

**Planning Commission  
July 10, 2014**

**Valero Crude by Rail Project  
Draft Environmental Impact  
Report**

- Tonight's Focus:**
- Take public comment on DEIR
  - No action on project approval or denial tonight
  - Only decision is whether to extend public comment period

- The presentation will include:**
- An overview of the proposed project and environmental review process by City.
  - A summary of the environmental impacts addressed in the EIR by the City's consultant, ESA.
  - An overview of the City's emergency response plan by Benicia Fire Chief

- Major Project Components:**
- 70,000 Barrels per day
  - Installation offloading rail spurs and unloading rack capable of offloading two parallel rows of 25 crude oil tank cars.
  - 4,000 feet crude oil pipeline existing crude supply piping.
  - Construction and relocation of infrastructure

**Overview of  
CEQA Process**

END

- WHAT IS CEQA? BOTTOM LINE**
- It is a law assure that decision makers understand and account for the environmental consequences of a project
  - How? Requires review and consideration of potential significant impacts of project on environment **prior** to making a decision on a project.

## IMPACT ON PROJECT DECISIONS

CEQA – Does *not* approve or deny a project

- A project can be denied even if there are no environmental impacts
- A project can be approved even if there are environmental impacts that *cannot* be mitigated or reduced

## MAIN REQUIREMENTS OF CEQA

- Disclosure –
  - Project, environment, impacts, mitigation
- Good faith effort
  - Perfection is not required
- Mitigation
  - Significant effects must be mitigated or addressed

## WHAT IS “MITIGATION?”

- Mitigation is feasible, enforceable action to:
  - Avoid the prospective impact
  - Minimize the impact
  - Reduce or eliminate the impact over time,
  - Compensate for the impact
- Goal is to eliminate or reduce impact to less than significant

## DEFINITION OF “SIGNIFICANT?”

- Not Always Clear
- CEQA Guidelines Definition: “A substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance...”

## TYPES OF IMPACTS

- **Direct Effects** – Caused directly by Project & occur at same time and place
- **Indirect Effects** – Reasonably foreseeable & caused by Project but occur at a different time or place
- **Cumulative Effect** – Refers to 2 or more individual effects which considered together are considerable or which compound or increase other environmental impacts.

## PUBLIC COMMENT PERIOD

- Generally public comment period is 30-45 days, not longer than 60 days except in unusual circumstances.
- 45 days if sent to State Clearing House

### UNUSUAL CIRCUMSTANCES

- No set rule or case law on this
- Up to discretion of agency
- However, would need to articulate good reasons to extend beyond 60 days
- Findings may be difficult to make

### Environmental Review for Valero Crude by Rail Project:

1. Initial Study MND
2. Scoping
3. Draft EIR
4. Final EIR with response to comments
5. Certify EIR and MMRP
6. Notice of Determination

### NEXT STEPS: Final EIR and preparation of the Response to Comments

The EIR consultant will prepare written responses to testimony received at the Planning Commission's public meeting and to all written comments received in the public comment period.

The Planning Commission will hold a public hearing to consider whether the EIR adequately describes all significant potential environmental impacts and identifies potential mitigations for such impacts.

### Project Decision on Use Permit

The Planning Commission will also consider the Use Permit for CBR and decide whether to approve the project and with what conditions.

### All project documents including the application environmental documents and public comments can be reviewed at:

1. Community Development Department office in City Hall
2. Library
3. City's website at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us)

END

### Summary of the Environmental Impacts (DEIR)

Cory Barringhaus, ESA

Valero Benicia Refinery Boundary and Crude by Rail Project Site



### Project Description

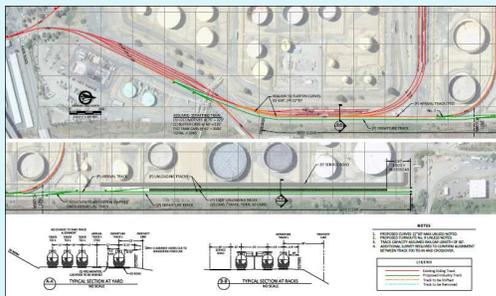
- Project would provide an alternate means of delivering crude oil feedstock to the Valero Benicia Refinery
- It would allow for the delivery of up to 70,000 barrels per day of North American-sourced crude oil by rail and displace equal amount presently delivered by marine vessel

### Project Description (cont.)

- Project would not involve any changes to existing Refinery operations or process equipment
- It would not increase the amount of crude oil that can be processed by the Refinery

### Project Description (cont.)

- Project would allow Valero to receive up to 100 tank cars of crude oil per day in two 50-car trains
- Tank cars would be transported by Union Pacific Railroad (UPRR) from sources in North America to Roseville, California
- UPRR would then assemble tank cars into unit trains for shipment to the Refinery



Valero Benicia Crude by Rail Project – Site Plan

### 2013 Initial Study Conclusions

Initial Study concluded that no impacts or less than significant impacts would result for the following topics:

- Aesthetics
- Agriculture and Forestry Resources
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

### Summary of Findings

- Draft EIR concluded that no impacts or less than significant impacts would result for the following topics:
  - Cultural Resources
  - Greenhouse Gas Emissions
  - Land Use and Planning
  - Noise

### Summary of Findings (cont.)

- Draft EIR concluded that significant impacts could result for the following topics, but mitigation measures would reduce effects to less-than-significant levels:
  - Biological Resources
  - Energy Conservation
  - Geology and Soils
  - Hydrology and Water Quality

### Air Quality Impacts

- Air Quality effects during *construction* would be reduced to less-than-significant by standard mitigation measures
- *Direct air emissions* of pollutants limited to fugitive emissions from unloading rack and piping; impact would be less than significant

### Air Quality Impacts (cont.)

- *Indirect air emissions* would result from locomotives transporting tank cars between Roseville and Benicia
- Within the BAAQMD, indirect locomotive emissions would displace most maritime emissions, resulting in an overall net decrease in operational emissions

### Air Quality Impacts (cont.)

- *Indirect air emissions* also would occur in the Sacramento Valley Air Basin
- Unlike emissions within the BAAQMD, no maritime emissions would be displaced by locomotive emissions in these air districts
- Project would exceed thresholds of the Yolo-Solano and Sacramento Metropolitan air districts

### Air Quality Impacts (cont.)

- Locomotive emissions would be under control of Union Pacific and are regulated by the federal government
- City has no jurisdiction to impose emission controls on the locomotives; therefore, no feasible mitigation is available and the impact would be significant and unavoidable

### **Accidental Releases**

- Project could result in the release of crude oil into the environment during train derailment or other accident conditions
- Consequences of a release depend largely on the amount and location of release
- Release could result in damage to the environment and property and/or injury and possibly loss of life

### **Accidental Releases (cont.)**

- Quantitative assessment was conducted to identify the probability of an accidental release of crude oil
- Estimated risk of an accident releasing more than 100 gallons of crude oil as approximately 0.009 per year
- Corresponds to an estimated frequency of once per 111 years

### **Accidental Releases (cont.)**

- Although consequences of a release are potentially severe, the likelihood of such a release is low
- Extensive body of rules and regulations adopted by the U.S. Department of Transportation and other measures voluntarily adopted by the Association of American Railroads minimize risks of accidental release of crude oil from tank cars

### **Accidental Releases (cont.)**

- Low risk of an accidental release of crude oil on a train travelling from Roseville to Benicia would not result in a significant impact
- City is preempted by federal law from regulating rail activity and/or imposing requirements that burden the movement of trains in interstate commerce

### **Local Traffic Impacts**

- Project would add four train crossings per day at Park Road (two loaded/two empty)
- Minimum 12-hour interval between Project train deliveries
- Each crossing would last about 8 minutes

### **Local Traffic Impacts (cont.)**

- Valero will ask UPRR to schedule tank car deliveries to avoid weekday commute hours:
  - 6:00 to 9:00 AM and 4:00 to 6:00 PM
- Project-related trains would generate vehicle queues on Park Road to Industrial Way, and on Park Road-Bayshore Road onto the I-680 northbound off-ramp

### **Local Traffic Impacts (cont.)**

- Project-related vehicle queues would be similar to those generated currently
- Longest existing daily train degrades the level of service at each study intersection from an excellent LOS A to a poor LOS F
- Delay caused by Project-related trains would be less than the delay caused by the longest train under current conditions

### **Emergency Access**

- Low probability that an emergency incident would occur in the areas northeast of the Park Road intersection during a Project train crossing
- Mitigation measures are included to minimize potential impacts related to emergency vehicle access

### **Emergency Access (cont.)**

- Valero will provide, install, and maintain video cameras connected to Benicia Dispatch to notify emergency responders when train is crossing Park Road
- Valero's existing emergency response team will assist Benicia Fire Department in responding to off-site emergencies

END

### **Legal Issues in DEIR**

- Preemption
- Trade Secret Information
- Confidential Business Information

### **Federal Preemption**

- ICCTA Preempts Local Regulation of Rail Operations
- Preemption Covers Environmental and Land Use Permitting Requirements, Including CEQA
- For Example, the City Cannot:
  - Regulate Tank Car Standards
  - Regulate Locomotive Emissions
  - Limit the Number of Train Deliveries
  - Otherwise Attempt to Mitigate Impacts From Rail Transport Operations

### **Trade Secret & Confidential Business Information**

**Emergency Response  
Benicia Fire Department**

Jim Lydon, Benicia Fire Chief

**Public comments on DEIR can be made:**

At the public hearing- July 10, 2014

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

By fax to: 707 747-1637

By e-mail to: [amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)

**Public Comments on Draft  
Environmental Impact Report**