have the rail system
4 libel. And at 6.5 cents, which is \$6,500 every 24 hours,
5 that will buy you your emergency equipment, your phone,
6 and other safety devices you need. But these tankers that
7 are coming up here, not only do they, in a sense of saving
8 the world, they bring a species that we never heard of.

9 It will take, Jerry Brown said, \$1.2 billion to
10 fix our dikes before an earthquake happens. If an
11 earthquake happens, we lose our drinking water. We're in
12 a drought.

13 It makes sense not to send our sons and daughters
14 to go to war over foreign oil.

15 And the one company that got spun off in 2003
16 when Bethlehem shipyard -- Bethlehem Steel went bankrupt,
17 was our rail division. It's owned by the workers, and
18 they're using a high-carbon steel.

19 In 2002, they wanted to introduce this new type
20 of car that didn't have saddles. It has a cradle. The
21 saddle ones were all bad design: Puncture the tank,
22 roll over.

23 The new ones are made with high-carbon steel and
24 you see them with the steel-girder beams on the side.
25 That protects them from puncture and rollover.

1 I've got 40 years in the business. Last year,
2 working with (inaudible) project in San Francisco, did you
3 know that there was an ammunition ship right out here,
4 that had 20,000 tons of explosives, and had a mechanical
5 problem? Were you notified? No. And I was going to take
6 my daughter in '85. We adopted. '85, the airplane
7 crashed into the mall. And everybody said: Let's remove
8 the mall. No, let's remove the airport.

9 We encroached on this refinery. The refinery was
10 encroached on by us. You build houses within a quarter
11 of -- your former planners -- a quarter of a mile in a
12 blast zone, and then you made people sign off: "This is a
13 blast zone, and you are liable."

14 They were here in '68, we knew they were here.
15 They're the only refinery that's the youngest in the
16 United States of America. That is why they are able to do
17 turnovers, add new equipment, and work with the community.

18 So, I'm telling you the truth. Google it. Check
19 it out. Go to where the ships tie up, and go look at
20 them. They're time bombs. Thank you.

21 COMMISSIONER DEAN: Thank you.

22 Hi, good evening.

23 MR. JENKINS: Hello, ladies and gentlemen of the
24 Commission. My name is David Jenkins. I spoke here
25 before.

1 I came here tonight thinking of a book in the
2 Bible that said that it's written on the wall; that
3 perhaps the Commission already decided that this was
4 moving forward, but I'm so pleased to hear each one of you
5 comment with the negative sides of this, and certainly the
6 questions that have arisen out of the DEIR.

7 I have read parts of the DEIR, and certainly not
8 all of the numerous pages, but I believe that it is
9 materially flawed and needs additional information for
10 clear scoping of the threat that this project does cause.

11 Some of the issues I have noted that are unclear,
12 are the storage of loaded and unused tankers. What are
13 they going to do with them?

14 Traffic congestion at the Park Road on and
15 offramp, and the mitigation of those problems.

16 What control is there to say that they can't
17 bring in more than two trains a day? If you give them
18 permission to bring in two, what's to stop them from
19 bringing in three or four or five, and only creating
20 further problems?

21 There's not enough information in the report to
22 make a valid argument for the damages potentially could be
23 caused by a spill or an explosion in the Benicia wetlands
24 or the surrounding populous areas.

25 What hazard does a burning tanker cause to the

1 air around our community? There must be more information
2 to show clear mitigation for the damages, should a spill
3 or an explosion take place, and signed warranties by
4 Valero and UP Railroad to cover such damages, if they
5 should occur.

6 We must have clear detail as to the train usage,
7 storage, and response in the event of a major hazardous
8 spill.

9 Also, just this last week, the State Department
10 issued a Yellow Warning of a terrorist action by the ISIS,
11 that may include rail tankers, truck tankers and any
12 transportation facility that would include flammable
13 liquids. If these tankers are parked in an open area,
14 what is to prevent them from this type of threat?

15 I encourage the Council to take careful aim
16 before allowing this potential threat to our community. I
17 am a landholder in the Industrial Park, a businessman, an
18 occupant of the business park. I am concerned. I am very
19 concerned, because I am right next to all of this, and I'm
20 going to breathe this stuff every day. And I'm very
21 concerned. Yes, I can move, but I'm also heavily
22 invested.

23 I ask you: Carefully look at this project. Make
24 them provide the documentation that gives us clear
25 exposure -- that gives us the clear exposure that is

1 before us.

2 Thank you for your time.

3 COMMISSIONER DEAN: Thank you for your comments.

4 Next speaker, please.

5 MR. REEVE: Hello, I'm Paul Reeve. I had to skip
6 another meeting to come here. I would have to say that on
7 reading this plan -- and I spent hours on that -- that I
8 was most unfavorably impressed with the quality of the
9 DEIR, and frankly don't know how it got as far as it did
10 towards publication in the condition that it is.

11 So, there's so much to be said still that should
12 be written. I'm only going to make those negative
13 comments verbally here, and submit the rest written.

14 Thank you very much.

15 COMMISSIONER DEAN: Thank you.

16 Hi. And then after this speaker, Eric Hogleund.
17 John Hosler. Jim Rollins. And Greg Karras.

18 Hi, good evening.

19 MS. WECHSLER: Good evening. Members of the Planning
20 Commission, good citizens of Benicia, I thank you for this
21 opportunity to comment on Valero's proposal.

22 I was born and raised in Solano County, and I
23 currently live in West Contra Costa, a few miles from the
24 Chevron Refinery.

25 I'm here to ask you to do the hard but ethically

1 necessary thing, and that's to veto the project that
2 Valero proposes. The City of Benicia has set admirable
3 county-wide greenhouse gas reduction goals, but all your
4 local mitigation measures will mean absolutely nothing if
5 you vote on the side of quick profit and extreme gas and
6 oil extraction.

7 The World Meteorological Organization just
8 announced that greenhouse gases reached a record high in
9 2013. And CO2 levels increased more between 2012 and 2013
10 than during -- than during any other year since 1984.

11 Now, according to the DEIR, Valero's project will
12 somehow miraculously buck this negative trend. Section
13 4.6 assures us the project is GHG neutral. Trains
14 traveling between the refinery and North American oil
15 fields will generate locomotive emissions, but, quote, to
16 understand the project's net impact on climate change, one
17 must consider maritime emissions the project would
18 eliminate.

19 I would argue that the DEIR is not an objective
20 scientific document, but rather a carefully constructed
21 and extended argument that employs cherry-picked evidence,
22 and the careful use of omissions to argue that the
23 substitution of rail for marine transport simply
24 eliminates worrisome GHG emissions. But is that the end
25 of the story? And what about the beginning of the story,

1 the place where that transported oil is extracted?

2 Perhaps some of you have seen those amazing NASA
3 satellite images of the U.S. at night. The Eastern
4 Seaboard blazes with light and then plunges into the
5 darkness of the Great Plains.

6 But in the northwest corner of the Plains is a
7 sudden explosion like neon fireworks that eclipses even
8 Chicago and New York. These are the fracking fields of
9 North Dakota. The lighty sea comes from gas flares from
10 thousands of shale oil rigs planted all over the Bakken
11 formation. That's right, the flaring of natural gas,
12 methane, shooting into the atmosphere because the industry
13 on the ground has decided it's just too expensive to
14 capture it. The real prize is the light sweet oil that's
15 loaded onto trains and is coming soon to Benicia if Valero
16 has its way.

17 So what's wrong with this picture? Well, it's
18 this: Methane ... is an extremely powerful greenhouse of
19 gas that's far more potent than CO2. It disappears
20 relatively quickly. Its power to trap heat is
21 concentrated in a short, intense burst. But within a
22 25-year period, the period in which we get our act
23 together, or lose the climate game. Methane has its
24 greatest effect, trapping 86 times more solar radiation
25 than CO2 can. Now, for this, and other reasons unique to

1 fracking, Bakken crude is highly carbon-intensive. And
2 yet, nowhere in the DEIR is the carbon intensity of the
3 oil itself, before refining, factored into GHG
4 calculations.

5 On this crucial subject the DEIR remains silent.

6 An honest assessment would account for the entire
7 process, from beginning to end, from extraction, to
8 refining to burning. Climate impacts don't begin and end
9 at the California border or at the margins of the Bay Area
10 Basin, nor is the carbon-intensive frack oil carried by
11 rail, identical to the conventionally extracted oil
12 arriving by ship.

13 Again, let's remember the warning of the WMO.
14 Last year, in 2013, concentration of CO2 in the atmosphere
15 was 142 percent of the pre-industrial amount. That would
16 be in 1750. Methane was 253 percent. We are moving in
17 exactly the wrong direction.

18 The eye-dazzling blaze from North Dakota's
19 fracking fields is as glorious as Vegas when seen from the
20 aerial view, but do we really want to gamble with the very
21 future of our planet in order to conduct business as
22 usual?

23 Thank you.

24 COMMISSIONER DEAN: Thank you.

25 Next speaker, please.

1 MR. HOSLER: My name is John Hosler. Thank you for
2 hearing my comments. Out of respect for Valero, I
3 submitted my comments in writing. Just to say out loud,
4 I'm in support of the project. That's all. Thank you.

5 COMMISSIONER DEAN: Thank you.

6 Next speaker. Hi, good evening.

7 MR. HOGLUND: Hello. I'm Eric Hoglund. I'm a
8 resident here in Benicia. I've raised my children here.
9 I chose to come back here -- I grew up here myself. I
10 chose to come back here and raise my children here because
11 of the many things the city has to offer, one of which is
12 this Industrial Park that we have here that has allowed us
13 to have the parks, the schools, many of the things that I
14 benefit from daily.

15 I'm going to keep my comments focused towards the
16 EIR, which I think is exhaustive, to be quite honest with
17 you. The volume of the document already -- is far
18 exceeded what anybody here is going to be able to really
19 absorb completely.

20 Whether or not you decide that you want Valero to
21 process crude-by-rail, the one thing that maybe is not
22 fully defined in the EIR is that those hazards that you're
23 talking about, that were brought up in questions here, are
24 going to be the same hazards that are going to be
25 happening no matter what. You're going to have refineries

1 on the other side of the Bay, that may or may not be using
2 Bakken crude, or sand tar -- or tar sand or whatever else,
3 you're going to have railcars coming through here with not
4 just crude oil, but all sorts of hazardous materials that
5 not neither you nor I can control. And the UP has been
6 pretty clear about the fact that they're federally
7 mandated to carry those cargoes.

8 We have ships that come up and down this traffic
9 here. We have Port Chicago that actually processes
10 nuclear power -- nuclear weapons at one time, and I don't
11 know what else is going through there. I know that
12 there's a ship that comes up here with an escort, because
13 I live on the water, and I see it all the time.

14 So we're talking about a lot of what-ifs in a
15 very dangerous world that we live in, and I'm not -- I'm
16 not going to discount that. But I will tell you that the
17 one thing that I can measure is the safety record of
18 Valero, which is well-documented, their VPP program has
19 not just stopped at Valero, but their subcontractors are
20 now becoming VPP certified. They have a track record, as
21 did Exxon before them.

22 But if we'd like to drive business out of
23 Benicia, and if we'd like to drive business out of
24 California, and have it replaced with another company that
25 has a less-than-stellar safety record, by all means keep

1 picking apart the EIR that's here.

2 But if you're interested in safe manufacture of
3 oil, Valero's doing that right now. They're going to
4 continue to do that the same way.

5 So that's all I have to say. Thank you.

6 COMMISSIONER DEAN: Okay. Thank you.

7 MR. KARRAS: I'm still not Heather Lewis, I'm Greg
8 Karras, but I took her spot earlier, so I've already
9 spoken.

10 COMMISSIONER DEAN: All right. Thanks very much.

11 Okay. Some additional speakers. Duayne Wieler,
12 or "Wheeler." Donna Wapner. Brian Harkins. Aaron
13 Bytheway, B-Y-T-H-E-W-A-Y. Tom Lam.

14 Are any of those people ready to come forward?

15 Hi, good evening.

16 MR. BYTHEWAY: Aaron Bytheway is my name.

17 Mr. Chairman and members of the Commission, my
18 name is Aaron Bytheway, and I'm a resident of Fairfield.
19 I believe in the Draft EIR, that it is complete and
20 adequate as written. I support the Valero Crude-By-Rail
21 Project, and I will be submitting my -- submitting my
22 extended remarks to the record separately.

23 Thank you.

24 COMMISSIONER DEAN: Thank you.

25 Hi, good evening.

1 MS. WAPNER: Hi.

2 COMMISSIONER DEAN: Hi.

3 MS. WAPNER: My name is Sandra Wapner. I'm a resident
4 of Benicia. I'm also a public health educator working in
5 the field for over 30 years, and I'm very concerned about
6 this project.

7 I really appreciate, Mr. Young, your questions,
8 and other members of the Commission, and I really hope
9 that these questions are answered as opposed to just
10 glossed over and then the report as written a decision is
11 made on.

12 I'm not exactly sure of how -- what the steps are
13 going to be to get those answers, and once those answers
14 come forward, to make sure that the public sees them and
15 we once again have a discussion about it, because this is
16 a really big decision. I mean, if we allow Valero to
17 bring in the heavier crude oil by rail, there's a lot of
18 things to think about.

19 And instead of repeating all the questions,
20 because I thought you did a great job, all of you in
21 asking them, there is one thing I didn't hear tonight, and
22 that was really about earthquake impacts.

23 After this recent earthquake of 6.0, I think all
24 of us were a little shaken by it, both figuratively and
25 literally. I myself also went on the USGS site right

1 afterwards, and if you didn't happen to read what was
2 written there, I want to just say a quote or two from
3 that. They said that after the recent 6.8 -- 6.0
4 earthquake in American Canyon, they reported that this
5 area has a high probability of strong shaking in the
6 future, and it stated that there's been severe enough
7 shaking in the past earthquakes in this area, to cause
8 sufficient and serious damage to structures and, they
9 quoted, even larger nearby events than the 1898 6.3
10 earthquake that happened on Mare Island, it can be
11 expected in the future in this area.

12 So having 50 cars come by twice a day, for a
13 hundred cars a day, 365 days a year, how can we think that
14 the impact of any kind of accident is only once in 111
15 years? We all know that the Hayward Fault, which we're
16 not directly by, has been known on all the USGS reports to
17 be having something happen of a pretty large nature in the
18 next 30 years.

19 So I think there are serious issues. It's not
20 fear. You know, it is true, we do live in a town that has
21 an oil refinery. The bringing it by boat also has risks.
22 But the questions we ask are really important. And not
23 just the questions, but getting the answers.

24 And the last thing I want to say is, this makes
25 me think of something that I heard in the news just the

1 other day, about the little girl who is learning how to
2 fire a machine gun -- she was under 10 -- and she killed
3 her instructor. When I heard the report of that tragedy,
4 I was shocked by the questions the newscasters were
5 asking. They were asking: "How do you help a young child
6 learn how to deal with the tragedy of killing someone?"
7 And I thought to myself: I can't even believe they're
8 asking that question. The question is: What in the world
9 is a 10-year-old doing with a machine gun?

10 And I feel like we're in that situation here.
11 We're at a very big crossroads here, and we can't just
12 look at those stats that were beautiful about how train
13 safety has gotten better, without asking the question
14 about what is the cost in money, and what is the cost in
15 environmental impacts, due to the accidents that have been
16 happening recently? I'm sure if we looked at that
17 statistic, compared to the number of accidents, we would
18 see that the impact is really large.

19 And maybe, as the woman who talked about having
20 fear, maybe I have some fear. I grew up near Three Mile
21 Island. I was a child during Love Canal. And 35 years
22 after Love Canal -- I was just looking up today,
23 there's -- have over 1,000 lawsuits going on today, from
24 the new people who moved into Love Canal, who were told
25 that there are no environmental impacts -- still having

1 cumulative effects, but the amount of disease and
2 maladies, rashes and illnesses happening to the people who
3 live in that area, are not only going away (sic), they're
4 increasing.

5 And I love Benicia. You know, I lived in the
6 City. I love being here. I want to remain here. But
7 I'll tell you, if this is allowed to go forward, and we're
8 not taking a good look at the health impacts of our
9 town -- by doing what? The only reason this is coming up
10 is because it's about money. It's nothing else but money.
11 Valero is not bringing this suit to us because they want
12 to improve the health of the Benicia residents. They're
13 not deciding to bring crude rail on the railroad tracks,
14 way across on domestic land in urban cities and areas
15 because they're trying to help us. They're trying to have
16 a bigger amount of profit from their services and what
17 they're doing. And I understand they're a business. I
18 understand they have a purpose. But that's not my
19 purpose, and I hope it's not yours.

20 Thank you.

21 COMMISSIONER DEAN: Thank you.

22 Next speaker, please.

23 Hi, good evening.

24 MR. LAM: Good evening, Mr. Chairman, members of the
25 Commissions, City staff. My name is Tom Lam. I'm a

1 Fairfield resident. I've worked here in Benicia for 25
2 years, and I'm a supporter of the project. I've read the
3 Draft EIR and it's very comprehensive and it's adequate.
4 I have submitted my extended remarks separately.

5 Thank you.

6 COMMISSIONER DEAN: Thank you.

7 MR. HARKINS: Ladies and gentleman, Brian Harkins.

8 COMMISSIONER DEAN: Hi. Good evening.

9 MR. HARKINS: 527 McCall Drive in Benicia.

10 I'll keep my remarks brief, out of respect for
11 all of you and the process, and submit them in writing,
12 but I'll make a couple of oral comments really briefly.

13 This is about alternatives. Without this
14 project --

15 COMMISSIONER DEAN: Sir, could you use your microphone
16 a little bit? Just lean -- yeah, thank you.

17 MR. HARKINS: This is about -- all about alternatives.
18 If we turn down Valero's option of obtaining crude oil
19 from domestic sources by rail, that doesn't mean fossil
20 fuels go away. It means we keep the status quo, including
21 the financial pressures that are incentivizing people to
22 obtain that crude oil from some other means. So that's
23 the decision in front of us as a community and the
24 Commission.

25 Most of the discussion that I've heard to date,

1 really focuses on issues at the local, and occasionally,
2 state level. It's evidenced by the signs in the audience.
3 We've got, quote, "It's good for Benicia." And we've got,
4 quote, "It's good for Valero." But I'd suggest that
5 what's missing, really, is a sign that says: "It's good
6 for Benicia and for Valero and California and the planet."

7 And I think what's in front of the Commission and
8 our community would be a little clearer if the EIR
9 bolstered the conversation on domestic crude oil economics
10 as they impact California; and secondly, if they bolstered
11 the discussion on global greenhouse issues.

12 And to illustrate the global greenhouse issues,
13 the EIR is not silent. I mean, it does give us some
14 background in 4.621, and it gives us a table. And it
15 basically tells, by any reasonable sense of error, that
16 the current crude slate Valero will obtain -- especially
17 given California crudes by pipeline -- are going to go
18 down, is going to increase by marine transport.

19 And even if it stays the same, we have 226,000
20 tons of equivalent carbon savings from this project. Now,
21 to put that in perspective, the City of Benicia -- just
22 the City -- is producing 6,000 tons. So that's 37 times
23 the savings. The savings of 37 times the entire emissions
24 from the City -- and I'm calculating from the EIR -- it's
25 9 percent, approximately, of the entire City of Benicia's

1 global footprint.

2 So for us to turn this project down when it has a
3 net global greenhouse gas emissions savings, how do we
4 then answer Mexico, or Philippines or China, and tell them
5 that, "Hey, we turned something down for local concerns,
6 but we expect you, on a global level, to make the right
7 decision"?

8 So, I guess in closing, I think that I would
9 start by -- yeah, I wouldn't be disappointed if the EIR
10 were expanded in the global footprint discussions and some
11 comments on that. I think it's clear, but if you want to
12 expand, I would not be against that. And I also think
13 that this discussion of the California economics is very
14 valuable.

15 So, anyway, thank you for the time and patience.

16 COMMISSIONER DEAN: Sir, I didn't catch your name in
17 the beginning.

18 MR. HARKINS: I'm sorry. It's Brian Harkins.

19 COMMISSIONER DEAN: Thank you.

20 Okay. Maria, I'm not sure about the last name.
21 Maria, H-O-V-E-I-N.

22 Hi.

23 And then Ron White. And then Shawn Fraser. And
24 then Claudia Fraser.

25 Hi.

1 MS. MARIA: Good evening, Mr. Chairman, and members of
2 the Commission. My name is Maria Alowman (phon.), and I'm
3 a resident of Benicia, and I've been a contractor at
4 Valero Benicia for 11 years.

5 Our company is a VPP Star Site at Valero Benicia.
6 In the state of California, you have 77 VPP Star Sites.
7 You have four in Benicia, and all four are Valero.

8 I believe the Draft EIR is comprehensive and
9 adequate as written. I support the Valero Crude-By-Rail,
10 and I've already submitted my extended remarks to record.

11 Thank you.

12 COMMISSIONER DEAN: Thank you.

13 MR. WHITE: Good evening. Thank you once again. My
14 name is Ron White. I'm a contractor and very proud
15 employee of Airgas on-site safety. I work in these
16 refineries every day. I drive 103 miles one way just to
17 come down here and work at Valero. I'm very proud to say
18 that the VPP program, the leadership of John Hill, his
19 superiors, my fellow contractors, the people that I work
20 with on a daily basis, we all have safety in mind. That
21 is one thing that I can tell you from my heart, or else I
22 wouldn't be there. I commend you on your efforts of
23 providing a very substantive EIR, and would like to yield
24 the rest of my time and of times manner (sic).

25 Thank you very much.

1 COMMISSIONER DEAN: Thank you.

2 Hi, good evening.

3 MR. FRASER: Hi, I'm Shawn Fraser. I'm a sophomore.

4 Valero has been in Benicia since 2000, when they
5 bought the Benicia Refinery. Since then, Valero has
6 helped support Benicia's Fire Department and police force.
7 Valero has imported crude oil by ship for processing since
8 they bought the refinery.

9 Recently, Valero made plans that would allow them
10 to transport crude oil by rail. This rail would replace
11 the oil tankers that are now crowding our waterways. As
12 with any issue, some people support Valero and others
13 disagree. I think Valero should be allowed to transport
14 crude oil by rail.

15 Valero's project has a lot of benefits. Not only
16 would it require -- not only would it require 121 workers
17 to build, but 15 permanent jobs would also be created to
18 maintain and operate the trains.

19 Building the rail would make it possible to ship
20 the North American crude oil that can only be shipped to
21 the refinery by land.

22 Also, using trains does not require import fees,
23 unlike the tanker ships. All these benefits help the
24 economy, which helps everyone.

25 Another benefit trains have over ships is that

1 trains emit less particulate matter than ships, which
2 makes them more environmentally friendly.

3 Some people are concerned with Valero's
4 proposals. Mainly, they are worried that the railcars
5 could derail, spill, catch fire and endanger nearby
6 residents. However, Valero's rail lines will be safe, so
7 residents do not have to worry. The railcars move slowly
8 and are not likely to derail. However, there is a risk
9 involved with anything you do, whether it's driving a car
10 or transporting oil, but Valero is doing everything
11 possible to minimize the risk and control any mishaps.

12 Not only is Valero investing in safer railcars,
13 they are also training public and private firefighters to
14 handle any problems that might arise due to the rail
15 lines.

16 So should Valero be allowed to bring in crude oil
17 by rail? As you can see, Valero's rail project is
18 professional and safe. There are some risks involved, but
19 Valero is doing everything to make sure the rail is
20 controlled and managed.

21 The rail will also benefit our community by
22 keeping our biggest and most generous tax and community
23 provider financially healthy to keep Benicia strong.

24 For all these reasons, I think Valero should be
25 able to use the rail.

1 COMMISSIONER DEAN: Thank you for your comments.

2 Next speaker, please.

3 MS. FRASER: Thank you. Claudia Fraser.

4 I'd like to start on common ground and say thank
5 you for all the folks here tonight. Thank you for your
6 concern and your time. Thank you for caring enough about
7 Benicia and its safety of our town and children, to be
8 here.

9 I am thankful that we live in a time and in a
10 country that we have this freedom of speech and opinion
11 where we can express them.

12 Thank you to all the Veterans who sacrifice to
13 give us this luxury. We know that freedom is not free,
14 and on this September 11th, it is a solemn reminder of
15 that.

16 What I'm hearing tonight is the ongoing debate
17 over the safety of crude oil being transported by rail
18 within the city limits. Does this pose a dangerous safety
19 issue? Can one of these trains derail and catch fire?
20 Well, sure, it could happen. I live seven houses away
21 from a gas station that, by the way, sells liquor. Could
22 a careless driver while fueling your car, drop a cigarette
23 and ignite the neighborhood? Sure, that could happen.

24 The thing is, we take risks every day. We all
25 took a risk just driving here tonight. Could we have been

1 killed in a car crash on the way here? Sure. But we
2 minimize the risk as best we can. We use our safety
3 belts, hopefully have an air bag, and follow the rules of
4 the road and drive defensively.

5 So what do we do, outlaw gas stations? Never
6 drive a car? No, we regulate and minimize our risk as
7 much as we can.

8 So let's look at the risk versus reward on this
9 subject. If we have an incident, which a handful of
10 people live in fear over, and a train of oil causes a
11 fire, that would be awful. But Benicia would survive.
12 What we will not survive is if Valero decides to pull out
13 of this town and takes their business elsewhere. That
14 would be a catastrophe that we would not recover from.

15 Benicia would become the next Detroit, when the
16 auto industry shut down. We would be just as vulnerable
17 as Valero -- excuse me, as Vallejo, when Mare Island Navy
18 pulled out and left.

19 With 50 percent of our tax and revenue generated
20 by this one industry and adjacent businesses, that means
21 if they leave, instead of 10 police officers, we have
22 four. Instead of 20 schools, we have eight. Same with
23 firefighters, teachers, libraries, senior citizen
24 benefits. The list goes on. The crime rate would
25 skyrocket overnight.

1 We all have friends who live in Vallejo, who
2 don't even bother calling the police when their homes get
3 broken into, because the police don't have the manpower to
4 respond. With high crime and poor schools, our property
5 values would plummet, adding another death blow to the
6 City coffers, sending Benicia into becoming East Vallejo
7 instantly. This damage would take generations to recover
8 from, if recovery were even possible.

9 We all know that a few antique shops in a small
10 industrial section cannot sustain this City. We all know
11 what Mare Island did and how it is still impacting our
12 neighboring sister Vallejo. We all know it can happen
13 here. This is a turning point. The choice is in your
14 hands.

15 Now, I'm not saying Valero has carte blanche and
16 dictates us, no. They have gone through rigorous, over
17 and beyond what is standard for safety in this project.
18 But there is a campaign whose agenda, I think, goes deeper
19 than a safety issue, wants to stop a company from doing
20 business more efficiently and more environmentally
21 conducive on their own property.

22 Watch dogs are good, thank you. But the risk
23 versus the reward are incomparable (sic). The future of
24 this City rests with your judgment. Valero doesn't need
25 us. We need Valero.

1 There is risk in everything. Benicia can and
2 will recover if, the worst-case scenario and fearful thing
3 heaven-forbid, happens.

4 But we will not recover, we will become an
5 impoverished town, whose suffering from high crime,
6 neglect and fear have hand-driven Benicia beyond the point
7 of recovery for generations. That's a lifetime of
8 suffering for the entire area.

9 Instead, let's become a City that welcomes
10 industry, that wants and courts businesses, that becomes
11 green, not just environmentally, but green with envy from
12 our neighboring towns; green because our City is at
13 surplus levels, and financially fit so we can support our
14 schools, provide an excellent police and fire department,
15 take care of our elderly and be the best little town this
16 Bay area has. When our real estate values match those of
17 the thriving cities --

18 COMMISSIONER DEAN: I'm going to ask you to stop
19 there.

20 MS. FRASER: -- it's become an abundant. Thank you
21 for your time.

22 COMMISSIONER DEAN: Thank you.

23 MS. FRASER: I hope you support Valero.

24 COMMISSIONER DEAN: Okay. Marisol Pacheco-Mendez.
25 Richard Lundin. And Linda Lewis.

1 Hi, good evening.

2 MS. PACHECO-MENDEZ: Good evening. Members of the
3 Benicia City Council, my name is Marisol Pacheco-Mendez.
4 I'm a resident of Benicia, and over the past 25 years,
5 I've worked in the environmental compliance.

6 One of my responsibilities is to develop the
7 greenhouse gas emission inventories that are reported to
8 the State of California. So this caused me to give a
9 critical eye to the Draft EIR for the Crude-By-Rail
10 Project.

11 I consider the Draft EIR to be complete and
12 accurate. This EIR has been developed by experts retained
13 by the City, and the facts are clearly stated in the
14 document. In the Draft EIR, two items in particular that
15 caught my attention. First, the net air emission
16 reductions in the Bay Area. And second, no increase in
17 process emissions. I'm very glad about that, because it's
18 a big win for the environment.

19 The project will reduce 225,000 metric tons of
20 CO2 of greenhouse gases which represent about seven to
21 nine percent of our total facility.

22 For approximately the past year, supporters and
23 opponents have expressed their opinions. The CEQA process
24 allows for that. California is unique to have this type
25 of process where the citizens are allowed to express their

1 opinions. Yet, as a scientist, I know you will base your
2 decisions on facts, not fears, misconception,
3 misinformation. If clarity -- if clarity is needed on any
4 fact or data in the EIR, the City staff and its
5 consultants have called upon many credible resources to
6 provide their expertise with a variety of topics,
7 including, like in the past meeting, train car design
8 expert, train accident expert, emergency responders, Union
9 Pacific, et cetera.

10 I understand there are risks associated with this
11 project, as in everyday life. However, safety regulation
12 and practices would focus on prevention, minimize those
13 risks.

14 I have heard concerns about the what-if regarding
15 accidents and first responders. I know that the City of
16 Benicia, Union Pacific and Valero first responders are
17 communicating, meeting, and are well-trained and continue
18 to expand their joint-training opportunities. Thank you
19 for this opportunity to share my expertise with you.

20 Thank you.

21 COMMISSIONER DEAN: Thank you.

22 DR. LUNDIN: Good evening.

23 COMMISSIONER DEAN: Good evening.

24 DR. LUNDIN: Dr. Richard Lundin, 480 Mills Drive,
25 Benicia. Long-time Benicia resident.

1 I'm glad that someone remembered today was the
2 13th anniversary of 9/11. I have two kids serving. One
3 has got his pink slip to get -- well, not -- his orders,
4 not his pink slip, but his orders, to go to the Middle
5 East again, for the third time. I know -- but that's
6 happening.

7 If we don't have a program, even how small it
8 starts, to have an oil reserve and become the number 1
9 producer in the nation, we're on the brink of war. We'll
10 need every ounce. You think we're gonna get it from our
11 friends in the Middle East?

12 We have to thank our men and women who serve to
13 keep the channels open. I'm sorry, but I'm a senior
14 officer retired 40 years in uniform, and nothing has been
15 said about a war effort. We have to start. You have to
16 let this go through, because it is a beginning and we
17 definitely do need the reserve backup, because airplanes
18 take fuel, carriers, tanks, everything.

19 So my main thrust is that you're getting good
20 financial assistance from Valero. You're getting jobs
21 from Valero. And it all around has benefited this
22 community.

23 I take care of kids with TBI and PTSD, so they
24 won't commit suicide. So I'm down at the heart of it. I
25 know what I'm talking about. Please show them honor

1 enough to start the ball rolling so that we have enough
2 oil to survive without asking anybody for help.

3 And I thank you all for your hard work and your
4 questions and everything you've done, because that's what
5 America's about. It's not all one way, it's two ways.

6 So thank you, Mr. Chairman, and members of the
7 Commission, staff, and especially my precious first
8 responders -- well, especially today. Today's your day.

9 But at any rate, please let this go forward. I'm
10 asking nicely, because if it doesn't, it starts the ball
11 rolling the other way and we lose.

12 Thank you very much. Good evening.

13 COMMISSIONER DEAN: Good evening.

14 Hi, good evening.

15 MS. LEWIS: Hi, good evening. Linda Lewis. I've been
16 a resident for 28 years.

17 And I want to thank you, as we all do, for your
18 time and your attention to detail. I appreciate
19 Mr. Oakes' comments on the financial, as well as the
20 health issues, and going into the DEIR.

21 So I didn't want to come tonight particularly,
22 but as I was crossing the bridge at 1:17 today, there were
23 two flares going off at Valero, and that reminded me that
24 it is a big issue for us, and they don't go off without
25 reason, a safety reason.

1 So that -- I wanted to say also that I agree with
2 Dr. Stevenson's comments.

3 And in relationship to the D -- DEIR, can you
4 guarantee that I'll be safe? That we'll be safe as a
5 community? Those are my concerns and my questions for
6 you.

7 So thank you for your time and consideration.

8 COMMISSIONER DEAN: Thank you.

9 Okay. I still have two names that I called
10 earlier, but so far we've had no speaker. One was Jim
11 Rollins. And the second was Duayne "Wheeler" or Wieler.

12 MR. HOWE: I know Mr. Rollins who may have been in
13 here earlier today, is a supporter of the project and
14 probably will submit his comments in writing.

15 COMMISSIONER DEAN: Okay. Thank you.

16 And that's it. I don't have any more cards. So
17 I think we've heard quite a lot of comment. I think it's
18 time to close the public hearing. Public hearing is
19 closed on this item, and we appreciate your participation
20 and hanging in here through three meetings.

21 I'm sorry.

22 Oh, yeah, thank you.

23 City Attorney is reminding me that written
24 comments will be taken until September 15th, which is
25 Monday.

1 And is there a time deadline on that? Is it 5:00
2 p.m.? Yeah, close of business, 5:00 p.m., Monday the
3 15th. So anybody who still has comments you want to make,
4 you can provide them in writing.

5 And I guess that's it. We thank you all. The
6 Commission still has a couple minor items before we
7 adjourn.

8 (End of DVD audio transcription of the Planning
9 Commission Meeting for the City of Benicia, on September
10 11, 2014.)

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1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF ORANGE)
 4

5 REPORTER'S CERTIFICATE

6
7 I, Valerie E. Rasmussen, CSR No. 8900, do hereby
8 certify:

9 That the foregoing transcript was reported
10 stenographically and transcribed by listening to the audio
11 of a DVD of the Planning Commission Meeting for the City
12 of Benicia on September 11, 2014, through instruction by
13 John J. Flynn of Nossaman, LLP.

14 That to the best of my ability, the transcript is
15 a true and correct transcription of the DVD.

16 I further certify that I am neither counsel for
17 nor related to any party to said action nor in anywise
18 interested in the outcome thereof.

19 IN WITNESS WHEREOF, I have subscribed my name
20 this 6th day of September 2014.

21 

22 _____
23 VALERIE E. RASMUSSEN
24 CSR 8900
25

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\$	15 48:15 67:11,12 69:5 106:17	2014 52:14	40 81:14 85:20 88:1
\$1 28:21 60:14	15th 13:16 14:14 38:20 48:4	22 57:23	43 81:1
\$1.2 87:9	16 24:20,24	225,000 112:19	44 12:4,9,19 45:23 83:25 84:14
\$2 28:18	165,000 16:2	226,000 103:19	45-year 67:19
\$21.6 73:17,20	1750 94:16	24 67:2 87:4	47 58:25
\$25 41:7	1800 53:16,20	24-year 75:12	4:00 25:24
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